

Trial Hearing
WITNESS: CAR-D30-P-4197

(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 Thursday, 18 April 2024
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:29] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:34] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic, in the case of The Prosecutor versus Alfred
18 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: [9:31:50] Thank you.
21 I ask for the appearances of the parties. Mr Vanderpuye for the Prosecution first.
22 MR VANDERPUYE: [9:31:57] Good morning, Mr President. Good
23 morning, your Honours. Good morning, everyone.
24 Good morning, Mr Witness.
25 The Prosecution is represented by Sylvie Wakchom, Yassin Mostfa and myself,

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1 Kweku Vanderpuye.

2 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you.

3 Next we turn to the representatives of the victims.

4 Ms Massidda first.

5 MS MASSIDDA: [9:32:12] Good morning, Mr President, your Honours, everyone.

6 For the victims of the attack, appearing -- sorry, for the victims of the other crimes,

7 appearing today, Ms Evelyne Ombeni and myself, Paolina Massidda.

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

9 Ms Lau.

10 MS LAU: [9:32:28] Good morning, Mr President, your Honours. Good morning,

11 everyone in the courtroom. Today the former child soldiers are represented by

12 myself Fiona Lau, associate legal officer from the Office of Public Counsel for Victims.

13 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you, Ms Lau.

14 And then we continue with the Defence.

15 Ms Dimitri first.

16 MS DIMITRI: [9:32:43] Good morning, Mr President. Good morning, your

17 Honours. Good morning, everyone.

18 Mr Yekatom is present in the courtroom. He is represented today by Mr Florent

19 Pages-Granier, Ms Alexandra Baer, Ms Maider Cordova. We also have Mr Regis

20 Tiangaye, who traded his bicycle for public transport but got lost. He will join us in

21 a few minutes. And myself, Mylène Dimitri.

22 PRESIDING JUDGE SCHMITT: [9:33:07] Perhaps he trusted the weather report,

23 which I nearly also did today, but I changed my mind in the last minute.

24 We turn now to Mr Knoops.

25 MR KNOOPS: [9:33:18] Good morning, Mr President, your Honours. Good

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1 morning, everyone in the courtroom.

2 Good morning, Mr Witness.

3 The team of Mr Ngaïssona today consists of Ms Despoina Eleftheriou, Mélissa

4 Beaulieu, the first row. The second row, Ms Marie-Hélène Proulx, Mathias Goffe,

5 and Kenza Ayadi. And Mr Ngaïssona, of course. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you very much.

7 And, most importantly, we have the next witness in the courtroom, that is Witness

8 D30-4197.

9 Good morning, Mr Witness. Are you feeling well today?

10 WITNESS: CAR-D30-P-4197

11 (The witness speaks Sango)

12 THE WITNESS: [9:34:06](Interpretation) Good morning, your Honour, I'm feeling

13 well today. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:34:10] Mr Witness, you are called to testify in the

15 case of the Prosecutor versus Mr Ngaïssona and Mr Yekatom. And as I said, we

16 appreciate that you are here, that are you in the courtroom. We, first, will have to

17 take the solemn -- make the solemn undertaking to take the oath. I will read the oath

18 to you and please speak after me.

19 I solemnly declare.

20 THE WITNESS: [9:34:49](Interpretation) I solemnly declare.

21 PRESIDING JUDGE SCHMITT: [9:34:52] That I will speak the truth.

22 THE WITNESS: [9:34:55](Interpretation) That I'll speak the truth.

23 PRESIDING JUDGE SCHMITT: [9:35:01] The whole truth and nothing but the truth.

24 THE WITNESS: [9:35:12](Interpretation) The whole truth and nothing but the truth.

25 PRESIDING JUDGE SCHMITT: [9:35:15] Thank you, Mr Witness. You are now

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1 under oath, as you have just sworn.

2 If you ever feel that you need a break, Mr Witness, please raise your hand and then
3 we will give you the chance to have some minutes for yourself.

4 I think I can already give the floor to Mr Knoops, I assume, who will question the
5 witness.

6 You know you have to establish the Rule 68(3) preconditions and you can also inform
7 the witness about these technicalities that we have here.

8 Thank you. Mr Knoops, you have the floor.

9 MR KNOOPS: [9:36:00] Thank you very much, Mr President.

10 The first part of the examination will be done by Ms Beaulieu, including the
11 establishment of the 68(3) conditions, and then afterwards I will go to the substance of
12 the testimony of the witness, Mr President.

13 PRESIDING JUDGE SCHMITT: Okay. Then I give the floor to Ms Beaulieu.

14 MS BEAULIEU-LUSSIER: Thank you, Mr President, your Honours.

15 QUESTIONED BY MS BEAULIEU-LUSSIER: (Interpretation)

16 Q. [9:36:15] Good morning, Witness. Thank you for having taken this trip to be
17 with us. We've already met, but just for the record I'm just going to introduce myself.
18 I am Melissa Beaulieu-Lussier and I represent Mr Ngaïssona's Defence team.
19 I'm, first of all, going to start by asking you questions on your identity and then the
20 statement that you made. Please be reassured that this is going to be done in closed
21 session, and following the Judge's decision, you'll be given protective measures so all
22 questions will be asked and your -- your answers will be actually heard only by
23 people in the courtroom.

