

Trial Hearing
WITNESS: CAR-D29-P-6016

(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, 9 April 2024
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:43] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:06] Good morning everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:32:11] 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: [9:32:27] Thank you.
21 Ms Wakchom, the appearances for the Prosecution today.
22 MS WAKCHOM: [9:32:34] Good morning, your Honour. Good morning to
23 everyone in the courtroom.
24 Today, the Prosecution team composition is the same as yesterday.
25 PRESIDING JUDGE SCHMITT: [9:32:41] Thank you.

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1 Ms Massidda and Mr Suprun, you're also in the same composition, I understand, yes.
2 And, Ms Dimitri, it's always a little bit difficult to see, at first sight at least.
3 MS DIMITRI: [9:32:58] Good morning, Mr President. We're in the same
4 composition as yesterday.
5 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.
6 And Mr Knoops.
7 MR KNOOPS: [9:33:06] Good morning, Mr President, your Honours. Good
8 morning, everyone. We're in the same composition as yesterday. Thank you.
9 PRESIDING JUDGE SCHMITT: [9:33:09] A warm welcome to our witness. Good
10 morning, Ms Sokoyo Kobo. Do you hear and understand me still well?
11 WITNESS: CAR-D29-P-6016 (On former oath)
12 (The witness speaks Sango)
13 (The witness gives evidence via video link)
14 THE WITNESS: [9:33:24](Interpretation) Good morning. I can see you and I can
15 hear you five on five.
16 PRESIDING JUDGE SCHMITT: [9:33:34] Well, that's very reassuring. Then
17 without further delay, I give the floor to Ms Wakchom.
18 MS WAKCHOM: [9:33:44](Interpretation) Thank you, Mr President.
19 QUESTIONED BY MS WAKCHOM:(Interpretation)
20 Q. [9:33:53] Good morning, Madam Sokoyo Kobo.
21 A. [9:33:57] Good morning.
22 Q. [9:34:06] We met last Thursday and my name is Sylvie Wakchom and I'll put
23 questions to you this morning on behalf of the OTP. Before I begin, I would like you
24 to know that if any of my questions is not clear enough, please interrupt me and tell
25 me so and I will reformulate.

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1 Are we okay on that?

2 A. [9:34:53] Yes, I've understood.

3 PRESIDING JUDGE SCHMITT: [9:34:57] Ms Wakchom, it takes a bit since the
4 interpretation comes in, so please, also like your colleague from the side of the
5 Yekatom Defence, please slow down a bit. Wait when you start -- before you start
6 with your next question.

7 MS WAKCHOM: [9:35:21](Interpretation)

8 Q. [9:35:24] Yes, madam, as I was saying, if everything goes smoothly, we are
9 going to complete your cross-examination this morning.

10 Madam, the members of the Defence team of Mr Yekatom informed you that the OTP
11 wanted to meet with you; is that correct?

12 A. [9:35:55] Yes, I was informed about that.

13 Q. [9:36:01] And you refused to meet with us.

14 A. [9:36:11] I didn't quite understand your question, please.

15 Q. [9:36:17] I just wanted to know why you didn't want to meet with us -- that is,
16 with the members of the Office of the Prosecutor?

17 PRESIDING JUDGE SCHMITT: [9:36:25] Before you answer, Madam Witness.

18 Ms Dimitri.

19 MS DIMITRI: [9:36:29] I think it's a right of the witness under the protocol to agree
20 or not agree. But now to question why this person took a decision months and
21 months ago is, in my humble opinion, inappropriate.

22 PRESIDING JUDGE SCHMITT: [9:36:43] Well, I tend to agree. Ms Wakchom,
23 really, the witness is not obliged to meet with the Office of the Prosecutor, and I think
24 this is a decision that does not have to be explained by the witness.

25 Please go into the subject matter of the case.

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1 MS WAKCHOM: [9:37:12](Interpretation) Mr President, I understand your point of
2 view. I simply wanted to know the reason why she didn't want to meet with us
3 because it can be an indication of bias on the part of this witness against the OTP.

