

Trial Hearing  
WITNESS: CAR-D30-P-4720

(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 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 Thursday, 25 April 2024  
9 (The hearing starts in open session at 9.31 a.m.)  
10 THE COURT USHER: [9:31:56] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE SCHMITT: [9:32:18] Good morning, everyone.  
14 Good morning, Madam Witness.  
15 Court officer, please call the case.  
16 THE COURT OFFICER: [9:32:29] Good morning, Mr President, your Honours.  
17 Situation in the Central African Republic II 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: [9:32:46] Thank you.  
21 The appearances of the parties. Ms Henderson, first.  
22 MS HENDERSON: [9:32:52] Good morning, Mr President, your Honours.  
23 The Prosecution remains unchanged. We are represented by Mr Kweku  
24 Vanderpuye, Mr Yassin Mostfa and myself, Claire Henderson.  
25 PRESIDING JUDGE SCHMITT: [9:33:07] Thank you. Ms Douzima.

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1 MS DOUZIMA-LAWSON: [9:33:11](Interpretation) Mr President, your Honours, the  
2 team for the victims of the other crimes hasn't changed. It's myself, and Maître  
3 Ombeni.

4 MS VETRUCCHIO: [9:33:30] Good morning, your Honours.

5 The former child soldiers are represented by myself, Ludovica Vetruccio, office of the  
6 public counsel for victims. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.

8 Ms Guissé.

9 MS GUISSÉ: [9:33:38](Interpretation) Good morning, Mr President.

10 Mr Yekatom is in the Chamber today and he is assisted by Charlotte Floquet, as well  
11 as Florent Pages-Granier, as well as me, Anta Guissé.

12 PRESIDING JUDGE SCHMITT: [9:33:51] And Mr Knoops, please.

13 MR KNOOPS: [9:33:53] Very good morning, Mr President. Good morning,  
14 your Honours. Good morning, everyone in the courtroom. Good morning,  
15 Madam Witness.

16 The Defence of Mr Ngaïssona is unchanged in comparison with yesterday, with the  
17 exception of myself and Ms Justine Crête; she is our new intern who is sitting behind.

18 PRESIDING JUDGE SCHMITT: [9:34:14] Thank you very much.

19 Again, good morning, Madam Witness. I have been informed that you would like to  
20 say something. What is it about, Madam Witness, you want to talk about?

21 We are in open session, I think. Then let's go to private session I think.

22 Thank you, Mr Vanderpuye.

23 (Private session at 9.34 a.m.)

24 THE COURT OFFICER: [9:34:49] We are in private session, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:34:51] Thank you.

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1 Madam Witness, as I said, I have been informed you wanted to say something. We  
2 would -- you know, normally a witness - and you know that, of course - answers  
3 questions. So we don't listen to speeches, so to speak, but what is it about? What  
4 do you want to say?

5 WITNESS: CAR-D30-P-4720 (On former oath)

6 (The witness speaks French)

7 THE WITNESS: [9:35:20](Interpretation) Thank you, Mr President.

8 Good morning to you, and good morning to the Judges and the Court. Just when it  
9 comes to my testimony, I wanted to share some personal feeling with you that I  
10 wanted to share with you and the Court, regardless of the questions that will be put  
11 to me and for which I'm here to answer to.

12 PRESIDING JUDGE SCHMITT: [9:35:49] Well, I think we have experienced you the  
13 last couple of days, so I -- if I tell you now that I allow you to do that, that's not the  
14 usual thing. But please keep -- don't -- as I said, don't make a huge speech. You  
15 understand? I think we understand each other, yes?

16 THE WITNESS: [9:36:14](Interpretation) Very well, Mr President.

17 PRESIDING JUDGE SCHMITT: [9:36:17] So then, in short, I give you the floor so  
18 you can say something.

19 THE WITNESS: [9:36:25](Interpretation) Thank you very much from a very -- my  
20 very sincere thanks.

21 I just wanted to share with this respectful assembly, I wanted to share something  
22 about my fellow Central African citizens and Mr Ngaïssona, Mr Yekatom. For me,  
23 they're not anodyne for me. They are not just random people. They are elected  
24 officials of our country. And in our country, not just anyone can become a member  
25 of parliament or an elected official. They are chosen by the people, because in

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1 a constituency you can have over 10 candidates, even for the presidential election.