24 I have certain additional questions as well. As the Judge just told us, you made a
25 statement and we have certain questions to ask you in order to fulfil the criteria so

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1 that your statement can be used as proof, as evidence. And when I would have
2 finished my questions, I'll give the floor to Professor Knoops who is going to ask you
3 additional questions on your statement.
4 Before I start with my questions, I must remind you, and my colleague just reminded
5 me, that we have simultaneous interpretation provided in French and English. And
6 I know that you understand French, so it's really important that after each question
7 and answer you pause so that the interpreters can actually do their work properly.
8 May I also remind you that if you haven't understood a question, please feel free to
9 ask us whether it's -- ask us to repeat it. Whether it's me or anyone in the courtroom,
10 we would be delighted to repeat the question for you.
11 You've got a glass of water and, as the Judge reminded you, if you need a break,
12 please do let us know, and if you need to leave the courtroom you can also tell us
13 that.
14 So this is what I wanted to say as an introduction. Is that okay with you? We're
15 going to start off. I'm going to -- I'm going to start off with my questions.
16 (Speaks English) Your Honours, I now need to go in private session for this section.
17 PRESIDING JUDGE SCHMITT: [9:38:56] We have to go to private session, yes,
18 indeed.
19 (Private session at 9.39 a.m.)
20 THE COURT OFFICER: [9:39:15] We are in private session, Mr President.
21 MS BEAULIEU-LUSSIER: [9:39:17](Interpretation)
22 Q. [9:39:14] As I said, Witness, from now on your answers will only be heard by the
23 people in the courtroom, so please feel free to reply freely.
24 I'm going to start off with your identity. Can you tell me your full name and
25 surname.

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1 A. [9:39:51] My name is (Redacted)

2 Q. [9:39:55] Thank you. Could you tell us your date of birth and where you were
3 born.

4 A. [9:40:04] I was born on (Redacted) in (Redacted) in the Central African Republic.

5 Q. [9:40:23] Thank you. Could you also tell the Chamber your ethnic group and
6 your religion.

7 A. [9:40:31] I am -- I belong to the (Redacted) ethnic group. I am (Redacted)

8 (Redacted)

9 (Redacted)

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24 Q. [9:49:02] Thank you so much.

25 PRESIDING JUDGE SCHMITT: [9:49:03] Ms Beaulieu - and also I think, later on, Mr

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1 Knoop - we have a witness who has a lot to tell us, so if the questions that are put to
2 the witness -- I will reword it a little bit.

3 You know that I'm a huge fan of inducing -- inciting narratives in witnesses, but this
4 would perhaps not apply to every witness. So sometimes you could perhaps ask
5 questions that are more confined if -- I think you understand me, yeah, thank you.

6 MS BEAULIEU-LUSSIER: [9:49:40](Interpretation) I've understood that, your
7 Honour. Duly noted.

8 Q. [9:49:45] Witness --

9 PRESIDING JUDGE SCHMITT: [9:49:54] Mr Witness, please take a little bit of water.
10 I think that will help.

11 Ms Beaulieu, that was not at all a criticism or so, because it was not -- absolutely not
12 foreseeable. But I think relatively quickly we all understand with every witness we
13 have in the courtroom, we have different personalities, different modes of answering
14 your and our questions. Yeah.

15 MS BEAULIEU-LUSSIER: [9:50:29] Thank you, your Honour. I understand
16 perfectly.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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9 Q. [9:53:02] Thank you, witness. I'm now going to ask you questions on your
10 statement.

11 Now, am I right in saying that you met Mr Ngaïssona's Defence team in (Redacted) is
12 that right?

13 A. [9:53:22] Yes, that's right. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [9:54:40] Mr Witness, please allow me to interrupt
23 you. Ms Beaulieu was just asking you -- you know, it's now about a technical
24 procedural thing. She just wants to verify that you have spoken with the Defence
25 team and, more generically, what was the content and if -- I think you will continue

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1 with that, Ms Beaulieu, and if that was the truth what you said and so. So it's just
2 technically. You don't have to answer in a full length. So just answer with yes or
3 no, please. Thank you so much, Mr Witness.

4 Ms Beaulieu.

5 MS BEAULIEU-LUSSIER: [9:55:18] Thank you, your Honour.

6 Q. [9:55:21](Interpretation) Witness, Mr Knoops will actually come to the substance
7 of your declaration. I just want to know if you remember that we agreed that we
8 were going to read your statement over the phone because we could not meet you
9 again (Redacted) is that right? Am I right in saying that?

10 A. [9:55:46] Yes, that's right.

11 Q. [9:55:51] Thank you, witness. And is it true that (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [9:56:22] Can you also confirm that on (Redacted) the Defence team called you
16 to read your statement and -- so that you could confirm the accuracy of this statement;
17 is that right?

18 A. [9:56:41] Yes, that's right.

19 Q. So you read this statement and you made minor modifications and you
20 confirmed that this statement was accurate; is that right?

21 A. [9:56:55] Yes, it is.

22 Q. [9:57:03] Witness, do you remember having read your statement with officials
23 from the Court on that week; is that right?

24 A. [9:57:17] Yes, that's right.

25 Q. [9:57:20] Is it also true that you made minor changes to your statement that you

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1 wrote out on a page?

2 A. [9:57:39] Yes, that's right.

3 Q. [9:57:45] The document that was released by the Defence, the ERN number

4 CAR-D30-0027-0018 -- witness, do you confirm that with the modifications that you

5 made, your statement is true and accurate to the best of your knowledge and to the

6 best of your recollection?

7 A. [9:58:26] Yes, I do confirm that.

8 Q. [9:58:33] Do you have any objections that your statement be used as evidence so

9 that the judges may use this in judicial proceedings?

10 A. [9:58:56] No objections, please.

11 PRESIDING JUDGE SCHMITT: [9:58:58] Well, I can -- I think that we can then state

12 for the record that the conditions for the application of Rule 68(3) with the corrections

13 made by the witness are fulfilled.

