

Trial Hearing
WITNESS: CAR-OTP-P-1339

(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 Monday, 5 September 2022
9 (The hearing starts in open session at 9.43 a.m.)
10 THE COURT USHER: [9:43:26] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:43:53] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:43:58] 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: [9:44:14] Because there seem to be special
20 circumstances, we don't start with the appearances of the parties. I address the
21 witness directly.
22 Good morning, Mr Witness.
23 WITNESS: CAR-OTP-P-1339 (On former oath)
24 (The witness speaks Sango)
25 THE WITNESS: [9:44:37](Interpretation) Good morning, your Honour.

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1 PRESIDING JUDGE SCHMITT: [9:44:39] Mr Witness, I recognise that you have a
2 mask on today. There is not any such policy any more here at the Court, so you
3 need not wear a mask. And it's better for everyone if we can see your face so that we
4 also can identify, you know, what happens to you, how you feel and everything else.
5 So if you -- if there is no compelling reason to wear the mask, I would kindly ask
6 you -- thank you, Mr Witness.

7 Mr Witness, we have been informed that you don't feel well and that there are
8 potentially also some corrections to your statement that you made on Friday. Would
9 you please be so kind to explain a little bit what happened or what's going on.
10 Well, we go to private session, obviously, for that.

11 (Private session at 9.45 a.m.)

12 THE COURT OFFICER: [9:45:48] We are in private session, Mr President.

13 PRESIDING JUDGE SCHMITT: [9:45:51] We are now in private session, Mr Witness.
14 So you have heard what I have said, so please be so kind and explain how you feel
15 and what is -- what you want to tell us.

16 THE WITNESS: [9:46:37](Interpretation) Please repeat the question that was asked
17 on Friday so that I can understand before I give an answer.

18 PRESIDING JUDGE SCHMITT: [9:46:48] I asked you a specific question today and
19 I would first like you to answer this question. My question was: How do you feel?
20 We have the information that you don't feel well. Could you please explain what's
21 going on with you today.

22 Mr Vanderpuye.

23 MR VANDERPUYE: [9:47:06] I'm sorry to interrupt, Mr President, but it looks like
24 we have a problem with the transcript.

25 PRESIDING JUDGE SCHMITT: [9:47:11] Yes, just --

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- 1 MR VANDERPUYE: [9:47:14] Okay.
- 2 PRESIDING JUDGE SCHMITT: [09:47:15] You know, I try to connect here
- 3 somehow.
- 4 MR VANDERPUYE: [9:47:18] It's not a connection problem. And the
- 5 French transcript --
- 6 PRESIDING JUDGE SCHMITT: [9:47:22] Connect with the witness.
- 7 MR VANDERPUYE: [9:47:23] Oh, excuse me, sorry.
- 8 PRESIDING JUDGE SCHMITT: [9:47:24] Yes. It was metaphorically meant.
- 9 Well, Mr Witness, you have heard me. Could you please tell us what's going on.
- 10 THE WITNESS: [9:47:52](Interpretation) (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted). Thank you.
- 17 PRESIDING JUDGE SCHMITT: [9:48:50] Mr Witness, that's -- you know that's very
- 18 important that we get a personal impression of you. I and my colleagues got this
- 19 information via three channels, and now hearing you, we understand that you have
- 20 real symptoms and of course we will try to make -- to help you that you feel better.
- 21 I think for everybody it makes sense that we give the VWU the opportunity to help
- 22 the witness so that you can feel better.
- 23 So we wish you all the best for today and that you feel better tomorrow.
- 24 And, Mr Witness, perhaps you keep the following words by me in mind: It is -- I
- 25 told you that already, but I want to repeat it. You came here for a reason. You

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1 came here to tell what happened to you, what you know and as you have sworn an
2 oath to tell us the truth and the whole truth, that is the reason why you are here.
3 And we know that this is very difficult to do and that all kinds of anxieties are
4 connected with being a witness here, but I can assure you that from the side of the
5 Chamber we will do everything that you can finish your testimony in a good manner
6 so that you don't feel bad.

7 So keep that in mind and we hope very much and we expect, let me express my
8 expectation, positive expectation, that you feel better tomorrow and that we can
9 continue. And you know we have to finish that. You have started it, I think you
10 have testified already two days, and it's very important that you finish your
11 testimony, the questioning by the Prosecutor, questioning by the Defence.

12 Do you understand that, Mr Witness?

13 THE WITNESS: [9:50:58] Yes, completely. I understand.

14 PRESIDING JUDGE SCHMITT: [9:51:02] Okay. Then we conclude the hearing
15 already for today and we start tomorrow at 9.30.

16 We have one spare day next week so I think we can somehow accommodate
17 everything, but we will have to be flexible, everyone here in the courtroom.

18 Mr Witness, we wish you the best and we wish that you recover and we hope very,
19 very much that you feel better tomorrow and that we see you tomorrow at 9.30.

20 Thank you.

21 THE COURT USHER: [9:51:43] All rise.

22 (The hearing ends in private session at 9.52 a.m.)