

Trial Hearing
WITNESS: CAR-D29-P-3014

(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 Tuesday, 30 January 2024
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:16] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:36] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:42] 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: [9:32:57] Thank you.
21 I ask for the appearance of the parties.
22 Mr Vanderpuye.
23 MR VANDERPUYE: [9:33:02] Good morning, Mr President. Good morning, your
24 Honours. Good morning, everyone. Good morning, Mr Witness. Today the
25 Prosecution is represented by Irina Galupa, Yassin Mostfa and myself, Kweku

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1 Vanderpuye. Good morning again.

2 PRESIDING JUDGE SCHMITT: [9:33:15] Thank you.

3 Ms Massidda.

4 MS MASSIDDA: [9:33:17] Good morning, Mr President, your Honours, and
5 everybody. For the victims of the other crimes appearing today, Ms Elisabeth
6 Rabesandratana, Ms Mouhia Asso, Mr Alexis Lariviere, and myself, Paolina
7 Massidda.

8 PRESIDING JUDGE SCHMITT: [9:33:32] Thank you.

9 Mr Suprun next.

10 MR SUPRUN: [9:33:34] Good morning, Mr President, your Honours. The former
11 child soldiers are represented by myself, Dmytro Suprun. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:33:41] We turn to the Defence, Ms Dimitri.

13 MS DIMITRI: [9:33:45] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom this
15 morning. He's represented by Mr Gyo Suzuki, Ms Laurence Hortas-Laberge,
16 Mr Lionel Messi Tikpa, Ms Maider Cordova, Ms Anta Guissé, Mr Régis Tiangaye
17 following remotely. And myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:34:14] Thank you.

19 Mr Knoops.

20 MR KNOOPS: [9:34:17] Good morning, Mr President, your Honours. Good
21 morning, everyone in the courtroom. Our team is currently represented by
22 Ms Mélissa Beaulieu, Mr Mathias Goffe, Marion Delahousse et Barbara Szmatala.
23 Mr Ngaïssona is present in the courtroom, but unfortunately, Mr President, I have to
24 announce that he's not feeling quite well. He seems to have a light fever. He will
25 try to be here today, but may the Court anticipate the situation that, in case his

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1 situation deteriorates, he would like to ask the Court for a suspension of the hearing.

2 PRESIDING JUDGE SCHMITT: [9:34:52] Yeah. Well, we take note of this.

3 Before I turn to the witness, how long did you envision your examination, Mr Suzuki?

4 MR SUZUKI: [9:35:08] Good morning, Mr President. Good morning, your
5 Honours.

6 PRESIDING JUDGE SCHMITT: [9:35:08] Taking into account that it's a Rule 68(3)
7 witness.

8 MR SUZUKI: [9:35:13] Of course. I don't think we would need much longer than
9 about 45 minutes, your Honour.

10 PRESIDING JUDGE SCHMITT: [9:35:17] Okay.

11 And we all know that there is an objection by the Defence and, actually, it is also on
12 short notice for the Chamber. We have to also to absorb this, so we might find, and
13 you -- perhaps you might need some time for something, and we will -- we will see
14 that -- we will see to that.

15 But, most importantly, if Mr Ngaïssona, Mr Knoops, doesn't feel well, please let us
16 know and then we have -- we suspend the hearing. That's perfectly clear.

17 So we turn now to our next witness. This is D29-3014. This is Mr Soussou.

18 Good morning, Mr Soussou. A warm welcome to the courtroom. Do you hear and
19 understand me well?

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21 (The witness speaks Sango)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:36:05](Interpretation) Good morning. I hear you well and I also
24 can understand you clearly.

25 PRESIDING JUDGE SCHMITT: [9:36:17] Thank you.

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1 Mr Soussou, you have first to take the oath. I will read the solemn undertaking to
2 you, slowly, and to please speak after me.

3 I solemnly declare.

4 THE WITNESS: [9:36:33](Interpretation) I solemnly declare.

5 PRESIDING JUDGE SCHMITT: [9:36:47] Mr Soussou, take your time. It's not a
6 problem. Just speak after me. And this is about the oath and it will be translated to
7 you, and just speak after me.