14 Ms Beaulieu, you may continue.

15 And we are speaking, I think, about this confidential annex A of

16 CAR-D30-0027-0002-R01.

17 MS BEAULIEU-LUSSIER: [9:59:32](Interpretation) Yes, your Honour, I was about

18 to -- for the record, the declaration, the statement of the witness is at the tab 4 of the

19 Defence binder and is CAR-D30-0027-0002-R01 (Speaks French).

20 (Interpretation) So there's a slight technical error in tab 5 of the Defence binder. And

21 that has the ID number CAR-D30-0027-0015.

22 PRESIDING JUDGE SCHMITT: [10:00:21] Thank you very much, and also thank

23 you very much, Mr Witness.

24 MS BEAULIEU-LUSSIER: [10:00:23] That concludes for me and I will now turn to

25 Mr Knoops.

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1 PRESIDING JUDGE SCHMITT: [10:00:28] Yes, I thought so.
2 I give the floor to Mr Knoops.
3 Mr Knoops, of course, you are aware that this is a Rule 68(3) statement and
4 also -- well, I think you will have additional questions, but you are experienced
5 enough to see the situation so to speak.
6 MR KNOOPS: [10:00:49] Thank you very much.
7 Just for verification, we're still in private session.
8 PRESIDING JUDGE SCHMITT: [10:00:56] Indeed.
9 QUESTIONED BY MR KNOOPS:
10 Q. [10:01:04] Good morning, (Redacted) We met this week. I am Alexander
11 Knoops, one of the counsel for Mr Ngaïssona. Good morning.
12 First of all, I would extend my appreciation for your travel to The Hague, because we
13 understand that you (Redacted) and despite your personal situation, you took the
14 effort to come to the Court to contribute to this trial and we appreciate your efforts for
15 this contribution.
16 (Redacted) I will very slowly go through certain parts of your statement for
17 clarification purposes in a chronological order. Please listen to my questions and, as
18 the Presiding Judge indicated, just answer the question as briefly as possible.
19 Of course, if you have the need to expand, that's of course your choice, but I assure
20 you that all the items you have talked about in your statement will be addressed this
21 morning, not to repeat, but just to ask certain clarifications.
22 What you told us in your statement is right now before the judges. They know your
23 statement so there's no need to repeat things, and that's the reason that I will just
24 touch upon certain specificities which you didn't address yet, in our view.
25 First of all, let's start with where your statement indeed started with.

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15 PRESIDING JUDGE SCHMITT: [10:16:04] Mr Knoops, if I may, shortly.

16 It's -- I understand, Mr Witness, you have to say a lot.

17 And I think, Mr Knoops, if you have -- well, it's -- these are always long answers, this

18 is a narrative. However, I think this also spares you some of your questions. So

19 it's -- I don't know -- I-- if you weigh -- if you weight it up, you know, the last answer,

20 let's say, incorporated lots of things that I assume you would have addressed too. So

21 it's -- it's okay.

22 MR KNOOPS: (Overlapping speakers) It's okay, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:16:30] I wanted -- I wanted to say I'm -- we are

24 fine with it. Yeah.

25 MR KNOOPS: [10:16:43] Yeah. Okay. Thank you, Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:16:45] So we don't -- because the witness
2 obviously is someone who -- well, you don't have to draw the question -- the answers
3 out of him. He is -- he wants to freely express himself, and that's fine. Yeah, okay.

4 MR KNOOPS: [10:17:01] Thank you, Mr President.

5 Q. [10:17:03] (Redacted) again raising my hand is not out of disrespect, but I fully
6 understand you have lots to say, and it's important, and we appreciate what you are
7 doing here, despite your situation in your home country. But I assure you, all those
8 elements you mentioned, we will come to them in a few minutes. But you already,
9 what the Presiding Judge said, answered lots of them.

10 Now, coming back to what you just said, my first question to you, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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6 My question to you, (Redacted) is: Can you tell the Court a bit more about how this
7 popularity of Mr Ngaïssona was manifested?

8 PRESIDING JUDGE SCHMITT: [10:20:49] Mr Witness, why was Mr Ngaïssona so
9 popular, as you say? That is the question.

10 THE WITNESS: [10:21:09](Interpretation) Thank you.

11 Mr Ngaïssona was called the big brother, the elder brother if you will, of the youth.

12 Lots of people from a social perspective -- well, how can I put this? He was an MP,

13 but beforehand he was accustomed to helping many people. He had built a church.

14 He had bought metal sheeting for roofing. He'd bought footballs. And every time

15 somebody came up to him to ask for assistance, he would help young people

16 considerably. For example, when (Redacted) the person who'd helped the president

17 considerably was him.

18 He didn't have money. He had T-shirts made with a picture of the president

19 featuring on them and handing -- and to hand them around. And Mr Ngaïssona

20 rang me up (Redacted). He said, "Look, I'm an elder brother. These young people

21 have suffered considerably." And so he -- he bought food, semolina, to distribute

22 among -- among the population. He bought things working within the patriots and

23 he distributed this at the Ledger. But, you know, somebody who's behaving like that,

24 they could take that food and hand it out to his own family, his own children. But,

25 no, he preferred to hand this over to the local population.