2 The functions that were held by the MPs of the Central African Republic go beyond

3 their initial responsibilities. They are there to vote laws. And in the CAR, they also

4 have the position of mayors who are -- and mayors are the first citizens of

5 a constituency --

6 PRESIDING JUDGE SCHMITT: [9:37:58] Madam Witness --

7 THE WITNESS: [9:38:10](Interpretation) -- and they look after the people.

8 PRESIDING JUDGE SCHMITT: [9:38:10] Madam Witness, I have to interrupt you.

9 This is not part of your testimony. These are your personal views, which are

10 specifically -- of course they are important for you because they are personal, there is

11 emotion behind it. But in a court of law we are taking evidence, and evidence by

12 witnesses means that the parties or the judges ask you questions and you answer

13 them. So I have to interrupt you - I think you understand that - and I give the floor

14 to Ms Henderson to continue her examination.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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8 Q. [11:32:01] I want to take you again to a document that you saw yesterday with

9 Ms Proulx. It is at tab 16 of the Defence binder, CAR-OTP-2091-1783.

10 Madam Witness, you recall seeing that yesterday, I think.

11 A. [11:32:36] Yes, Madam Prosecutor.

12 Q. [11:32:38] It's an interview of Mr Bozizé of 9 August 2013 with the media outlet

13 *Ouest France*.

14 And my questions now on this are very simple.

15 Had you seen this article before yesterday?

16 A. [11:33:02] No. I hadn't seen it.

17 Q. [11:33:08] Did you otherwise know that it existed?

18 A. [11:33:22] I can't know that, Madam Prosecutor.

19 Q. [11:33:27] Yesterday, Ms Proulx also showed you an interview that Mr Bozizé

20 did with RFI on 10 August 2013. She took you to some excerpts of that; do you

21 recall?

22 A. [11:33:56] If it was ON RFI, from time to time we listened to RFI. That was the

23 radio station we used to listen to for international news. I could learn about it from

24 RFI, that's all.

25 Q. [11:34:14] To make it easier, let me display it to you.



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1 So it's tab 17 of the Defence binder, CAR-OTP-2091-1804.

2 And I'm just asking if you had seen this interview with Mr Bozizé before you were  
3 shown it yesterday?

4 A. [11:34:43] I haven't seen it, Madam Prosecutor.

5 Q. [11:34:47] Had you heard a recording of the interview? Have you heard it  
6 ever?

7 A. [11:35:01] No, I don't remember it at all. This interview, no.

8 Q. [11:35:19] I'm going to read out in French precisely what Mr Bozizé said in that  
9 interview in case it rings a bell for you.

10 In French: (Interpretation) The political path, because the path of weapons only comes  
11 when the political solution is not found. Then one chooses the path of arms. It's  
12 always been the case.

13 MS PROULX: [11:35:53] I'm sorry. I'm again asking for a reference.

14 PRESIDING JUDGE SCHMITT: [11:35:58] We haven't given the reference yet, but  
15 it's -- it's a document that you showed the witness yesterday?

16 MS PROULX: [11:36:06](Interpretation) I don't think so.

17 PRESIDING JUDGE SCHMITT: [11:36:08] Not?

18 MS HENDERSON: [11:36:09] I can explain.

19 PRESIDING JUDGE SCHMITT: [11:36:11] Yes.

20 MS HENDERSON: [11:36:12] The written version is what has been displayed on the  
21 screen from the RFI website, and that I've given the reference for. The basis on  
22 which I put the precise words comes from an audio recording that is publicly  
23 available on the RFI website. My learned friend is right that it is not actually in  
24 evidence or on the list, but it is publicly available and verifiable which gives the basis,  
25 the good-faith basis, for me to put the question to the witness.