8 I solemnly declare.

9 THE WITNESS: [9:37:07](Interpretation) I solemnly declare.

10 PRESIDING JUDGE SCHMITT: [9:37:14] That I will speak the truth.

11 THE WITNESS: [09:37:16] (No interpretation).

12 PRESIDING JUDGE SCHMITT: [09:37:18] That I will speak the truth.

13 THE WITNESS: [9:37:23](Interpretation) That I will speak the truth.

14 PRESIDING JUDGE SCHMITT: [9:37:29] The whole truth.

15 THE WITNESS: [9:37:36](Interpretation) The whole truth.

16 PRESIDING JUDGE SCHMITT: [9:37:39] And nothing but the truth.

17 THE WITNESS: [9:37:45](Interpretation) And nothing but the truth.

18 PRESIDING JUDGE SCHMITT: [9:37:50] Thank you very much, Mr Soussou. You
19 are now under oath. That means, like you have just sworn, that you have to tell us
20 the truth and that you have to tell us everything that you know truthfully.

21 I give already the floor then to Mr Suzuki and you can -- please don't forget the
22 Rule 68(3) requirements.

23 MR SUZUKI: [9:38:20] Thank you, Mr President.

24 QUESTIONED BY MR SUZUKI:

25 Q. [9:38:26] Mr Soussou, can you hear me?

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1 A. [9:38:28] Good morning. I hear you clearly.

2 Q. [9:38:31] Mr Soussou, we've already met before, but I will reintroduce myself for
3 the record. My name is Gyo Suzuki, and as you know, I will be asking you some
4 questions on behalf of Mr Yekatom this morning.

5 You may have heard --

6 A. [9:38:59] I've understood.

7 Q. [9:39:01] As I said to the Presiding Judge, I don't think I'll need much more than
8 about 45 minutes, so if you could bear with me, we should get through this quite
9 quickly.

10 And, first of all, Mr Soussou, there's some formalities that I need to deal with.

11 Could you please state your full name for the record.

12 Mr Soussou, can you hear me?

13 A. [9:39:49] I hear you.

14 Q. [9:39:53] Thank you, Mr Soussou.

15 Could you please state your full name for the record, please.

16 A. [9:40:11] My name is Soussou, Fidèle.

17 Q. [9:40:20] Thank you. And your date of birth, please?

18 A. [9:40:34] 1 January 1948.

19 Q. [9:40:39] Thank you. And is it correct that you gave a statement to members of
20 the Yekatom Defence in September 2022?

21 A. [9:41:05] That is correct. I met the Defence team at that moment,
22 in September 2022.

23 Q. [9:41:15] And you were given a copy of the statement last week in order to
24 familiarise yourself with it; is that correct?

25 A. [9:41:37] I confirm that.

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1 Q. [9:41:41] And you had no corrections to make to your statement upon reading it;
2 is that right?

3 A. [9:42:00] No, I haven't got it with me.

4 Q. [9:42:07] I apologise, Mr Soussou. I'm going to repeat my question.

5 Is it correct that on reading your statement last week, you had no corrections to make
6 to it?

7 A. [9:42:36] I did not make any corrections.

8 Q. [9:42:42] Thank you. And having reread your statement last week, do you
9 consider the content to be true and accurate?

10 A. [9:43:04] It is true and accurate.

11 Q. [9:43:09] Thank you. And do you have any objection to the admission of your
12 statement into evidence before this Court?

13 A. [9:43:48] If you read out the declaration to me, I can tell you whether I agree
14 with it or not.

15 PRESIDING JUDGE SCHMITT: [9:43:58] Let me give it a shot then.

16 Mr Soussou, you have said that what is in your declaration is true -- the Presiding
17 Judge is speaking. And we are asking you if you agree that we, the judges, use this
18 declaration as evidence. You can simply answer yes or no.

19 THE WITNESS: [9:44:31](Interpretation) I've answered the Defence team, so I agree
20 wholeheartedly that this testimony is part of my file.

21 PRESIDING JUDGE SCHMITT: [9:44:50] I think it's not too far-fetched to interpret
22 this as -- that the preconditions of Rule 68(3) are fulfilled, and also I think,
23 Mr Vanderpuye, you would not contradict that. No.