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1 I mean the words lack, really, to be able to describe how generous this gentleman was.
2 You know, all those who're passing their high school certificate and had trouble, they
3 would go up to him and he would hand out money to pay for tuition fees and for
4 examination fees. He even bought medicine to help people get better and be treated
5 in hospitals.
6 (Redacted)
7 (Redacted) He gave young people money while saying that -- that the life of
8 the nation, the lifeblood of the nation is in the veins of the youth. And so, I
9 mean, he could have -- he could have taken this money to buy peanut oil, or
10 peanuts or alcohol, but he preferred to give this money to the young
11 people.
12 (Redacted)
13 (Redacted)
14 (Redacted) He, himself, he took his own money and he gave it to people to go to
15 Bossangoa and the various regions within the country.
16 You know, you have to tell the youth. You know, you have to fear god, because god
17 sees everything that we do. And everything we do is something that we pay for on
18 this earth and we have to tell the truth.
19 Just look -- look at Mr Ngaïssona who is here. I cannot gauge the magnitude of his
20 generosity, and I can't compare him with my father. He's more than my father.
21 What my -- what Mr Ngaïssona did for me, my father never did. People are
22 weeping, and that's why they support -- they support him, (Redacted)
23 (Redacted) No, he can't go back to Bangui. God is witness. God
24 sees everything.
25 (Redacted) but

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1 justice emanates from God. Do you see?

2 (Redacted) but I accepted to come here and offer evidence. Why? Well,

3 basically because of what that gentleman did for me. When I see him here today,

4 I mean, the tears well up in my eyes. It's sad to see him. I didn't expect to see him

5 there. And I call upon god and his justice to come and assist him.

6 I still reiterate. I ask god, god who sees from the sky, to give wisdom to all who are

7 in this courtroom so that they can say justice. There's too many lies in our country,

8 and that's why I took upon myself to come here and tell the truth about what actually

9 happened.

10 Do you see, Mr Ngaïssona is very, very generous. And he works for young people.

11 He militated considerably for young people. He took money from his own pocket to

12 hand it over to women.

13 PRESIDING JUDGE SCHMITT: [10:26:49] Mr Witness. Mr Witness --

14 THE WITNESS: [10:26:50](Interpretation)(Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:26:51] Mr Witness, you have answered the

16 question and it's fine. Mr Knoops has asked an open question.

17 MR KNOOPS: [10:27:02] Yes, well, I was invited indirectly by the Presiding Judge.

18 PRESIDING JUDGE SCHMITT: [10:27:06] Yeah, yeah, I have to say I take it upon

19 myself a bit, yes.

20 MR KNOOPS: [10:27:08] No worries, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:27:09] We understand. And, as I said, this is

22 nothing reproachable because every witness, as I said, has a different personality and

23 that's something that is not new, so to speak, and we know that.

24 Please, Mr Knoops.

25 MR KNOOPS: [10:27:26] Thank you.

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1 Q. (Redacted), thank you so much for this characterisation of the person of
2 Mr Ngaïssona.

3 You mention in your statement in lines 98 till 107 that he was also sometimes
4 characterised as the *le patron de la cohésion sociale*.

5 My question to you, (Redacted), is: In your experience in those days, this role
6 Mr Ngaïssona, in your view, played for social cohesion in the society in the CAR, did
7 it embrace all religions, in particular also the Muslims?
8 I'm interested to hear from you what your experience was in those days with respect
9 to Mr Ngaïssona's behaviour, first is the Muslim community?

10 A. [10:28:40] Thank you. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 It was really thanks to him that that was made possible at all.

23 What this gentleman did was something the government should have done, really.

24 But he took his own money and gave it to him. He did something really good, and

25 there was someone who was very cruel and it was -- we went -- thanks to Ngaïssona,

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1 (Redacted) was there. He –

2 and who was...

3 Who gave us the football and the resources? It was Ngaïssona. The government

4 did not give us anything because they didn't have anything. It was Mr Ngaïssona

5 who actually called us. He gave us money. And this is why in Bangui he's

6 considered to be the steward of social cohesion.

7 What he did is something that the government was supposed to do. He was giving

8 us money from his pockets and he – (Redacted)

9 (Redacted) This is why we call him this patron,

10 or the steward of social cohesion.

11 Q. [10:31:55] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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- 10 (Redacted)
- 11 PRESIDING JUDGE SCHMITT: [10:55:58] Mr Knoops, what about -- we have -- let's
- 12 have a break. Mr Witness, Mr Knoops, everyone, 11:30.
- 13 THE COURT USHER: [10:56:07] All rise.
- 14 (Recess taken at 10.56 a.m.)
- 15 (Upon resuming in private session at 11.31 a.m.)
- 16 THE COURT USHER: [11:31:05] All rise.
- 17 Please be seated.
- 18 PRESIDING JUDGE SCHMITT: [11:31:24] Mr Knoops, you have still the floor, and
- 19 we are in private session.
- 20 MR KNOOPS: [11:31:35] Thank you, Mr President.
- 21 Q. [11:31:39] (Redacted) I will do my best to finish in the next session, so if you
- 22 keep in mind the current instructions to answer as concise as possible, that's very
- 23 much appreciated.
- 24 (Redacted)
- 25 (Redacted)

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25 PRESIDING JUDGE SCHMITT: [12:07:00] Mr Witness, do you want to have a break?