4 PRESIDING JUDGE SCHMITT: [9:37:37] Ms Dimitri.

5 MS DIMITRI: [9:37:39] Mr President, when you exercise a right, it doesn't show bias.
6 It's to -- to make a supposition that the witness is biased while the lawyers explain the
7 protocol -- and I don't think there's any allegation that we try to influence,
8 which -- we just explain the entire protocol. It's a "yes", it's a "no", and then to go
9 beyond that and to suggest that, well, if you refuse, it means that you're biased
10 towards the Prosecution, it's inappropriate.

11 PRESIDING JUDGE SCHMITT: [9:38:16] I agree and I have already decided and we
12 don't relitigate that. And you have now the opportunity to question the witness, so
13 please start doing that.

14 MS WAKCHOM: [9:38:35](Interpretation) Thank you, Mr President.

15 Q. [9:38:38] Madam Sokoyo, I suppose that since the adjournment of the hearing
16 yesterday, you have not discussed your testimony with anyone; is that right?

17 A. [9:38:57] I did not talk about my testimony with anyone.

18 Q. [9:39:09] When was the last time that you met with the members of the Defence
19 team?

20 A. [9:39:30] It was the day before yesterday. It was on Saturday.

21 Q. [9:39:43] And who did you meet on Saturday?

22 A. [9:39:55] I was with Sabine and another lady whose name I have forgotten.
23 There was also Sylvie, so there was a total of four persons. I'm not sure whether I've
24 forgotten others or not.

25 Q. [9:40:20] And those four people told you they were representing the Defence?

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1 A. [9:40:33] Yes. This is what those people told me and they also told me that on
2 Monday I was going to testify before the Court and so I needed to prepare and that
3 I should respect the guidelines that were given to me, and that is what I have been
4 doing here.

5 Q. [9:40:58] And apart from those guidelines, did you discuss the substance of your
6 testimony?

7 A. [9:41:19] Yes, we talked about it, but they told me -- they showed me how to
8 testify before the Court, how I should answer questions and how to observe a pause
9 before answering questions, and if I didn't understand a question, I should say so, so
10 that such a question should be rephrased.

11 Q. [9:41:49] Did you tell them anything?

12 A. [9:42:00] I didn't tell them anything.

13 Q. [9:42:11] Madam Sokoyo, I will come back to a few aspects of your testimony of
14 yesterday and I will put to you a few questions of clarification. I'll begin with a few
15 questions on your family situation, some clarifications, and these are brief questions.
16 If I understand your testimony correctly, Madam Sokoyo, you have only four children,
17 and Oslin Koussagale is the only child you had with Aubin Koussagale; is that
18 correct?

19 A. [9:42:59] Yes, that is correct. Oslin was the only child that we had and
20 thereafter we separated.

21 Q. [9:43:17] Can you tell us the full name of Oslin?

22 A. [9:43:26] He's called Koussagale, Oslin Dejuste Geoffroy.

23 Q. [9:43:41] If I understand well, you didn't have two other children -- any other
24 children with Aubin Koussagale; that is, apart from Oslin?

25 A. [9:44:04] No, I did not have any other children with him except Oslin. The

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1 other two children that I had afterwards belonged to a different father.

2 Q. [9:44:19] For the record I will refer to witness D-29 -- and it is

3 CAR-D29-0009-0396. I would like to draw the Chamber's attention to this witness.

4 Madam, you said yesterday that you were still living as a couple with

5 Aubin Koussagale when Oslin Koussagale was born; is that correct?

6 A. [9:45:10] Yes, that is correct. I gave birth to Oslin. I was with his parents and

7 he would come and visit us from time to time. But after a while, he no longer came.

8 He didn't -- he didn't come anymore and that is why I left, to go to my parents.

9 PRESIDING JUDGE SCHMITT: [9:46:00] Ms Wakchom, you know the deed we are
10 always doing, everyone in the courtroom, you are still a bit too quick. Yeah,
11 thank you.

12 THE INTERPRETER: [9:46:22] From the interpreter, and the OTP question was:
13 And your parents were in which town?

14 MS WAKCHOM: [9:46:33](Interpretation)

15 Q. [9:46:34] Madam, where did your parents live -- that is, where you went after
16 leaving your family-in-law?

17 A. [9:46:52] I joined my family in Bangui, specifically in Fatima where my father's
18 house is located, so I returned to the family home.