24 So everybody is in agreement with that.

25 Okay. Thank you very much, Mr Soussou. This is clear.

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1 And I think you can then continue with the examination, yeah?

2 MR SUZUKI: [9:45:19] Thank you, Mr President, for that.

3 And just for the record, the ERN of the witness statement is CAR-D29-0009-0355.

4 And when I refer to the witness statement, that's the document at Defence tab 1.

5 Q. [9:45:45] Thank you, Mr Soussou, for those answers.

6 Now, as we stated in the familiarisation meeting last week, my questions and your
7 answers will be translated into English, French and Sango. So it's important that we
8 both speak slowly and to pause between questions and answers to ensure that the --
9 that everything is properly and accurately interpreted and transcribed.

10 A. [9:46:20] That's fine.

11 Q. [9:46:27] And if there's anything unclear in my questions, Mr Soussou, please
12 don't hesitate to let me know and I'll try to rephrase or clarify.

13 Now, Mr Soussou, I'm going to start with a couple of questions about your personal
14 circumstances.

15 In your witness statement, you refer to the fact that you had a number of
16 administrative positions in the Boda area. And at paragraph 16 of your witness
17 statement, you say that you were designated president of the special delegation of
18 Boda in 1993.

19 And my question, Mr Soussou, is: Was that a political appointment?

20 A. [9:47:31] I haven't fully understood your question.

21 Q. [9:47:38] Of course. I'll rephrase, Mr Soussou.

22 This position, president of the special delegation of Boda in 1993, can you tell us how
23 you came to be appointed to this position?

24 A. [9:48:09] I was appointed as the mayor of Boda because of my upright standing
25 and also I lived in harmony with all the population. An investigation was made

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1 with the population and my name came forward and I was then appointed as mayor.

2 Q. [9:48:38] Thank you, Mr Soussou. And can you tell the Court who named you,
3 or who designated or appointed you, rather, as mayor?

4 A. [9:49:03] It was the government who issued a decree to appoint me as mayor,
5 but the proposal came from the sub-prefecture and then the prefecture, and then
6 arrived at the desk of the minister of the interior who informed the minister of state,
7 who then issued a decree to appoint me.

8 Q. [9:49:26] Thank you, Mr Soussou. And this was the government of Ange-Félix
9 Patassé; is that correct?

10 A. [9:49:45] That is correct. The head of state was Patassé.

11 Q. [9:49:53] Thank you. And at paragraph 17 of your statement you refer to the
12 fact that you were elected a member of Parliament under the mandate of
13 President Patassé in 1998. Can you tell us what party, what political party, you ran
14 under?

15 A. [9:50:30] I was a member of the party MLPC.

16 Q. [9:50:37] Thank you, Mr Soussou.

17 And at paragraph 17 of your witness statement, you said that your mandate as a
18 member of parliament ended with the coup d'état led by François Bozizé. Can you
19 tell us who replaced you in your position as member of Parliament?

20 A. [9:51:24] It's Ali Kassala who replaced me. * Ali Kassala is one of our Chadian
21 brothers.

22 Q. [9:51:43] Thank you. And what party -- what political party was he running
23 under, can you tell the Court, please?

24 A. [9:52:00] He was a member of the KNK party -- KNK, which is the party of
25 President Bozizé.

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1 Q. [9:52:09] Thank you, Mr Soussou. I'm going to move on to a different --
2 slightly different topic. Are you -- are you married, Mr Soussou?

3 A. [9:52:34] Yes, I'm married with my wife. It was both a civilian marriage and a
4 religious marriage.

5 Q. [9:52:44] Thank you. And -- and do you have children?

6 A. [9:52:57] Yes. I have 20 children -- 20 children because I also married a second
7 wife.

8 Q. [9:53:11] Thank you. And are any of your children members of the Central
9 African army, the FACA?

10 A. [9:53:37] Yes. One of my children is in the army, in FACA.

11 Q. [9:53:44] And can you tell us the name of that child, please?

12 A. [9:53:56] His name is Soussou, Habib.

13 Q. [9:54:00] Thank you. And aside from Habib, have any of your children ever
14 served in the FACA?

15 A. [9:54:23] No. Aside from Habib, no other son went into the army. It is Habib
16 who went into the national army.

17 Q. [9:54:32] Thank you. And can you tell the Court when Habib joined the FACA?
18 If you don't know the exact year, then roughly, you can give us an estimate.

