

1 International Criminal Court
2 Pre-Trial Chamber II
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 Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Rosario Salvatore Aitala
8 Confirmation of Charges Hearing - Courtroom 1
9 Wednesday, 25 September 2019
10 (The hearing starts in open session at 12.05 p.m.)
11 THE COURT USHER: [12:05:03] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [12:05:40] (Interpretation) Good morning to
15 everyone. I would like to welcome everyone present today in and around this Court,
16 as well as in the public gallery.
17 Court officer, please read the case.
18 THE COURT OFFICER: [12:06:06] Good morning, Mr President, your Honours.
19 The situation in the Central African Republic II, in the case of The Prosecutor versus
20 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [12:06:28] (Interpretation) Thank you very much,
23 court officer.
24 I would like to apologise on behalf of the Chamber for this delay, but the court officer
25 already announced it for specific reasons.

1 Once again, I would like to welcome all the parties and participants, as well as the
2 suspects, Mr Yekatom and Mr Patrice-Edouard Ngaïssona.

3 And now for the appearances, let us begin with the Office of the Prosecutor.

4 MR VANDERPUYE: [12:07:12] Good morning, Mr President. Good morning,
5 your Honours. Good morning, everyone. Today the Office of the Prosecutor is
6 represented by Olivia Struyven, Eric Iverson, Irina Galupa, Pierre Belbenoit Avich,
7 George Mugwanya, Nicholas Leddy, Manochitra Prathaban, Yassin Mostfa,
8 Zoe Brereton, Lillian Robb and Claire Henderson. I'm Kweku Vanderpuye.
9 Good morning.

10 PRESIDING JUDGE MINDUA: [12:07:45] (Interpretation) Thank you very much,
11 Mr Vanderpuye.

12 And now the Defence teams, starting with the team of Mr Yekatom.

13 MS DIMITRI: [12:07:57] Good morning, Mr President. Good morning, your
14 Honours. Good morning to everyone. Today the Defence of Mr Yekatom is
15 represented by Peter Robinson, Yuqing Liu, Florent Pages-Granier, Lena Casiez,
16 Wilhelmina Whittingham, Justine Bernatchez and myself Mylène Dimitri.

17 PRESIDING JUDGE MINDUA: [12:08:20] (Interpretation) Thank you very much,
18 Maître Dimitri.

19 The Defence team for Mr Ngaïssona.

20 MR KNOOPS: [12:08:29] Good morning, Mr President, your Honours. Good
21 morning, everyone. The Defence team of Mr Ngaïssona is represented by, to my left
22 side, Mrs Lauriane Vandeler, to my right side, Ms Sara Pedroso, Madam Giudici,
23 Madam Carrin, Madam Dyk, and Maître Kokongo. And I think I didn't miss anyone.
24 Maître Kokongo, I already mentioned you. Thank you, Mr President.

25 PRESIDING JUDGE MINDUA: [12:09:01] (Interpretation) Thank you very much,

1 Mr Knoops.

2 Now the Legal Representatives of Victims.

3 MR SUPRUN: [12:09:12] (Interpretation) Good morning, your Honours. The
4 victims are represented today by Ludovica Vetrucchio, Joseph Akem-Mevoungou, and
5 myself Dmytro Suprun, the office of public -- office for the victims.

6 MS MASSIDDA: [12:09:35] (Interpretation) Good morning, your Honours. For the
7 teams representing the victims of the other crimes Paolina Massidda, there is
8 Maître Mpoko, Mr Lariviere, Asso, and the others.

9 MS RABESANDRATANA: [12:10:01] (Interpretation) Good morning. This is
10 Maître Rabesandratana for the rest of the victims.

11 MS DOUZIMA-LAWSON: [12:10:11] (Interpretation) Mr President, your Honours,
12 I am Maître Marie-Edith Douzima-Lawson. I'm the Legal Representative of other
13 victims.

14 MR DANGABO MOUSSA: [12:10:35] (Interpretation) Good morning Mr President.
15 Good morning, your Honours.

16 MR FALL: [12:10:39] (Interpretation) Good morning, Mr President, your Honours.
17 I am Maître Yaré Fall. I am a member of the team representing the victims of the
18 other crimes.

19 PRESIDING JUDGE MINDUA: [12:10:57] (Interpretation) With Maître Fall I think
20 this comes to the end of the appearances of the representatives of victims.

21 I note that there is no representative of the Registry.

22 And then as you have noticed, the composition of Pre-Trial Chamber II remains the
23 same.

24 Now contrary to what we had scheduled yesterday, I am instead going to read out an
25 oral decision of the Chamber. I will read out the decision slowly so that everyone

1 can understand fully.

2 At the end of yesterday's session, the Chamber announced that today's hearing would
3 be devoted to the Judges' questions. After careful consideration of the submissions
4 of the parties and participants during the first four days of the hearing, the Chamber
5 finds it necessary that the Prosecutor be provided with an opportunity to respond in
6 writing to the submissions by the Defence for Mr Yekatom and the Defence for
7 Mr Ngaïssona.