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1 PRESIDING JUDGE SCHMITT: [11:36:49] Ms Proulx.

2 MS PROULX: [11:36:51](Interpretation) I mean, I think I understand that this was  
3 not disclosed to us; is that correct?

4 MS HENDERSON: [11:36:58] That's correct. I simply ask to be able to put to the  
5 witness whether she recalls hearing these words uttered and, as I said, we are happy  
6 to provide the link so that the parties and Chamber can verify it.

7 PRESIDING JUDGE SCHMITT: [11:37:12] With this restricted purpose, you can ask  
8 the witness. We are not going further.

9 Also, the other aspect is that the witness was not part of it, but since also the Defence  
10 has addressed issues in that regard, this one question in that regard, yes.

11 MS HENDERSON: [11:37:38]

12 Q. [11:37:38] Madam Witness, it's just the same question that I asked before.

13 You heard me in French read out the words of Mr Bozizé, and my question was if you  
14 ever heard Mr Bozizé utter those words?

15 A. [11:38:00] I never heard that.

16 (Redacted)

17 (Redacted)

18 (Redacted)

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3 MS HENDERSON: [11:44:07] (Redacted)

4 Q. [11:44:09] Madam Witness, are you aware of a press article published in the

5 16 August 2013 edition of *Jeune Afrique* containing an interview with Mr François

6 Bozizé with the title (Interpretation) "Sooner or later I will come back"?

7 (Speaks English) Are you aware of such an article?

8 A. [11:44:39] I've never heard of such an article, not at all. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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(Private Session)

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1 Q. [12:01:54] Madam Witness, we're also there. I just want to ask you briefly  
2 about an answer that you gave yesterday to Ms Proulx when she asked you about  
3 what you came to find out about the Anti-Balaka after they attacked Bangui in  
4 December 2013.

5 The reference to the transcript is T-281, 11:51:41.

6 I'll just read out your response and then I'll ask you a question about it to follow up.

7 You said this, in English:

8 "They didn't speak about Anti-Balaka at first. This name was not mentioned, but we  
9 were told that there was a group of a certain number of people, that it was strange  
10 that they had come, that they wanted to march on Bangui and that they were stopped  
11 in front of the national assembly building on Independence Avenue which is the road  
12 that leads to the city centre".

13 Madam Witness, do I understand you to be saying there that you didn't hear the  
14 name "Anti-Balaka" until after they had attacked Bangui?

15 A. [12:03:34] No, I can confirm that I had not heard the name "Anti-Balaka"  
16 mentioned beforehand.

17 Q. [12:03:47] I think that there was a -- an interpretation issue. My question was:  
18 Do I understand that you didn't hear the name "Anti-Balaka" until after they had  
19 attacked Bangui?

20 A. [12:04:11] It is afterwards that we started hearing the term "Anti-Balaka".  
21 That's it.

22 Q. [12:04:21] Do you recall how much longer after 5 December it was that you first  
23 heard the name Anti-Balaka?

24 A. [12:04:39] Well, I don't know precisely, but all that I know is that we had our  
25 ears to the ground on everything that was happening because it was with the arrival

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1 of these people that they started to stop people getting killed, massacred. But I can't  
2 tell you today that it was this or that day or this or that week. I have no way of  
3 knowing that.

4 PRESIDING JUDGE SCHMITT: [12:05:09] Ms Henderson, I wonder if we could go  
5 to open session.

6 At least the last question is a bit -- was borderline in that regard.

7 MS HENDERSON: [12:05:19] Yes, just one moment, your Honour.

8 Let me --

9 PRESIDING JUDGE SCHMITT: [12:05:21] Yeah, please.

10 MS HENDERSON: [12:05:22] Let me review this.

11 I think so, your Honour. We can try.

12 PRESIDING JUDGE SCHMITT: [12:05:47] Okay, open session. We give it a try,  
13 yes.

14 (Open session at 12.06 p.m.)