19 A. [9:55:04] He went into the army in 2002.

20 Q. [9:55:10] And is he still a FACA today?

21 A. [9:55:24] Yes, he's still in the army. At this point in time, he's in a mission { ICR:
22 (Redacted.)}

23 Q. [9:55:42] Thank you. And his time in the FACA, is that an uninterrupted
24 period between 2002 to date?

25 A. [9:56:11] When the events took place in Boda I was ill, in Bangui. I was ill in

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1 Bangui when the events started. He told me, "Papa, I have learnt" -- he told me that
2 "All the family's in the bush and I have to see how they're living, and I'm going to ask
3 permission to the chief". And he said, "Okay, if you want to go, go, be careful.
4 Look after yourself. Take care".

5 Q. [9:57:06] Thank you for that answer, Mr Soussou. My question might have not
6 been quite clear. Very specifically, Mr Soussou, I'm -- I'm asking about Mr Habib
7 Soussou's period of service in the FACA.
8 So my question is: At any point did Habib Soussou leave the FACA between 2002
9 and today?

10 A. [9:57:54] I don't know. I don't know if he left at any point in time, the army,
11 because as far as I know he was always in the army. I have two domiciles -- in Boda
12 where I look after my fields, and in Bangui where my children are, because my
13 children go to the school in Bangui. And when I go to Bangui, he always had a
14 military outfit on, which indicates that he's a member of the army. * He was a
15 corporal, and right now he's *sergent-chef*.

16 Q. [9:58:46] Thank you for that answer, Mr Soussou.
17 And just in terms of order, is Habib Soussou among the younger of your children, is
18 he among the older of your children, is he somewhere in between?

19 A. [9:59:28] I don't know exactly, but I think he's in the middle.

20 Q. [9:59:36] Thank you, Mr Soussou. That's very helpful.

21 In your witness statement you refer to Muslim relatives that you have in Boda. Can
22 you tell the Court about who they are exactly in your family? Are we talking
23 brothers or sisters or...

24 A. [10:00:17] It's my grandfather who founded Boda. After the death of my
25 father -- after the death of my grandfather, my father became the authority in the

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1 town, and my father had his big sister. * When the Muslims arrived in the area in
2 1928, he was domiciled in Boda. My chief was chief of the canton. And he gave one
3 of his sisters in marriage to a Muslim who had arrived in the area, and they had a
4 family. My father gave my big sister to his aunt so that they could be raised. So my
5 aunt, in the marriage, gave our big sister to a Muslim.

6 They set up a family. They had children. Some had eight children, two children.
7 They did have children.

8 We really had contact with the Muslims.

9 From the Christian side, we had a large family. We also had a lot of family from the
10 Muslim side. We all got on with each other.

11 Q. [10:01:49] Thank you for that answer, Mr Soussou.

12 So you told us that your older sister married into a Muslim family, and I understand
13 she had children; is that correct? Is that what you said? Can you tell us how many
14 children she had?

15 A. [10:02:16] They had eight children. Three of them died and five are still alive.

16 Q. [10:02:27] Thank you, Mr Soussou. And those children, were they raised as
17 Muslim -- as Muslims, rather?

18 A. [10:02:45] Yes, they practised the religion of their father -- that is, Islam. Even
19 my eldest sister was Islamised. She also practises the same religion.

20 Q. [10:03:02] Thank you, Mr Soussou. Do you know a certain Ali Bouba?

21 A. [10:03:22] Ali Bouba is one of my nephews. He's one of the children of my
22 elder sister.

23 Q. [10:03:33] Thank you. And does Ali Bouba have a -- a special role within the
24 Muslim community?

25 A. [10:04:02] We wanted to appoint him as the head of the mosque, but he declined

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1 because of his age. But he is a deputy. He attends the official ceremonies on behalf
2 of the community, and he is also a protocol for various ceremonies. Currently, he is
3 working as a farmer.