19 Q. [9:47:14] If I understand you correctly, you no longer lived with
20 Aubin Koussagale after the birth of Oslin; is that correct?

21 A. [9:47:30] That is correct. We were separated.

22 Q. [9:47:46] And at the time of separation, how old was Oslin?

23 A. [9:47:59] At the time of the separation, Oslin was three months -- one year and
24 three months' old.

25 Q. [9:48:31] And was Aubin also living Bangui as well?

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1 A. [9:48:40] Yes. He was also living in Bangui. He and his family, his parents,
2 his father and mother, were settled in their village or town.

3 Q. [9:49:13] Yesterday, you testified that Oslin was in the class of CM1 or CM2
4 when you separated with him, when he went to attend school in Pissa. What is the
5 name of the school that he attended in Pissa -- that is, Oslin?

6 A. [9:49:43] The Pissa school.

7 Q. [9:50:00] Does this mean that when Oslin was in CM2, he was already in Pissa?

8 A. [9:50:13] Yes, indeed.

9 Q. [9:50:27] Did Oslin live with you in Bangui?

10 A. [9:50:39] Yes. He lived with me in Bangui shortly before he left. He left
11 because of the mutineering and it was at that time that we separated.

12 Q. [9:51:05] If I understand you correctly, the mutiny took place in 1997, and it was
13 during that period that you got separated with Oslin; is that correct?

14 A. [9:51:20] Yes, that is correct.

15 Q. [9:51:31] And where did Oslin go to after the mutinies?

16 A. [9:51:42] He didn't go anywhere, he stayed in Pissa.

17 Q. [9:52:09] He stayed in Pissa, in whose house?

18 A. [9:52:17] He stayed in Pissa in the same house as his father. And since he did
19 not get along with his father, he -- he went to live in his in-laws' house with his wife.

20 Q. [9:52:51] Maybe I don't understand you correctly. Oslin left and went to Pissa
21 when he was approximately less than two years, I assume. And then I don't
22 understand how you can say he did not get along with his father when he was
23 two years' old. Can you clarify that?

24 A. [9:53:25] I do not understand your question. When he returned to his father, he
25 was two years' old and that was during the mutiny. But I was referring to the period

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1 when he was older, so he didn't get along with his father and then he left the house.

2 Q. [9:54:00] So from two years until the time he left the house he was living in his
3 father's house in Pissa; is that correct?

4 A. [9:54:16] Yes, that is correct; he was living with his father.

5 Q. [9:54:32] And when he was with his father, between two years and when he was
6 in CM2, did you visit him?

7 A. [9:54:49] When he was with his father, I did not travel to visit him. It was
8 when he started growing up that I went -- or, rather, I had not yet travelled, I was
9 visiting him.

10 Q. [9:55:16] And was his father living alone?

11 A. [9:55:29] He was living together with his wife, and that was still in Pissa.

12 Q. [9:55:47] And what is the name of this woman with whom he was living?

13 A. [9:55:58] I no longer remember. She was -- she was called Prisca. She's now
14 deceased. It was after Prisca passed away that he married another woman.

15 Q. [9:56:25] Would I be correct to say that it was Prisca who passed away, she was
16 the one who raised Oslin Koussagale?

17 A. [9:56:53] Yes, you're quite right, because she loved him a lot -- loved me a lot,
18 and it was -- she also had a child from Koussagale, and I must say that it is her who
19 took care of Oslin.

20 Q. [9:57:31] Now, since you say she loved you very much, she liked you very much,
21 I suppose that she also liked Oslin Koussagale?

22 A. [9:57:42] Yes, that is the fact.

23 Q. [9:57:52] So one can say that she was a mother figure to Oslin Koussagale?

24 A. [9:58:11] Mm-hmm. Yes.

25 THE INTERPRETER: [9:58:15] Said the witness.

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1 MS WAKCHOM: [9:58:26](Interpretation)

2 Q. [9:58:29] Do you know approximately how many years she stayed with Oslin?

3 A. [9:58:46] No, I do not know. During that period, I had already left. It was
4 after my trip, after I left that she passed away. It was during one of my visits to see
5 Oslin that I heard of her death.

