

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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
5 Patrice-Edouard 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, 20 September 2022
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:27] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:30:48] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:30:54] 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: [9:31:10] Thank you.
21 I call for the appearance of the parties. We start with the Prosecution.
22 MS BERDENNIKOVA: [9:31:16] Good morning, your Honours and everyone in the
23 courtroom. The Prosecution is in the same composition today as it was yesterday.
24 Thank you.
25 PRESIDING JUDGE SCHMITT: [9:31:23] Thank you.

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1 I turn to the representatives of the victims.

2 MS MASSIDDA: [9:31:29] Good morning, Mr President, your Honours.

3 For victims of the other crimes, appearing today in courtroom, Maître Dangabo

4 Moussa, Mr Enrique Carnero Rojo, Ms Gabriella dos Santos, and myself, Paolina

5 Massidda. Also appearing at the location where the victim is -- sorry, where the

6 witness is testifying, Mr Innocent Mpoko, field counsel.

7 PRESIDING JUDGE: [9:31:53] Thank you very much.

8 Mr Suprun, next.

9 MR SUPRUN: [9:31:57] Good morning, Mr President, your Honours.

10 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the

11 Office of Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.

13 For the Defence of Mr Yekatom, Ms Dimitri.

14 MS DIMITRI: [9:32:08] Thank you, Mr President. Good morning. Good morning,

15 your Honours. Good morning, everyone.

16 Mr Yekatom is present in the courtroom and he's represented today by Ms Alexandra

17 Baer, Mr Jean-Michel Kola, Ms Lena Casiez, and myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:32:21] Thank you.

19 Ms Proulx.

20 MS PROULX: [9:32:24] Good morning, Mr President. Good morning,

21 your Honours.

22 Mr Ngaïssona is also present in the courtroom, and he is represented today by

23 Ms Sara Pedroso, Ms Barbara Szmatala, Ms Brianna Dyer, and myself, Marie-Hélène

24 Proulx. Thank you.

25 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you.

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1 And a warm welcome to our witness. Good morning, Mr Witness. I hope you are
2 feeling well.

3 WITNESS: CAR-OTP-P-2353 (On former oath)

4 (The witness speaks Sango)

5 (The witness gives evidence via video link)

6 THE WITNESS: [9:32:55](Interpretation) Good morning. I am feeling well.

7 PRESIDING JUDGE SCHMITT: [9:32:57] And we can continue, I think, then with
8 the examination by Ms Casiez, please.

9 MS CASIEZ: [9:33:05] Thank you, Mr President.

10 QUESTIONED BY MS CASIEZ: (Continuing)(Interpretation)

11 Q. [9:33:11] Good morning, Mr Witness. I still have a few questions for you today.

12 I'll begin with my first topic, namely, the meeting at the St Jeanne d'Arc Church.

13 At paragraph 52 of your statement, CAR-OTP-2122-4377, you mentioned the meeting
14 at this church. We talked about this yesterday. Just a few things to clear up with
15 you today.

16 You mentioned Youssouf and Mahamat, and you said that they were representatives
17 of the merchants who were there. Yesterday you specified that the Mahamat was
18 Mahamat Issaka. I'd like to ask you this: Do you remember the full name of
19 Youssouf, this Youssouf person that you mention?

20 A. [9:34:25] Abdoulaye, I think, is his name. You know, the events happened a
21 long time ago and I tend to forget some details. But those were the people who were
22 present.

23 Q. [9:34:44] Thank you. Thank you for providing me with that name.

24 You also mentioned Abdoulaye Amuzamil (phon) in your testimony yesterday. Just
25 to clarify things, was he also one of the delegates that you mentioned; is that correct?

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1 I'm sorry. I think you've heard me mispronounce the name.

2 Is it correct to say that this person was one of the two delegates you mentioned
3 yesterday?

4 A. [9:35:24] Yes. That day, at that particular time, he was there. He was
5 responsible for mediation between the Anti-Balaka and the population. He would
6 go around and get in touch with the Sangaris members. He worked very hard
7 during the time of the events. I don't know whether he was amongst the people who
8 went to the church, St Jeanne d'Arc church. But the people who gave me the
9 information were the people whose name I gave to you at the beginning. They told
10 me that Rambo went, saying that he was the head of the Anti-Balaka, and he gave
11 instructions to the Anti-Balaka not to bother or hassle the civilian population.
12 Anyone who dared to touch the civilian population would have to deal with him
13 personally. That's what he said. Any undisciplined person was given this warning.