15 THE COURT OFFICER: [12:06:06] We're in open session, Mr President.

16 MS HENDERSON: [12:06:16]

17 Q. [12:06:16] Madam Witness, we're now in open session. If you want to go into  
18 private session to give an answer, please indicate that to us.

19 Were you aware that Mr Banoukepa gave an interview on 5 December 2013, the day  
20 of the Anti-Balaka's attack on Bangui?

21 A. [12:06:51] (No Interpretation)

22 PRESIDING JUDGE SCHMITT: [12:06:54] Could we have -- first could we have --

23 THE WITNESS: [12:06:57](Interpretation) I never heard this, Madam Prosecutor.

24 PRESIDING JUDGE SCHMITT: [12:07:01] Okay. The reference, please.

25 MS HENDERSON: [12:07:05] Yes, the reference is tab 10 of the Prosecution binder,

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1 CAR-OTP-2088-2034. And I would ask to have the floor for Mr Vanderpuye to play  
2 this audio to the witness. The transcript is available at CAR-OTP-2107-1596. It's a  
3 two-minute extract approximately and we will play the entirety to the witness.

4 PRESIDING JUDGE SCHMITT: [12:07:43] When the interpreter is ready, please give  
5 us a sign. Thumbs up, yeah. He is, so we can play it.

6 (Playing of the audio excerpt)

7 THE INTERPRETER: [12:07:56] (Interpretation of the audio excerpt)

8 "Reestablishing functional order that is ongoing in Bangui today. We are calling for  
9 the space for the political bodies in order to save our citizens, that's what we're calling  
10 for at FROCCA. And we are -- and we are calling to help our young brothers and  
11 sisters who are taking action now. So we are together and we are at the  
12 head -- political head of the organisation. If the people rise up, we are with the  
13 people. The Anti-Balaka are Central Africans who want to liberate their country  
14 from the jihadists who have come from Darfur, Chad and Sudan. You know that the  
15 events that are going on in Bangui are not a rebellion like that of the Seleka. It is an  
16 independent people who does not want to be subjugated, who wants to put an end to  
17 unpunished crimes.

18 What is your message to the Central African people?

19 On this day of 5 December, I'm calling to all Central Africans to rise up as a single  
20 man in order to kick out of our territory these Islamist foreign invading people who is  
21 humiliating us. With the call -- with the -- the reason for our call to support the  
22 liberating action on 5 December of our young brothers and sisters in the Balaka.

23 What do you think about the probable deployment of a UN force in Central African?

24 The UN will not say and will not elect representatives of the Central African people.

25 The UN will be here to ensure security, the security of us normal people, Central

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1 African citizens, who are the subjects and victims of Seleka who has been enslaving us  
2 since 24 March 2013, who has been enslaving our people."

3 PRESIDING JUDGE SCHMITT: [12:10:06] Madam Witness, have you ever heard  
4 that, these -- this interview on the radio? Now you know, now that you hear the  
5 words, the concrete words, does that ring a bell with you?

6 THE WITNESS: [12:10:25](Interpretation) {ICR : (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)}

10 PRESIDING JUDGE SCHMITT: [12:10:54] Madam Witness, this is perfectly  
11 understandable. We just wanted to make sure.

12 There might not be a lot of follow-up questions?

13 MS HENDERSON: [12:11:04] Just one, your Honour.

14 PRESIDING JUDGE SCHMITT: [12:11:05] Yeah.

15 MS HENDERSON: [12:11:07]

16 Q. [12:11:08] Madam Witness, you've now heard Mr Banoukepa's words. You've  
17 come here to testify that there were never fighters within FROCCA to the best of your  
18 knowledge.

19 Reference from yesterday's transcript 281, 11:41:26.

20 Having heard that recording now, do you still stand by that?

21 A. [12:11:48] I still stand by what I said yesterday. I can confirm that within  
22 FROCCA there was no military branch. I don't know about this. There wasn't such  
23 a thing. We didn't discuss it.