6 Q. [9:59:11] And were you told when she passed away?

7 A. [9:59:20] No, I wasn't told that.

8 Q. [9:59:33] I will move on now to another topic.

9 One last clarification in relation to the lady who died.

10 Now, when Prisca passed away, was Oslin still a child?

11 A. [10:00:10] Not as such. I can say he had already grown up so to speak.

12 Q. [10:00:28] And when were you talking to the Defence team, did you tell them
13 about this lady, Prisca, who had passed away and who had raised Oslin?

14 A. [10:00:46] No. We didn't talk about that. But you've asked me about this
15 today and I answered you. You asked me who raised Oslin and I told you that it
16 was the wife who had married his father. That was after me. But I wasn't asked
17 about that when I was talking to the Defence team.

18 (Counsel confers)

19 MS WAKCHOM: [10:01:57](Interpretation)

20 Q. [10:01:57] One last clarification, again. Did you meet Prisca in real life? Did
21 you ever actually meet her?

22 A. [10:02:18] Yes, we met physically. I even went to the place where she was
23 living.

24 Q. [10:02:41] And you went there when you would visit Oslin in Pissa, I suppose?

25 A. [10:02:54] Yes. I went to her home. We spent some time together and we

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1 talked and then she went back with me to where I was staying. I was staying with
2 my mother in Pissa 2, and from time to time I would go to her home to visit Oslin
3 before going back to Pissa 2. And after that I would go back to Bambari.

4 Q. [10:03:42] And do you remember which year it was that you went to visit her in
5 Pissa?

6 A. [10:04:00] I don't remember.

7 Q. [10:04:15] How old was Oslin when you visited him in Pissa for the first time?

8 A. [10:04:36] He was 14 or 15 years' old. He was about that age.

9 Q. [10:04:57] That's when you visited him going there from Bambari; is that
10 correct?

11 A. [10:05:05] Yes, that's right.

12 Q. [10:05:16] But just to clear up one point. When he was a bit younger and you
13 were in Bangui, you would visit him when he was younger, when he was under 15?

14 A. [10:05:35] Yes. I just told you that he was 14 or 15.

15 Q. [10:05:51] Thank you, ma'am. I'll move on to another topic.

16 (Counsel confers)

17 MS WAKCHOM: [10:06:49](Interpretation)

18 Q. [10:06:49] Now, yesterday, when answering questions from the Defence, you
19 mentioned some telephone calls -- or, rather, telephone messages through WhatsApp,
20 contacts with Noella, your niece. And in response to the question from the Presiding
21 Judge, you specified that the WhatsApp messages were late in 2023.

22 Am I to understand that during this communication you just sent some voicemails to
23 Oslin and you didn't speak to him directly? Is that correct?

24 A. [10:07:48] Well, you know -- well, you see, the cost of communication is very
25 high. If sometimes we just speak for a few minutes and then we would lose the line,

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1 and when he sent me the message, he said that if I had an android telephone with
2 WhatsApp, we could speak for a long time. And I said that it would be better to
3 send messages to Noella who has an android telephone and we could contact each
4 other that way. So I would use Noella's number. So I would go to Noella's house
5 and we would communicate using her phone. I would leave voicemail messages;
6 that's how we would communicate.

7 Q. [10:09:10] Am I correct in saying that ever since the communication late in 2023,
8 you have no longer had contact with Oslin Koussagale?

9 A. [10:09:26] Never. The last time was via the daughter who had come from
10 Côte d'Ivoire when I went to visit that girl to get the package and I spoke, but we
11 haven't spoken since that time.

12 Q. [10:10:05] So this girl who gave you the package, when was that - which year,
13 which month - if you remember?

14 A. [10:10:21] It was in January.

15 Q. [10:10:47] January of which year? Of this year?

16 A. [10:10:52] Yes, January of this year, 2024.

17 (Counsel confers)

18 MS WAKCHOM: [10:11:23](Interpretation)

19 Q. [10:11:23] Ma'am, am I correct in saying that the information that you have from
20 Oslin Koussagale are rather recent and for the most part this information was
21 obtained through intermediaries, people like Noella and Pepe or this girl that you've
22 mentioned?