4 Q. [10:04:38] Thank you, Mr Soussou.

5 And these -- and these relatives that you just told the Court about — Ali Bouba, his
6 brothers, sisters — they're also Habib's cousins; is that correct?

7 A. [10:05:07] Yes. They're Habib's cousins.

8 Q. [10:05:20] Thank you, Mr Soussou.

9 A. [10:05:23] The eldest had children. The younger brother, too. So my elder
10 sister had sisters. I also had -- my younger sister had children. I had children as
11 well, so this makes them cousins.

12 Q. [10:05:42] Thank you for that clarification. Mr Soussou, I'm going to move on
13 to a different topic.

14 And at paragraph 28, Mr Soussou, you said that you did not see Aimé Dobo during
15 the events of 2013 and 2014.

16 When you say "events", what events specifically are you talking about? Are you
17 talking about the violence in Boda? Are you talking about the 5 December
18 Anti-Balaka attack in Bangui? Can you specify for us please?

19 A. [10:06:47] I have absolutely no idea about the events that occurred in Bangui.
20 I only -- I only know the ones in Boda. I don't know what happened in Bangui.
21 Dobo is one of the children who was born when I was an adult. We were living in
22 the same district in Boda. I know him rather well.

23 Q. [10:07:19] Thank you, Mr Soussou.

24 Thank you for that answer, Mr Soussou. I'm going to ask the question again. It's a
25 very precise question, so if you could just help us with that.

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1 You said in your witness statement, Mr Soussou, that you didn't see Aimé Dobo
2 during the events of 2013 and 2014. And my question to you is: When you say
3 "events", what events are you talking about specifically?

4 A. [10:08:16] I'm referring to the events that took place in Boda. Why? Because
5 things happened when I was in Bangui for my medical treatment, and it's only after
6 I returned to Boda that I learnt what happened there. But the events in -- I can't tell
7 you anything about the events in Bangui.

8 Q. [10:08:49] Thank you, Mr Soussou.

9 And by the events that took place in Boda, you're referring to the outbreak of violence
10 after the Seleka left Boda in January 2014; is that correct?

11 A. [10:09:18] Yes, that's it.

12 Q. [10:09:22] Thank you, Mr Soussou.

13 And before that, so before the violence started in Boda, how often would you see
14 Aimé Dobo?

15 A. [10:09:54] It's -- I told you that they -- they're young and they go to places. I'm
16 old and I'm in Bangui from time to time for my medical treatment. Now, when I'm
17 in Bangui, I'm always close to his family. Sometimes he actually comes to say hello.
18 Now, in Boda, I would see him from time to time. I know his whole family — his
19 father died but his mother is still alive — and I also know his uncles.

20 Q. [10:10:46] Thank you for that clarification, Mr Soussou.

21 My last subject for you, Mr Soussou. In your witness statement you refer to the
22 reconciliation meetings that you participated in and you said that you met members
23 of the Muslim community of Boda.

24 And my question is: First of all, did these meetings involve crossing the red line
25 separating the communities in Boda?

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1 A. [10:11:51] We were all inhabitants of Boda. One day the bishop of Mbaïki
2 called us because we, the residents of Boda, have our association that brings together
3 every resident from Boda and Boganangone. Now, when these events happened,
4 the Bishop Rino invited us to Mbaïki. The current minister of state was also there,
5 the former member of parliament Bonzo (phon). Mrs Ouilidane *aussi* -- was also
6 present. So we were all in Mbaïki.

7 In fact, I would like to also say that there were Congolese amongst us. The prefect
8 was there. And we said that we must meet the head of state and that was -- at that
9 time it was Mrs Samba-Panza. We agreed that we must go to Boda. It is true that
10 I was still ill, but I couldn't stay on because all members of my family were in the
11 bushes. We drew up the programme and the head of the state was -- also agreed to
12 the mission. So we, the members of the association, we went first before the arrival
13 of Catherine Samba-Panza, the head of the state.

14 Now, when we reached the place, we were first of all recorded by the French
15 contingent. There was a French colonel. I think his name was Eric. So he
16 basically enrolled us, so to speak, before the arrival of the head of the state.