24 Now, given what I've just heard and given this text, I hear that he said that the

25 Anti-Balaka were made up of the people; he did not speak about a military group, of

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1 a military -- an armed military group that was part of FROCCA. He's speaking  
2 about the people rising up and if the people are rising up, the FROCCA was  
3 supporting these people. That's what I've understood from Mr Banoukepa's  
4 message, from what I just heard.

5 Q. [12:12:46] Madam Witness, you heard Mr Banoukepa say that FROCCA was the  
6 political head? You agree with that, right?

7 A. [12:13:05] What I heard is this: He said that FROCCA was leading the political  
8 branch. I heard the word "political" in this text.

9 PRESIDING JUDGE SCHMITT: [12:13:36] Madam Witness, does this imply for you,  
10 if he speaks about a political branch, that there is also another branch?

11 THE WITNESS: [12:13:48](Interpretation) No. I was answering the question that  
12 was put to me by Madam Prosecutor who was trying to say that the FROCCA was  
13 behind the Anti-Balaka. That's why I said no. What he said in this message is that  
14 the Anti-Balaka were made up of the people of the country and when they would rise,  
15 the FROCCA, the political representative, would follow the people. That is what  
16 I understood from this message and that is what I wanted to say.

17 PRESIDING JUDGE SCHMITT: [12:14:25] The answer of the witness is clear and, of  
18 course, we -- you can interpret a speech, an interview in different ways. You have  
19 asked the witness, the witness has her views on that, and we do not discuss this with  
20 the witness.

21 MS HENDERSON: [12:14:43] Yes, your Honour, I had no further questions.

22 Q. [12:14:46] I thank you for your time and patience, Madam Witness.

23 PRESIDING JUDGE SCHMITT: [12:14:51] Thank you, Ms Henderson.

24 Yes, Ms Proulx, of course, I would have asked you if you have further questions, of  
25 course. I hope you make it short though.



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1 MS PROULX: [12:14:58] I do intend to make it short, Mr President.

2 QUESTIONED BY MS PROULX:(Interpretation)

3 Q. [12:15:06] Hello, Madam Witness, I have a few short questions for clarification  
4 of what you said to Madam Henderson.

5 PRESIDING JUDGE SCHMITT: [12:15:14] We are in open session, you are aware of  
6 that.

7 MS PROULX: [12:15:16] Yes, and I would like to go into private session, please.

8 PRESIDING JUDGE SCHMITT: [12:15:19] For the audience, you may have  
9 recognised that this is a protected witness and when issues are talked about or  
10 questions are put to the witness that could reveal her identity, then we have to go to  
11 private session.

12 Private session.

13 (Private session at 12.15 p.m.)

14 THE COURT OFFICER: [12:15:54] We are in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

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7 (Open session at 12.20 p.m.)  
8 THE COURT OFFICER: [12:20:04] We're in open session, Mr President.  
9 PRESIDING JUDGE SCHMITT: [12:20:07] Thank you. Madam Witness, this  
10 concludes your testimony. On behalf of the Chamber, I would like to thank you that  
11 you have taken it upon you to come to The Hague and testify for at least during  
12 four days. We appreciate that a lot. Without witnesses who come forward to assist  
13 us we have no chance to determine the truth. As I said we thank you for that and we  
14 wish you a safe trip back home.  
15 THE WITNESS: [12:20:44](Interpretation) It is I who thank you, Mr President. And  
16 I'd like to thank the Court for taking the time and being able to accept my modest  
17 contribution. Thank you very much.  
18 PRESIDING JUDGE SCHMITT: [12:20:59] This concludes, obviously, also the  
19 hearing for today. The Court is adjourned and we reconvene I think on Monday the  
20 week after next week. I don't know which witness, I don't have it in my mind, but  
21 we'll see then, yeah.  
22 The Court is adjourned.  
23 THE COURT USHER: [12:21:12] All rise.  
24 (The hearing ends in open session at 12.21 p.m.)