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- 1 THE WITNESS: [12:07:07](Interpretation) No. Yes.
- 2 THE INTERPRETER: [12:07:15] Correction from the booth: Yes. Correction from
- 3 the Sango booth.
- 4 PRESIDING JUDGE SCHMITT: [12:07:20] Then let's have a five-minute break, let's
- 5 say.
- 6 Mr Knoops, do you have an idea how long it will take? I think you're making good
- 7 progress, if I have the impression. So we can still finish before the lunch break?
- 8 MR KNOOPS: [12:07:32] (Microphone not activated).
- 9 PRESIDING JUDGE SCHMITT: [12:07:33] Yes, okay.
- 10 MR KNOOPS: [12:07:34] Sorry. It's realistic. Then if the Court would allow me
- 11 then to go maybe 10 minutes over --
- 12 PRESIDING JUDGE SCHMITT: [12:07:37] Yes, obviously.
- 13 MR KNOOPS: [12:07:39] -- to finish, that would be good.
- 14 PRESIDING JUDGE SCHMITT: [12:07:40] Well, we don't expect questions by the
- 15 Yekatom Defence.
- 16 And Mr Vanderpuye, you have six hours in --
- 17 MR VANDERPUYE: [12:07:52] Is that what we estimated?
- 18 PRESIDING JUDGE SCHMITT: [12:07:55] Yes.
- 19 MR VANDERPUYE: [12:07:55] No, it won't be that. I think -- well, it depends, but I
- 20 think I can finish in a session, probably at most, but I'm going to take a look and see
- 21 what I've got, and it may be less.
- 22 PRESIDING JUDGE SCHMITT: [12:08:09] So we can discuss this, I think, when we
- 23 are at it.
- 24 Would you prefer to have this done in the afternoon, then, or is it better for you to
- 25 review --

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1 MR VANDERPUYE: [12:08:19] I'm at your disposal. I'll look at it over the lunch
2 break.

3 PRESIDING JUDGE SCHMITT: [12:08:27] Okay, that's perhaps even better. Thank
4 you.

5 THE COURT USHER: [12:08:29] All rise.

6 (Recess taken at 12.08 p.m.)

7 (Upon resuming in private session at 12.13)

8 THE COURT USHER: [12:13:08] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [12:13:23] Mr Knoops.

11 MR KNOOPS: [12:13:25] Thank you, Mr President.

12 Q. [12:13:26] (Redacted) I hope you are feeling okay to continue. I will do my best
13 to finish before the lunch break at 1.

14 Now, I will ask my questions maybe more direct to you and prefer if you could
15 answer with "yes", "no" or "I don't know".

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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8 (Redacted)
9 (Redacted)
10 (Redacted) I'm waiting for you
11 to grant me the leave to express myself. It's going to be a bit long.
12 PRESIDING JUDGE SCHMITT: [13:07:17] Mr Witness, that's not necessary. You
13 have answered the question of Mr Knoops already. You know, we have to confine
14 ourselves to the questions, but thank you that you announce it, at least, so we can
15 perhaps restrain you a little bit. Mr Knoops, your last question.
16 MR KNOOPS: [13:07:34]
17 Q. [13:07:37] You mentioned, (Redacted), that you see Mr Ngaïssona as your father.
18 I mean, he is not in any relationship with you, right, he's not family of you; correct?
19 You have no family relation with Mr Ngaïssona; you mention, yet, he as your father.
20 Do your feelings of Mr Ngaïssona, your sympathy for him or other feelings,
21 potentially affect your testimony in any way today or in the past, in your statement?
22 In other words, what you did tell us is not -- you didn't come here to protect
23 Mr Ngaïssona, right?
24 A. [13:08:35] Thank you, counsel. I told you a while ago that everything that we
25 do on this earth, you should actually fear God and do it. When I entered this room I

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1 was asked to swear and take an oath. I'm answerable to God. We are all here in
2 this room and when the day comes, the judgment day comes, we will be facing God.
3 In the Central African Republic, there are too many lies. People are fine fabulators.
4 If you speak the truth, you are hated and people hate me because I am used to
5 speaking the truth. And I'm actually praying that the Prosecutor and the people of
6 the ICC are blessed with the wisdom. After everything I've heard, I'm really very
7 uncomfortable. I really did not expect to hear things of such kind. You know, for a
8 personal agenda, you're going to actually incriminate someone? I am from the
9 (Redacted) ethnic group, Mr Ngaïssona is from the other ethnic group. There is
10 absolutely no relation between us.
11 So I'm actually doing all this with honesty. I go to the church, I pray and, as I said,
12 in our family my father always said, "Teach the child in accordance with the law and
13 when he grows up, he will know how to behave and act".
14 Now, if the judge is incriminating someone and if the person has been incriminated
15 falsely, I will be there to defend him and what we do is out of the fear of God. I trust
16 God because he's the one who actually sent me to this earth and when I'm going to go
17 back home, God is going to protect me because I've spoken the truth. I will not be
18 disturbed, irrespective of the situation. I am before you to speak the truth and I will
19 have a clear conscience.

20 Q. [13:11:27] Thank you, (Redacted).

21 MR KNOOPS: [13:11:28] Before we break, Mr President, my colleagues alert me that
22 the answer of the witness to the question on tab 1 of our binder was not captured in
23 the transcript, where he confirmed that (Redacted)
24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [13:11:48] But he has said it.

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1 MR KNOOPS: [13:11:49] Yes, I know, he said it, but apparently it was not in the
2 transcript captured. And we would like to use the break just to review the transcript
3 and whether there are any questions left. I don't think there are questions,
4 but -- unless the Prosecution wants to continue tomorrow, then, of course, we would
5 like to potentially tomorrow morning, if there are any questions left, use the time
6 tomorrow. Otherwise --

7 PRESIDING JUDGE SCHMITT: [13:12:21] Well, normally you can tell us if you are
8 finished now or not, I think.

9 MR KNOOPS: [13:12:25] We are finished now.

10 PRESIDING JUDGE SCHMITT: [13:12:27] Yes, okay. So then thank you very
11 much.

12 Mr Vanderpuye, you are still ready to continue this afternoon?

13 MR VANDERPUYE: [13:12:34] Yes, Mr President. I'll take a look and see what I've
14 got. I may not have much at all, to be honest, but I just want to check it and, if I do,
15 then I'll let you know as soon as we come back from the break.