23 A. [10:11:58] The girl who had come from (Redacted) I didn't see again. But when
24 I wanted to leave a message for Oslin, I would go through the daughter of my sister
25 Noella to leave messages for Oslin. But the girl who came from (Redacted)

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1 at one point I -- well, at one point she said that she was busy and she would call me
2 back, but she didn't. And I haven't called her back either.

3 Q. [10:12:43] Am I correct in saying that Oslin didn't inform you when he left the
4 Central African Republic?

5 A. [10:13:02] Yes, that's true. He didn't inform me that he was going to travel, and
6 I didn't even know that he was going to be travelling.

7 Q. [10:13:23] When he left, he didn't call you later to give you his telephone
8 number; isn't that so?

9 A. [10:13:37] No, nothing like that.

10 Q. [10:13:49] Am I correct in saying that given your absence during most of the
11 years of Oslin's life, he never really thought of you as a mother figure?

12 A. [10:14:17] Well, you know, I was very far away. I didn't have a telephone to
13 call him. But when I did go, he would visit me, and later, when I would go back
14 home, he would travel after me. But I didn't have a telephone, so he couldn't call
15 and say "Mother, I am going to be travelling."

16 But, you know, he's my child, I still feel maternal love for him. It was later on that
17 I heard that he was travelling. He went to (Redacted) and I asked his girlfriend and
18 she explained to me how he had organised his trip. But -- well, later on, I left
19 voicemail messages and we did later speak to one another.

20 Q. [10:15:22] Thank you, ma'am, for being so patient. I have finished my
21 questioning.

22 PRESIDING JUDGE SCHMITT: [10:15:29] Thank you very much. I think there will
23 be no further questions by the Defence.

24 That's an assumption that can, of course, be refuted like always.

25 MS DIMITRI: [10:15:43] There is, Mr President, because I think there is an attempt to

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1 allege impropriety in terms of the familiarisation period. So we would like to clarify,
2 unless it's very clear to your Honours, that when she referred to Saturday, she's
3 referring to the familiarisation meeting under the supervision of VWU.

4 PRESIDING JUDGE SCHMITT: [10:16:03] Well, perhaps ask her that, so I think I
5 would allow that to make it clear.

6 Okay, please do that.

7 QUESTIONED BY MS BAYSSAT:(Interpretation)

8 Q. [10:16:34] Good morning, ma'am.

9 THE INTERPRETER: [10:16:40] The witness has not responded yet.

10 MS BAYSSAT: [10:16:50](Interpretation)

11 Q. I have a few short questions for you.

12 Now, today, just for the reference, at 9:39 you said to the Prosecutor that you met with
13 the Defence team on Saturday.

14 And my first question is this: I'd like to know where was this meeting held?

15 A. [10:17:20] The meeting was held at this place where we are right now.

16 Q. [10:17:31] And in response to a question, you mentioned someone called Sylvie.
17 Am I to understand that Sylvie is the person who you saw up on the screen today?

18 A. [10:17:52] Yes, that's her.

19 Q. [10:17:55] Ma'am, we know that the familiarisation process with the Court was
20 on Friday, not Saturday. Did you not make a mistake about the day of the week?

21 A. [10:18:15] Certainly I must have made a mistake and I apologise.

22 Q. [10:18:19] That's not a problem at all, ma'am. Those were the questions I had
23 for you, just to clarify these points. Thank you.

24 PRESIDING JUDGE SCHMITT: [10:18:26] Thank you very much. I think we
25 should have given you, indeed, the opportunity to clarify that.

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- 1 Thank you, Madam Witness. This concludes your testimony.
- 2 On behalf the Chamber I would like to thank you that you have made yourself
- 3 available as a witness in these proceedings. We need witnesses, as a Court, as the
- 4 judges to determine the truth, that come forward, tell us what they know, and you
- 5 have done that. We appreciate that and we wish you a safe trip back home.
- 6 THE WITNESS: [10:19:12](Interpretation) I thank you.
- 7 (The witness is excused)
- 8 PRESIDING JUDGE SCHMITT: [10:19:15] Okay. This concludes also the hearing
- 9 for today.
- 10 The Court is adjourned.
- 11 THE COURT USHER: [10:19:20] All rise.
- 12 (The hearing ends in open session at 10.19 a.m.)