14 Q. [9:36:43] Thank you for that information.

15 Now, the imam that we mentioned yesterday gave testimony to the Court, and he
16 said that Rambo called together all the priests and imams to meet with them at the
17 Jeanne d'Arc cathedral.

18 Did you know that Rambo had taken this initiative, namely, to summon the priests
19 and the imams for this discussion?

20 THE INTERPRETER: [9:37:13] Interpreter correction: The imam mentioned was
21 Imam Aboubakar.

22 THE WITNESS: [9:37:22](Interpretation) During those events, I was at home.
23 Everyone was afraid. No one dared to venture out. We were all at home. We
24 were trying to protect our children and our wives. That day I did not go to the
25 meeting, but the people who I mentioned initially were the ones who reported the

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1 news to me.

2 So imam -- the imam left. I don't know exactly where. But the people who went to
3 the meeting were the people whose names I have given.

4 As for the imam and the other representatives, I really couldn't tell you because I
5 didn't actually go to the meeting myself. I wouldn't want to inadvertently give you
6 incorrect information.

7 MS CASIEZ: [9:38:25](Interpretation)

8 Q. [9:38:25] No problem, Mr Witness. Thank you for your answer.

9 You just said, and you already said this yesterday, that everyone was afraid. No one
10 dared to venture out. Everyone was at home trying to protect their children. Am I
11 to understand that you stayed at home most of the time, at the time of the meeting
12 and until you were eventually evacuated to PK5 and then onwards to Chad?

13 A. [9:39:05] From time to time I would go out, since {ICR: (Redacted)
14 (Redacted)}. I tried to get out to see my company or to visit some family members.
15 Yes, I did go out, but I didn't go very far. I kept to the area close to my house.

16 Q. [9:39:49] Thank you.

17 A few moments ago we were talking about the meeting, and I know that the message
18 got to you, even though you were not actually at the meeting, you were at home.

19 At paragraph 53 of your statement you said that Rambo said that -- Rambo stated at
20 the church that he was in charge of the Anti-Balaka. And, now, Yekatom was a
21 master corporal, you see, and a soldier, and he and his group were members of the
22 FACA. Were you told that?

23 A. [9:40:40] When they went to the church, I wasn't there. But according to what I
24 was told, he apparently introduced himself being the head of the Anti-Balaka. The
25 Anti-Balaka were his elements. And he warned the Anti-Balaka against any assault

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1 upon the civilian population. He warned the Anti-Balaka against any assault of
2 Muslims. Anyone who dared to do such a thing, he would take care of those people
3 himself. He would kill the people. He said that in front of everyone at the church,
4 in front of the Sangaris members, in front of the authorities. That is what I was told
5 when I was at home.

6 Q. [9:41:39] Thank you.

7 At paragraph 66 of your statement, you said: "When Rambo was present, his men
8 stayed under control." Am I to understand that Rambo's men kept control of
9 themselves when they were there, but when he was away, that was when they
10 ignored his instructions or his words?

11 A. [9:42:14] Yes. During those events, Rambo wasn't right there. He would
12 travel about. He had a 4x4 Jeep and he would go various places and come back.
13 When he was in Mbaïki, the Anti-Balaka did not cause problems. It was when he
14 was away, that's when we were ill at ease and worried about what the Anti-Balaka
15 might do.

16 Q. [9:42:51] Thank you for your answer. One last question about this point.
17 Now, between the time of the meeting at the church where you weren't present, and
18 the time you left for Chad, am I correct to say that the time between those two events
19 was less than one week?

20 When I say you left for Chad, that is to say you left Mbaïki. I know it was several
21 days in Bangui and then Chad. But between the meeting in the church and your
22 departure for Chad, am I correct in saying that that period of time was less than one
23 week?

24 A. [9:43:37] You know, during those events it was difficult to remember exact dates.
25 The events happened a long time ago. When the Anti-Balaka came and occupied the

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1 entire town of Mbaïki, we spent a lot of time with the town under their control. I
2 can't remember the exact date I left the town. Everyone was afraid. We had a hard
3 time getting food to eat.
4 So I left, and I just left with nothing more than the shirt on my back. And it's
5 difficult to remember the exact date.

6 Q. [9:44:27] Of course, I understand. There's no problem with that.

7 I'd like to switch to another topic now. At paragraphs 27 and 28 of your
8 statement - and we mention this quickly - you mentioned the death of some men.