17 After that, we went to the Congolese contingent camp. We did the formalities and
18 then we went to the Anti-Balaka camp. We told them that the head of state is
19 actually coming and all the Anti-Balaka must come, must gather, and they should
20 come without their weapons.

21 From there, we immediately went to the Muslim districts. We actually informed
22 them about the arrival of the president of the republic. Forty-eight hours down the
23 line the president arrived. Now, I'm talking about Mrs Samba-Panza here.

24 So on that time she held a huge meeting with the entire population. After this
25 meeting, she started meeting the various entities, the youth association, the women's

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1 association, the head of districts, and she also met the rare civil servants, the few civil
2 servants who were still stationed there, because most of them had left. And at the
3 end she met us.

4 After this meeting, we actually accompanied her back.

5 I -- we remained on the spot, we did not go back to Bangui, and we were always with
6 the Bishop Rino.

7 Yes, there was a red line that separated the two communities. The Muslims couldn't
8 go to the Christians and the Christians cannot cross the line as well. If a Christian
9 actually crossed the red line, he was attacked immediately.

10 So we actually managed to lift this red line and we told them that they're all -- they all
11 belong to a single family and they must all strive towards peace. After this, we came
12 back.

13 But I would like to say that I am not a native of Bangui. I am an inhabitant of Boda.

14 From time to time I do provide advice because I was a mayor, I was a member of
15 parliament. I know them, I know their mentality, and they know me as well, so from
16 time to time I do provide them with advice. I also give advice to the local
17 authorities.

18 And when the NGOs started coming and working -- you see, Christians were not
19 selling goods in Muslim districts, and it's thanks to our -- sorry, correction. The
20 Christians were not selling goods to Muslims and it was really hard and it's thanks to
21 our intervention that the red line was relifted.

22 And what shocked the Anti-Balaka was that the soldiers of the Congolese contingent,
23 after some -- a period of calm, they came, and they followed the Muslims because
24 they -- all the houses were destroyed.

25 After that, the owners of these houses came back. Unfortunately, after the Muslims

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1 returned, they killed 11 people with bladed weapons.

2 Now, I would like to say something. These were not the people from Boda. These
3 were people from outside. We can tackle -- we can talk about 6,000 people. * Many
4 people came from Bossembele, Carnot, Yaloke. There were so many Muslims, I
5 can't -- I can actually say that there were about 6,000 of them. So this is the figure as
6 it stood after the HCR census. And in the end, we could actually establish peace in
7 the city of Boda.

8 It was the volunteers who started coming back. The UNHCR helped their
9 evacuation. Some of them were going to Cameroon, others went to Chad. Most of
10 them were women. So I also would like to say that most of the Muslims of Boda did
11 not make this trip. It's true that the women and children left, but the men remained
12 in the city in great numbers.

13 Q. [10:19:39] Thank you, Mr Soussou, for that answer. Very helpful. And
14 thank you for your patience and for your help, Mr Soussou. Those are all our
15 questions today.

16 MR SUZUKI: Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:19:51] Thank you for this really very
18 straightforward examination.

19 Mr Vanderpuye, before we start, do you have an idea how long your examination
20 will last, because we have -- we have this issue with the items that you want to
21 introduce and, yeah, I already indicated a little bit that we might give the Defence a
22 little bit of time?

23 MR VANDERPUYE: [10:20:12] I expect to go -- well, it depends on how things go,
24 but I envisioned about two hours, but I may cut and run, as they say.

25 PRESIDING JUDGE SCHMITT: Okay, good.

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1 MR VANDERPUYE: [10:20:19] And with respect to the items, the CDR evidence, it
2 really depends on the witness. If -- I will put certain issues to him. If it's not a
3 problem, it's not a problem. If it is a problem, then I may have to (Overlapping
4 speakers) --

5 PRESIDING JUDGE SCHMITT: [10:20:38] Well, but -- but still you want to use it in
6 case, so we have to --

7 MR VANDERPUYE: [10:20:41] Exactly. It's --

8 PRESIDING JUDGE SCHMITT: [10:20:42] -- decide -- we have to decide on the
9 objections and, well, we do it this way as an oral ruling now.