8 The Chamber stresses that these additional written submissions, as well as the closing
9 statements, are intended to constitute, and shall only be useful to the extent that they
10 constitute specific responses to submissions made at the hearing. They shall not
11 reiterate arguments already contained in the Document Containing the Charges or
12 submitted at the hearing. The Chamber also recommends that the Prosecutor refrain
13 from making any broad statements regarding the facts, and make reference to specific
14 items of evidence supporting any given allegation.

15 In order to allow the parties and participants adequate time to prepare, in accordance
16 with the above instructions, the Chamber finds it necessary to postpone the closing
17 statements until Friday, 11 October 2019. That is Friday, 11 October 2019. The
18 Chamber notes that receiving further detailed information from the parties, based on
19 developments at the hearing, will meaningfully assist it in its forthcoming
20 deliberations.

21 Accordingly, the Chamber decides to amend the schedule of the confirmation hearing
22 as follows:

23 One, there will be no session devoted to the Chamber's questions;

24 Two, the Chamber orders the Prosecutor to respond in writing to the issues raised by
25 the Defence of Mr Yekatom and the Defence for Mr Ngaïssona at the hearing by

1 submitting written observations, not exceeding 50 pages and no later than Thursday,
2 3 October 2019. The Defence for Mr Yekatom and Mr Ngaïssona and the Legal
3 Representatives of Victims shall have until Thursday, that is Thursday,
4 10 October 2019 to respond to the Prosecutor's observations if they so wish. They are
5 not compelled to do so. Only if they so wish. No extension of time or page limit
6 will be considered;

7 Three, the closing statements shall be postponed to Friday, 11 October, that is
8 11 October 2019, at which time the Chamber will sit for three sessions. The amount
9 of time provided to the parties for the closing statements shall remain the same as that
10 set out in the order setting the schedule for the confirmation of charges hearing,
11 which is filing number 327 in the case file.

12 This concludes the Chamber's oral ruling.

13 I can see Maître Dimitri on her feet. You have the floor.

14 MS DIMITRI: [12:18:49] Unless I'm mistaken, I didn't hear the number of pages for
15 the Defence brief that is due on 10 October. I heard 50 for the Prosecution, but I
16 didn't hear for the Defence.

17 (Pre-Trial Chamber confers)

18 PRESIDING JUDGE MINDUA: [12:19:07] (Interpretation) That is absolutely correct,
19 Counsel. It is the same number of pages, 50.

20 MS DIMITRI: [12:19:19] (Interpretation) Much obliged, your Honour.

21 PRESIDING JUDGE MINDUA: [12:19:23] (Interpretation) In accordance with the
22 order of the Chamber which has just been handed down, we shall now adjourn for
23 two weeks. We will resume on Friday, 11 October 2019 for the closing submissions.
24 We have now come to the end of our hearing of today. Let me conclude by thanking
25 the public in the gallery, as well as the parties and participants.

1 Mr Knoops is on his feet. You have the floor, sir.

2 MR KNOOPS: [12:20:07] I'm very sorry, Mr President, to interrupt. Just for
3 assisting the Chamber and the Prosecution and the participants, our Defence is
4 willing to provide the Chamber and the other parties a list with all our references, the
5 CAR-OTP numbers we mentioned. It went maybe relatively fast for the
6 interpretation. But if the Court might appreciate, and the Prosecution and the
7 participants, we can provide the Chamber and the other parties and participants a list
8 with all our references we used during our submissions, either today or tomorrow. I
9 don't know whether that's possible. Or based on the edited version of the transcript,
10 we can also maybe make corrections. Otherwise the Prosecution might say that we
11 have used the wrong reference while we did use the correct reference, but it might not
12 be reflected correctly on the transcript. So we can also wait for the non-edited
13 transcript version and then respond to the version with the potential corrections of
14 our references, Mr President. Thank you.

15 PRESIDING JUDGE MINDUA: [12:21:24] (Interpretation) But, Counsel, the
16 Chamber has the transcripts and then you have 50 pages. Do you really think that
17 you need to provide additional documents?

18 MR KNOOPS: [12:21:40] No, Mr President, it's not about additional documents.
19 It's just assisting the Prosecution in responding to our references. Thank you.

20 PRESIDING JUDGE MINDUA: [12:21:51] (Interpretation) I don't know what the
21 Prosecutor thinks about it, that is an offer from the Defence.

22 MR VANDERPUYE: [12:21:57] I'm not one to refuse an offer, Mr President. To the
23 extent that the Ngaïssona Defence is willing to assist our formulation of a response to
24 the arguments they have presented, we're happy to discuss that with them, and
25 I think it will be fine.

- 1 PRESIDING JUDGE MINDUA: [12:22:14] (Interpretation) Very well. The Chamber
2 would like to encourage such friendly cooperation between the parties.
3 As I was saying, I would like to thank all the parties, not forgetting those who are
4 working in the sidelines, the interpreters, the court reporters, and obviously the
5 security officers.
6 I wish everyone a good afternoon. The hearing is hereby adjourned.
7 Court officer, please.
8 THE COURT USHER: [12:22:59] All rise.
9 (The hearing ends in open session at 12.23 p.m.)