9 And I'd like to show you a document. This is tab 1 of the Defence binder,

10 CAR-D29-0016-0056. I'll just wait till it comes up on the screen before I put my
11 question to you.

12 If we could zoom in to the middle of the first page, please. Perfect. Thank you.

13 I don't know whether you can see this or not: "The night of" --

14 THE INTERPRETER: [9:45:33] Excessive speed.

15 MS CASIEZ: [9:45:36](Interpretation)

16 Q. [9:45:37] "It was in the night of Wednesday 2 October 2013, when two armed
17 men burst into the village of Bangui-Bouchia and shot down two Chadians:
18 Mr Zacharia Hamid and Abdoulaye Tair."?

19 A. [9:45:57] I haven't understood your question. Could you please repeat it.

20 Q. [9:46:03] No problem. In your statement you made mention of the murder of
21 Zakaria and Abdoulaye. We talked about this yesterday. Are we talking about
22 Zakaria Hamid and Abdoulaye Tair, the men who were murdered in Bangui-Bouchia?
23 I'm trying to determine the full names of these people.

24 A. [9:46:47] Zakaria, the father was Zakaria and the son was Abdoulaye. They
25 lived in Bangui-Bouchia, a location about 35 kilometres from Mbaïki. That is where

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1 they were killed. Their bodies were brought to the Mbaïki hospital. {ICR: (Redacted)
2 (Redacted)}.

3 Q. [9:47:17] Thank you. I'll just stop you there and we'll go into private session.

4 PRESIDING JUDGE SCHMITT: [9:47:23] Yes, private session.

5 (Private session at 9.47 a.m.)

6 THE COURT OFFICER: [9:47:46] We are in private session, Mr President.

7 PRESIDING JUDGE: [9:47:48] Thank you.

8 And no problem, because there is no audience, first. And, secondly, it will be
9 redacted.

10 Please continue.

11 MS CASIEZ: [9:47:56] Thank you, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 A. [9:53:18] During that incident the Seleka from Mbaïki, and the ones from Pissa,
2 met in Bangui-Bouchia. That's what I learned. Some people who I knew who got
3 to Mbaïki informed us that the Seleka had been in that village and that they were
4 patrolling in the bush because the residents had already fled into the bush. It's
5 difficult to say -- it was difficult to say whether it was the people from the village or
6 the Anti-Balaka who had done those things. But the Seleka went into the bush to
7 look for the wrongdoers. I don't know how many people they killed. Whether they
8 killed residents of the village, whether they killed Anti-Balaka members, I have no
9 idea.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [9:56:03] I'd now like us to discuss the evacuation of the Muslim population
23 from Mbaïki to Chad. And you made mention of this in paragraph 62 and 63 of your
24 statement. We also mentioned this yesterday and you've mentioned this to the
25 Prosecution as well.

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1 At paragraph 61, you said: "I don't know who made the decision for Muslim

2 population to be evacuated."

3 Two OTP witnesses, (Redacted), have affirmed that the departure of the Muslims to

4 Chad was mentioned at the meeting at the St Jeanne d'Arc church, and it had been

5 decided that it was on 6 February at the time of the meeting. Does that correspond

6 to what you've been told about this meeting?

7 A. [9:57:15] (Redacted)

8 (Redacted). I didn't hear any talk of that. It was only after. That was when we

9 learned that -- that people were getting ready to evacuate people to Chad. That is

10 the information we received. (Redacted).

11 It was not a topic.

12 MS CASIEZ: [9:57:54] Sorry, Mr President, may I have just one moment to --

13 PRESIDING JUDGE SCHMITT: [9:57:59] Of course.

14 MS CASIEZ: [9:58:00] Thanks.

15 (Counsel confers)

16 MS CASIEZ: [9:58:26] Thank you.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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1 In paragraph 25 of your declaration, your statement, if I go back in time, I will once
2 again begin to talk about the Seleka in Mbaïki. Here it says in this paragraph that:
3 "The Seleka were armed with automatic weapons. I heard rumours of the Seleka
4 handing out weapons to Muslim traders, but I have not witnessed this myself."
5 When you say that you yourself did not witness this, does this mean that you never
6 saw this distribution take place? Is that it?

7 A. [10:03:48] When the Seleka were in Mbaïki, nobody could approach them.
8 Who could risk coming up to them and asking for weapons? I did not see them
9 distributing weapons. They did not distribute any weapons there, at all.