16 PRESIDING JUDGE SCHMITT: [13:12:47] 2.30, then, yes, we will break.

17 THE COURT USHER: [13:12:51] All rise.

18 (Recess taken at 1.12 p.m.)

19 (Upon resuming in open session at 2.31 p.m.)

20 THE COURT USHER: [14:31:35] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [14:31:57] Good afternoon, everyone.

23 Mr Vanderpuye, you have the floor.

24 MR VANDERPUYE: [14:32:06] Thank you very much, Mr President. I hope not to
25 be too long, but -- I hope not to be too long.

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1 QUESTIONED BY MR VANDERPUYE:

2 Q. [14:32:15] Good afternoon, Mr Witness. Just to remind you that we are now in
3 open session, so don't say anything that might identify you. On the contrary, I will
4 identify myself. My name is Kweku Vanderpuye. I'm one of the lawyers for the
5 Prosecution in this case, and I'll be asking you a few questions in relation to your
6 direct examination and your evidence in the case. Okay?

7 Can you follow me right now? Are you hearing the translation?

8 Okay, I see you nodding.

9 I just wanted to ask you a few questions just to be clear as I listened quite attentively
10 to your testimony on direct examination. According to you, was Mr Ngaïssona
11 a member of the Anti-Balaka or not in 2014?

12 A. [14:33:37] I have never seen him in the Anti-Balaka movement.

13 Q. [14:34:09] Did you hear that he was a member of the Anti-Balaka in 2014?

14 A. [14:34:16] I never heard anyone say anything like that.

15 Q. [14:34:35] Now, without identifying yourself, did you ever discuss with
16 Mr Ngaïssona the subject of the Anti-Balaka?

17 A. [14:34:52] Never. Never. Never. Never.

18 Q. [14:35:06] If someone were to say to you that he was a member of the
19 Anti-Balaka in 2014, would that seem to you to be true or false?

20 A. [14:35:19] I would say it's false.

21 Q. [14:35:41] And so somebody who came and testified in this Court to say that he
22 was a member of the Anti-Balaka in 2014 would be lying. Is that -- is that fair to say?

23 A. [14:36:09] As far as I know, he was never a member of the Anti-Balaka
24 movement. Bearing in mind that he's not a member of that movement, everything
25 that that person said or would have said is a lie.

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1 MR VANDERPUYE: [14:36:28] If we could go into private session for a moment,
2 Mr President.

3 PRESIDING JUDGE SCHMITT: [14:36:31] Yes.
4 Private session.

5 Mr Knoops.

6 MR KNOOPS: [14:36:37] Yes. Mr President, my colleagues rightly alert me to the
7 fact that there is -- this question might confuse the witness because there's a difference
8 being a member of the Anti-Balaka and being a coordinator; that might be a
9 clarification which is justified.

10 PRESIDING JUDGE SCHMITT: [14:36:56] Well, I leave it up to Mr Vanderpuye.
11 Actually, a member is the more generic expression, but -- but still, yes. But we
12 can -- are we in private session now? No.
13 Do you want to explore this further?

14 MR VANDERPUYE: [14:37:12] I am going to explore it, but we can do it in private
15 session.

16 PRESIDING JUDGE SCHMITT: [14:37:18] Yes, then let's go to private session.
17 (Private session at 2.37 p.m.)

18 THE COURT OFFICER: [14:37:25] We are in private session, Mr President.

19 MR VANDERPUYE: [14:37:35]

20 Q. [14:37:35] Did you ever hear that Mr Ngaïssona was the national general
21 coordinator for the Anti-Balaka who was designated in January 2014 officially to
22 occupy that office or that position? Did you hear that, sir?

23 A. [14:37:53] What I saw, what I heard, I can tell you. I never heard anything like
24 that. Never.

25 PRESIDING JUDGE SCHMITT: [14:38:18] Please move on.

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1 MR VANDERPUYE: [14:38:19] Well, yes, it's related to the earlier testimony,

2 Mr President. I'll be -- I'll be done with it quickly.

3 PRESIDING JUDGE SCHMITT: [14:38:27] Yes.

4 MR VANDERPUYE: [14:38:28]

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22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [14:41:15] Mr Vanderpuye, I think you won't get

24 very far with that.

25 MR VANDERPUYE: [14:41:20] I'm going some place else, Mr President.

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1 Sorry, just one -- just one document I would like to show --

2 PRESIDING JUDGE SCHMITT: [14:41:33] Yeah, yeah, yeah. I was wondering, I
3 know you well.

4 MR VANDERPUYE: [14:41:36] It's at tab 19, CAR-OTP-2101-1821.

5 Q. [14:41:39] I'd like to show you a document, sir.

6 Just let us know when it's up on the screen there.

7 Can you see that there, sir?

8 I just want to draw your attention to the very first part of it. It's dated 17 April 2014.

9 It says, in French:

10 "*Declaration sur l'honneur.*"

11 And it says:

12 (Interpretation) "I understand Patrice-Edouard Ngaïssona general coordinator of the
13 Anti-Balaka..."

14 (Speaks English) And if you go down to the bottom, you can see a signature. If we
15 can go down to the bottom of the page, you can see the signature -- all the way down
16 now.