10 And by the way, could you -- could you -- in case we decided that we give the
11 Defence time to prepare, could you help the Defence with the specific rows or sheets
12 that you would use in case. I think that would be --

13 MR VANDERPUYE: [10:21:05] I can be more precise than we have been. We have
14 indicated, though, row numbers and (Overlapping speakers) --

15 PRESIDING JUDGE SCHMITT: [10:21:12] Yeah, yeah, yeah, but still.

16 Okay, so then we have the following oral ruling.

17 Ms Dimitri, it concerns you.

18 The Chamber has taken note of the Prosecution's updated list of materials, and
19 yesterday at 8:44 p.m. — p.m., Mr Vanderpuye, not a.m. — and the Yekatom
20 Defence's objections to eight items on this list which was sent this morning.

21 Having reviewed the items — it's also, for us, a tough exercise, I have to say — and
22 noting that they *inter alia* concern calls made by D29-3014, if I understand it, the
23 Chamber exceptionally grants the addition of these items to the list of material.
24 However, the Chamber has taken note of the Yekatom Defence's objections,
25 particularly in terms of the timing of the updated list. In light of this, the Chamber

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1 considers it fair and prudent to give the Yekatom Defence additional time to prepare.
2 Accordingly, we will start the Prosecution's examination only tomorrow at 9:30, yeah.
3 This will also give Mr Ngaïssona some time to rest, because we have also heard that
4 Mr Ngaïssona is not feeling well and I think this is -- you know, in such situations the
5 Chamber has to try to balance the different interests. And, Mr Vanderpuye, you
6 assure the Defence that you facilitate their preparation as much as possible, please.

7 MR VANDERPUYE: [10:22:36] I can, Mr President. I don't know if it may suit the
8 Chamber, I can skip that part of the examination and deal with that part of the
9 examination tomorrow if that would be helpful. That might be a better way to do it
10 and --

11 PRESIDING JUDGE SCHMITT: [10:22:49] Well, I'm open to that, but here I would
12 like to hear what Ms Dimitri has to say. I think I could imagine -- Ms Dimitri?
13 Ms Dimitri, I could imagine that for you that such a piecemeal approach that would
14 not suit you so much.

15 MS DIMITRI: [10:23:07] You might be surprised.

16 I have no problem with Mr Vanderpuye starting now. However, and I stand to be
17 corrected by my colleague who's more familiar with the CDR, if Mr Vanderpuye puts
18 a specific question with the foundation of the CDR, what I'm going to ask is —
19 because to be honest I was a bit lost this morning; I didn't have time to digest — if
20 Mr Vanderpuye can specifically indicate, "I'm referring to tab X, sheet A or B,
21 line W" --

22 PRESIDING JUDGE SCHMITT: [10:23:51] Well --

23 MS DIMITRI: [10:23:52] -- as an example. If I have that, I can certainly follow, and
24 from there, we can eventually come back in re-examination if needed.

25 PRESIDING JUDGE SCHMITT: [10:24:01] Okay.

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1 MS DIMITRI: [10:24:02] But I have -- we have no issue with Mr Vanderpuye starting
2 the examination now.

3 PRESIDING JUDGE SCHMITT: [10:24:07] Yeah, sure. But we have also -- that's --
4 we have also the other issue.

5 Mr Knoops, do you think we can have a little bit more hearing time today, because
6 you said your client is not feeling really well so?

7 MR KNOOPS: [10:24:19] I could inquire, Mr President, if you have a moment.

8 PRESIDING JUDGE SCHMITT: [10:24:22] Yeah, please do that. That would be
9 kind.

10 MR KNOOPS: [10:24:25] Thank you.

11 PRESIDING JUDGE SCHMITT: [10:24:28] And in the meantime, Mr Vanderpuye,
12 I think that's reasonable what Ms Dimitri is saying. So you can, indeed -- indeed, if
13 you use it, you can be very specific. That would also assist the Chamber, obviously.

