

Trial Hearing

(Private 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, 31 January 2024
- 10 (The hearing starts in private session at 9.31 a.m.)
- 11 THE COURT USHER: [9:31:42] All rise.
- 12 The International Criminal Court is now in session.
- 13 (Redacted)
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- 25 (Redacted)

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

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9 PRESIDING JUDGE SCHMITT: [9:37:29] Yes. Well, I'm not sure if Mr -- yeah, one
10 thing after the other. I know we have also a witness scheduled for tomorrow. We
11 are fully aware of that --

12 MS MASSIDDA: (Microphone not activated)

13 PRESIDING JUDGE SCHMITT: [9:37:39] Yeah, I know, I know. I know.

14 MS MASSIDDA: [9:37:44] It's for the video-link, we don't know exactly the
15 possibility in the field. We know that it's possible in the morning. We don't know
16 until then they can go. So this is the only thing that I wanted to say.

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4 PRESIDING JUDGE SCHMITT: [9:42:43] Not for Mr Vanderpuye.

5 MS DIMITRI: [9:42:45] Yes, but I wouldn't want that we finish this witness during a
6 time period where I'm not --

7 PRESIDING JUDGE SCHMITT: [9:42:51] Well, now, the more we talk about it, the
8 more uncertainties we have here, I think, and perhaps we even have to, let's say, put
9 the witness into another block. So if you are not present, and it's your witness, the
10 more I think about it, the less I'm convinced of such piecemeal solutions, I have to say.
11 Perhaps we come back to that later then.

12 Very important is that we have a witness of the victims' representatives scheduled for
13 tomorrow and --

14 MR VANDERPUYE: [9:43:30] I have another brilliant idea.

15 PRESIDING JUDGE SCHMITT: [9:43:33] Well, we always are happy to hear brilliant
16 ideas.

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23 PRESIDING JUDGE SCHMITT: [9:46:05] So the first thing -- I would not say it's
24 solved, because there are uncertainties, but still, we start tomorrow at 8.30.
25 Mr Vanderpuye, you will finish at 10 with him -- no, or let's say we envision a

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1 two-hour session, perhaps, yes, 10.30. Then we have a break. Then we start with

2 the witness 0001, I think, V44, by the Defence, finish this witness on Friday.

3 And then we have the last issue to discuss, Mr Knoops, and that is on you, because

4 you see we have nine hearing days where we don't have scheduled a witness yet in

5 the next block -- during the next block.

6 And let me word it this way -- I know the difficulties specifically and we also consider

7 that it's more difficult for the Defence than the Prosecution, if I may say so, but still,

8 Mr Knoops, we would -- let me word it this way: We would highly appreciate it if

9 you would present us with one or two further witnesses in the next block.

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14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [9:47:56] Yes, and you -- and of course in that event

16 you would be granted leave. That's absolutely clear.

17 MR KNOOPS: [9:48:02] It means that the time frame will shift for the --

18 PRESIDING JUDGE SCHMITT: [9:48:05] Yes, but let's be a little bit optimistic.

19 MR KNOOPS: [9:48:08] Okay. I'm always, Mr President, optimistic, but just so that

20 the Court --

21 PRESIDING JUDGE SCHMITT: [9:48:15] This is clear.

22 MR KNOOPS: [9:48:16] -- realises --

23 PRESIDING JUDGE SCHMITT: [9:48:17] This is clear that in the event --

24 MR KNOOPS: [9:48:18] Yes.

25 PRESIDING JUDGE SCHMITT: [9:48:19] -- in the event that, yes, that's -- the right to

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1 a fair trial, that we would grant leave to appeal.

2 MR KNOOPS: [9:48:20] Yes.

3 PRESIDING JUDGE SCHMITT: [9:48:21] Yes, okay.

4 MR KNOOPS: [9:48:22] Mr President, to inform the Chamber - as we, as Defence,

5 envision now the potential witnesses for the next block - what we are sure of, that

6 witness P-4756 can start testifying the 19th, already. That person can start on the

7 19th.

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25 There, we have two problems. First of all, there is no 68(3) request before the Court

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1 yet. That could be dealt with if all the parties who participate would waive --

2 PRESIDING JUDGE SCHMITT: [9:50:36] May I -- when I hear 68(3) applications, I
3 would be willing from the side of the bench to accept any shortening of all potential
4 and envisionable deadlines.

5 MR KNOOPS: [9:50:51] Yes.

6 PRESIDING JUDGE SCHMITT: [9:50:52] Yes.

7 MR KNOOPS: [9:50:53] Our suggestion could be --

8 PRESIDING JUDGE SCHMITT: [9:50:54] Yes, but also with fact witnesses, by the
9 way --

10 MR KNOOPS: [9:50:55] Yes.

11 PRESIDING JUDGE SCHMITT: [9:50:56] -- I have to say, yes?

12 MR KNOOPS: [9:50:57] Okay. That's good to hear, Mr President.

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