17 Do you recognise that signature?

18 A. [14:42:42] I do not recognise it.

19 Q. [14:42:53] Have you ever seen Mr Ngaïssona's signature?

20 A. [14:42:58] No, I've never seen his signature.

21 Q. [14:43:08] (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [14:43:08] Mr Vanderpuye -- yes, yes, and that's --

23 MR VANDERPUYE: [14:43:09] (Overlapping speakers) I am going to another
24 document --

25 PRESIDING JUDGE SCHMITT: [14:43:10] -- and I understand the witness. He

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1 cannot testify to the veracity of the document. Of course, it's okay that you put it to
2 him, but you have your answer. Yes.

3 MR VANDERPUYE: [14:43:23] Thank you, Mr President.

4 Q. [14:43:24] You mentioned at the beginning of your testimony that Mr Ngaïssona
5 was well regarded among the youth in CAR. I think you said that he was very
6 generous. It's fair to say that he was very influential; isn't that right?

7 A. [14:43:56] Thank you. That is correct.

8 Q. [14:44:03] And he was especially influential when he was a minister of youth; is
9 that fair to say?

10 A. [14:44:18] That is correct. He was minister for the youth.

11 Q. [14:44:25] And in that position, he was influential with the youth; isn't that fair
12 to say?

13 A. [14:44:32] Absolutely. That is correct. He was well regarded and very much
14 appreciated by the youth.

15 Q. [14:44:52] And I think you said in your direct examination that even before he
16 became minister of youth, he was well regarded by the youth in the Central African
17 Republic. Do I have that right?

18 A. [14:45:12] Yes, you are right.

19 Q. [14:45:22] And he was well known, respected and listened to; is that fair to say?

20 A. [14:45:33] That is correct.

21 Q. [14:45:42] And that goes back to 2012 even, because he was appointed minister
22 of youth in February 2013. So even as far back as 2012, he was well respected,
23 well known and influential among the youth. Is that fair to say?

24 A. [14:46:02] That is correct.

25 Q. [14:46:07] At the end of 2012 - November, December - where were you living?

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1 Not the address, just the town?

2 A. [14:46:22] I was living in (Redacted)

3 PRESIDING JUDGE SCHMITT: [14:46:38] Could we go back to open session? That
4 was my question.

5 MR VANDERPUYE: [14:46:43] Just one second, Mr President.

6 I think we can, yes.

7 PRESIDING JUDGE SCHMITT: [14:46:50] Yes, then let's go to open session.

8 (Open session at 2.46 p.m.)

9 THE COURT OFFICER: [14:46:56] We are in open session, Mr President.

10 MR VANDERPUYE: [14:47:10] Thank you.

11 Q. [14:47:13] Mr Witness, did you hear of a group called COCORA that was in
12 Bangui at the end of 2012 and into 2013? Have you ever heard that name before?

13 A. [14:47:33] COCORA? COCORA? COCORA. COCORA. No. I didn't pay
14 attention to that.

15 THE INTERPRETER: [14:48:08] The witness said in French.

16 MR VANDERPUYE: [14:48:10] Okay.

17 Q. [14:48:10] Have you heard of a group that was in and around Bangui towards
18 the end of the year and into 2013 called COAC?

19 A. [14:48:29] COAC? COAC? COAC. Yes, yes, yes, I've heard a little bit about
20 them.

21 Q. [14:48:44] I thought I heard you say something about Steve Yambete. Do you
22 know that name?

23 A. [14:48:54] Yes. I've heard talk about that person.

24 Q. [14:49:09] You mentioned -- we're in open session, okay.

25 What do you know about Steve Yambete? Try not to identify yourself.

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1 A. [14:49:30] No, I don't have a lot of information about him, bearing in mind that I
2 didn't really work together with him. It's true, he was carrying out his activities, but
3 I don't have sufficient information concerning him.

4 Q. [14:49:58] And what activities are you referring to?

5 A. [14:50:02] The name of his organisation was COAC, but I wasn't interested in
6 that -- not at all. I didn't want to get involved. My activities were completely
7 different, so I only know that he worked within the COAC movement.

8 Q. [14:50:31] Okay.

9 MR VANDERPUYE: [14:50:41] Mr President, I need to go into private session just
10 for a minute, I'm sorry.

11 PRESIDING JUDGE SCHMITT: [14:50:48] Private session.

12 (Private session at 2.50 p.m.)

13 THE COURT OFFICER: [14:50:52] We're in private session, Mr President.

14 MR VANDERPUYE: [14:51:08] Thank you.

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 MR VANDERPUYE: [14:56:00] Sorry about that.

2 Q. [14:56:03] Just before I ask you about that, do you know if Mr Ngaïssona had
3 ever been arrested before 2018?

4 A. [14:56:15] I don't understand. Before he came to The Hague?

5 Q. [14:56:36] Yes, before he came to The Hague, was he -- had he been -- do you
6 know if he had been arrested at any point by anyone?

7 A. [14:56:47] I don't remember.

8 Q. [14:56:55] Would you be surprised to learn that he had been arrested before 2018
9 by the Central African authorities? Would that surprise you?

10 A. [14:57:16] Are you really talking about 2018?

11 Q. [14:57:34] I'm talking about before 2018. At any point, to your knowledge, had
12 Mr Ngaïssona been arrested by the Central African authorities?

13 A. [14:57:48] I have no information about that.

14 Q. [14:57:57] Would it surprise you to learn that he had been arrested by the
15 Central African authorities in 2014?

16 A. [14:58:06] Since I don't know anything about it, I can't really respond to it.

17 (Redacted)

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22 Q. [15:33:54] Did you spend any time in Lobaye in 2014?