14 MR VANDERPUYE: [10:24:40] Yes, I can do that, Mr President.

15 PRESIDING JUDGE SCHMITT: [10:24:42] Okay. Good. Thank you.

16 MR KNOOPS: [10:24:54] Mr President, Mr Ngaïssona prefers to go to his detention
17 centre to rest because he's not feeling well.

18 As to my potential examination, I cannot indicate yet, it depends on the Prosecution.

19 But I can already announce if the Prosecution is going to ask questions through the
20 father about Mr Ngaïssona, we have several principal objections already beforehand.

21 So I think we should also prepare for an oral argument tomorrow from our side,
22 because we noticed in the binder of the OTP — for instance, tab 10, tab 14, tab 8 —
23 several documents which potentially might relate to Mr Ngaïssona. And the
24 Chamber is well aware that the Pre-Trial Chamber in the DCC has quite convincingly
25 rejected the charges on Boda, in paragraphs 217 to 220.

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1 So maybe the Chamber can already reflect on our potential objection to these
2 documents, which the Prosecution might introduce through the father. If they have
3 a connection, if the Prosecution suggests a connection with Mr Ngaïssona, we will
4 definitely object, and we will also ask for time -- if the objections are not upheld by
5 the Court, time to re-examine the witness on these points. I think --

6 PRESIDING JUDGE SCHMITT: [10:26:29] Okay, so we --

7 MR KNOOPS: [10:26:30] -- it's fair we already announced this beforehand.

8 PRESIDING JUDGE SCHMITT: [10:26:32] Yeah, yeah. We appreciate that, so we
9 can -- also aware what might come. And to Mr Vanderpuye, you can also reflect
10 what it's worth to -- you know, it's -- of course, it's up to you what you intend to do.
11 But like always with parties, you know, there is a -- let's say, a risk-benefit analysis to
12 be made always.

13 MR VANDERPUYE: [10:26:58] I agree, Mr President. And like I said, my intention
14 is -- there's certain propositions I may put to the witness. I may cut aspects of it, but
15 I think Mr Knoops and everybody is aware that one of the salient aspects of the case
16 concerns the structure of the group, and it's likely that the witness may have
17 information about it.

18 PRESIDING JUDGE SCHMITT: [10:27:15] And, Mr Knoops, these bridges we will
19 cross, or not, when we arrive there, or not. Okay.

20 So, Ms Dimitri, yeah.

21 MS DIMITRI: [10:27:24] Yes, Mr President. Just to save time tomorrow, since
22 I understand now that we're going to adjourn until tomorrow before
23 Mr Vanderpuye's examination, if we could use today's time to get the specific rows
24 and sheets, it would really assist, because what I got is CSTs that were made by the
25 Prosecution but I need to cross over the material.

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- 1 PRESIDING JUDGE SCHMITT: [10:27:46] That was exactly what I suggested.
- 2 MS DIMITRI: [10:27:50] Thank you.
- 3 PRESIDING JUDGE SCHMITT: [10:27:51] And from my vision of my right eye,
4 I thought Ms Galupa had nodded already. Yeah, well, you do whatever you can so,
5 yeah, that's it.
- 6 MR VANDERPUYE: [10:28:03] What I just wanted to say is we provided the CSTs
7 yesterday. In the CSTs is indicated the particular row, number, in, out, received and
8 sent.
- 9 PRESIDING JUDGE SCHMITT: [10:28:16] Well, I can't actually --
- 10 MR VANDERPUYE: [10:28:17] The date, the time, the ERN number of the relevant
11 CDR and the row.
- 12 PRESIDING JUDGE SCHMITT: [10:28:23] That sounds specific to my --
- 13 MR VANDERPUYE: [10:28:26] It's pretty specific, so I'm not sure what else the
14 Defence wants, but we'll liaise about it.
- 15 PRESIDING JUDGE SCHMITT: [10:28:29] Yeah. Okay. But you liaise, please,
16 with the Defence.
- 17 And, Mr Knoops, we pick that up, that Mr Ngaïssona can have a rest if he doesn't feel
18 well, and we hope that he feels better tomorrow.
- 19 The Court is adjourned and we continue tomorrow at 9:30.
- 20 THE COURT USHER: [10:28:46] All rise.
- 21 (The hearing ends in open session at 10.28 a.m.)