10 Q. [10:04:10] And did you see any Muslim traders with weapons in Mbaïki?

11 A. [10:04:23] Well, I could not go on to the property of every resident, so I had no
12 way of checking this either way. I did not see a Muslim or a civilian bearing arms,
13 so I have nothing to say about this.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:05:59] Ms Casiez, please slow a little bit down.
23 Thank you.

24 THE INTERPRETER: [10:06:06] Many thanks from the interpreters and transcribers.

25 MS CASIEZ: [10:06:10] Of course. I'm sorry to the interpreters.

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22 PRESIDING JUDGE SCHMITT: [10:08:33] Thank you. We don't know yet if it is an
23 objection, but I assume so.

24 Ms Berdennikova.

25 MS BERDENNIKOVA: [10:08:39] I simply don't think that we had a reference -- any

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1 reference to these documents.

2 PRESIDING JUDGE SCHMITT: [10:08:45] Yes. Yeah, I would also have asked -- I
3 would also have asked for the reference. You're right. Absolutely. Yeah.

4 MS CASIEZ: [10:08:51] Of course.

5 (Interpretation) So it is CAR-OTP-2107-6303, paragraph 33. And for the second
6 reference it is the same ERN, paragraph 38.

7 PRESIDING JUDGE SCHMITT: [10:09:25] Thank you very much.

8 So, Mr Witness, you may now answer the question. It was -- it was mainly about, if I
9 summarise it a little bit, that there were two types, so to speak, of -- of Muslim traders.
10 One group who abstained -- did not want weapons at all, and others who tried to
11 obtain weapons and did so. I hope I haven't -- I think I have brought it to the point.
12 Do you agree, or that -- or do you have information that this is correct?

13 THE WITNESS: [10:10:12](Interpretation) I never received any such information.

14 You know, when I was still in Mbaïki, as I was a father of a family, I was taking care
15 of my own personal affairs to meet my family's needs. But in a town there are many
16 people, who may behave as they like. But I did not see anything like that, so I
17 cannot tell lies here. I did not hear or read or see anything like this in the city of
18 Mbaïki.

19 MS CASIEZ: [10:11:02](Interpretation)

20 Q. [10:11:02] Thank you.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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15 (Redacted)

16 (Redacted)

17 Q. [10:14:17] Thank you.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MS CASIEZ: [10:15:13] May I have one moment, Mr President?

24 PRESIDING JUDGE SCHMITT: [10:15:17] Of course.

25 MS CASIEZ: [10:15:18] Thank you.

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- 1 (Counsel confers)
- 2 MS CASIEZ: [10:16:19] Thank you, Mr President.
- 3 (Redacted)
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4 PRESIDING JUDGE SCHMITT: [10:22:43] (Redacted)

5 (Redacted)

6 (Redacted)

7 Do you have further questions?

8 MS CASIEZ: [10:22:57] Given -- given his answer, I will just move on, but I have one
9 last question.

10 PRESIDING JUDGE SCHMITT: [10:23:03] Yeah, please.

11 MS CASIEZ: [10:23:04] Thank you.

12 (Redacted)

13 (Redacted)

14 (Redacted)

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6 PRESIDING JUDGE SCHMITT: [10:24:47] Ms Berdennikova, what's -- what's the
7 objection now?

8 MS BERDENNIKOVA: [10:24:52] Your Honours, I don't mean to be disruptive, but
9 the question clearly calls for speculation here.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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13 (Redacted)

14 MS CASIEZ: [10:28:56](Interpretation) I thank you for your answer, and that was
15 my last question.

16 (Speaks English) I have no further questions for this witness, Mr President. Thank
17 you.

18 PRESIDING JUDGE SCHMITT: [10:29:01] Thank you very much.

19 I don't assume that we have so-called redirect. Thank you.

20 Mr Witness, this concludes your testimony. On behalf of the Chamber, on behalf of
21 the Judges, I would like to thank you, that you have made yourself available as a
22 witness in this case to help us to establish the truth. We wish you a safe trip back
23 home, Mr Witness.

24 THE WITNESS: [10:29:53](Interpretation) I thank you. I thank you, Mr President.

25 (The witness is excused)

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- 1 PRESIDING JUDGE SCHMITT: [10:29:57] This concludes the hearing also for today.
- 2 We continue tomorrow at 9.30 with Witness P-1042, I think.
- 3 THE COURT USHER: [10:30:07] All rise.
- 4 (The hearing ends in private session at 10.30 a.m.)