23 A. [15:34:01] No.

24 Q. [15:34:14] Have you heard of Mr Yekatom before today or before this case arose?

25 PRESIDING JUDGE SCHMITT: [15:34:26] Is this really necessary, Mr Vanderpuye?

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1 He doesn't appear -- Mr Yekatom doesn't appear in the witness statement, in the Rule
2 68(3) statement, he hasn't been mentioned.

3 MR VANDERPUYE: [15:34:43] (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [15:34:47] Well, but, you know, we don't have to
5 mention everything what comes to our mind.

6 MR VANDERPUYE: [15:34:51] Will you allow the question?

7 PRESIDING JUDGE SCHMITT: [15:34:56] There's nothing improper in the question.
8 It's more about -- well, you know, if it makes sense, for example. You could
9 withdraw the question, for example, when I'm talking so nicely and explaining it, so I
10 know it's a little bit obscure but --

11 MR VANDERPUYE: [15:35:13] No, I understand, Mr President, but I don't think
12 it's -- I think you're probably right about what the answer will be and that's why I
13 think it's relatively innocuous.

14 PRESIDING JUDGE SCHMITT: [15:35:30] Now we have -- yes, of course,
15 Ms Dimitri, I would do the same, I would also stand up.

16 MS DIMITRI: [15:35:34] Mr President, it's quite vague as a question, you know,
17 "Have you heard of Mr Yekatom?"

18 PRESIDING JUDGE SCHMITT: [15:35:38] Yes.

19 MS DIMITRI: [15:35:39] It could be in the last year, it could be in the last two years.

20 PRESIDING JUDGE SCHMITT: [15:35:44] Okay, well, sometimes in this
21 courtroom -- okay.

22 Mr Witness, you need a pause?

23 THE WITNESS: [15:35:57](Interpretation) Yes. If you allow me, I want to give you
24 some further information, Mr Prosecutor. If you allow me?

25 PRESIDING JUDGE SCHMITT: [15:36:10] Well, you have opened it up, then I will

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- 1 give Ms Dimitri on Monday or tomorrow the opportunity to question the witness too.
- 2 So really it's -- for me, it's barely understandable why you opened this up.
- 3 But Mr Witness, you may answer.
- 4 Please, Mr Witness, you can give the information that you want.
- 5 (Redacted)
- 6 (Redacted)
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- 22 MR VANDERPUYE: [15:38:22] And on that basis, I conclude my examination.
- 23 PRESIDING JUDGE SCHMITT: [15:38:29] Thank you very much.
- 24 This concludes the testimony -- or, Mr Knoops, you have a --
- 25 MR KNOOPS: [15:38:35] If the Court allows just one brief question.

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- 1 PRESIDING JUDGE SCHMITT: [15:38:37] Of course, yes, yes.
- 2 MR KNOOPS: [15:38:38] Are we in open session by the way? Or still...
- 3 PRESIDING JUDGE SCHMITT: [15:38:42] I think we are in private session.
- 4 MR KNOOPS: [15:38:44] Okay.
- 5 QUESTIONED BY MR KNOOPS:
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 MR KNOOPS: [15:39:23] Thank you, Mr President.
- 12 PRESIDING JUDGE SCHMITT: [15:39:24] Thank you very much, Mr Knoops.
- 13 Mr Witness, this concludes your testimony. On behalf of Chamber I would like to
- 14 thank you that you came to The Hague, that you testified here to help us to determine
- 15 the truth.
- 16 We wish you, on behalf of the Chamber, a safe trip back home, Mr Witness.
- 17 THE WITNESS: [15:39:52](Interpretation) I, in my turn, would also like to
- 18 thank you.
- 19 PRESIDING JUDGE SCHMITT: [15:39:55] Thank you very much.
- 20 We will finish now. The witness wanted a pause, so we can -- I think we should
- 21 finish if --
- 22 Not, Mr Knoops?
- 23 MR KNOOPS: [15:40:05] Yes, of course, Mr President, we just sent before the -- or
- 24 during the first part of the hearing, the Court, an email with the request as you, the
- 25 Chamber, so eloquently informed us about, is this very unique request of the witness

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1 to see Mr Ngaïssona.

2 PRESIDING JUDGE SCHMITT: [15:40:27] I think we have answered that, haven't
3 we? Yes.

4 MR KNOOPS: [15:40:34] We sent a response, and our request to the Chamber
5 is -- because logistically it's not possible to arrange his visit, we would ask the leave of
6 Court if the witness -- before he leaves the court, can shake hands with Mr Ngaïssona
7 in the presence of everyone.

8 PRESIDING JUDGE SCHMITT: [15:40:51] Yes, he can.

9 MR KNOOPS: [15:40:53] And then we close the matter.

10 PRESIDING JUDGE SCHMITT: [15:40:56] No problem.

11 MR KNOOPS: [15:40:57] Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [15:40:58] No problem. So -- but Mr Witness, just
13 bear with me. I said already *au revoir*, so to speak.

14 (The witness is excused)

15 PRESIDING JUDGE SCHMITT: [15:41:06] We continue on Monday. We were
16 supposed to continue at 2.30. We'll start 15 minutes' later please, because there is
17 a high-ranking guest and we will speak with him. That means a quarter to 3 o'clock,
18 14:45, please.

19 Thank you very much.

20 On Monday -- you don't believe me?

21 MR VANDERPUYE: [15:41:24] I completely believe you, but it seemed that the
22 witness wanted to say something, that's all.

23 PRESIDING JUDGE SCHMITT: [15:41:31] Well, I have already -- I think all is said,
24 perhaps not everything is done, but all is said; so this concludes the hearing for today.

25 THE COURT USHER: [15:41:43] All rise.

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1 (The hearing ends in private session at 3.41 p.m.)