

Trial Hearing
WITNESS: CAR-OTP-P-1416

(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, 3 February 2022
10 (The hearing starts in open session at 11.34 a.m.)
11 THE COURT USHER: [11:34:05] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [11:34:32] Good morning, everyone.
15 Good morning Mr Witness.
16 Court officer, please call the case.
17 THE COURT OFFICER: [11:34:38] Good morning, Mr President, your Honours.
18 Situation in the Central African Republic II, in the case of The Prosecutor versus
19 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [11:34:54] Thank you very much.
22 I ask for the appearances of the parties.
23 Mr Leddy for the Prosecution first, please.
24 MR LEDDY: [11:35:00](Interpretation) Good morning, Mr President, your Honours.
25 I'm Nicholas Leddy appearing on behalf of the Office of the Prosecutor. With me

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1 today in court is Kweku Vanderpuye, Pierre Belbenoit Avich, and Yassin Mostfa.

2 PRESIDING JUDGE SCHMITT: [11:35:15] Thank you.

3 For the representatives of the victims, Ms Douzima.

4 MS DOUZIMA LAWSON: [11:35:21](Interpretation) Good morning, your Honour.

5 The Legal Representatives of victims of the other crimes are represented by myself,

6 Ms Douzima, and Ms Paolina Massidda.

7 PRESIDING JUDGE SCHMITT: [11:35:35] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [11:35:36] Good morning, Mr President, your Honours. The former
10 child soldiers are represented today by Fiona Lau, associate legal officer, and myself,
11 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [11:35:51] Defence, please.

13 MS DIMITRI: [11:35:53] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom,
15 is represented this morning by Ms Laurence Hortas-Laberge, Ms Sabine Bayssat,
16 Ms Daniela Mvougou Police and myself, Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [11:36:08] Thank you.

18 And Mr Knoops.

19 MR KNOOPS: [11:36:10] Good morning, Mr President, your Honours. Good
20 morning, everyone. I'm assisted today by Ms Sara Pedroso, Barbara Szmatala,
21 Alexandre Desevedavy. Thank you.

22 PRESIDING JUDGE SCHMITT: [11:36:23] Thank you.

23 Mr Witness, I want to welcome you first and I want to address you personally.

24 Do you understand me, Mr Witness?

25 WITNESS: CAR-OTP-P-1416

1 (The witness speaks Sango)

2 (The witness gives evidence via video link)

3 THE WITNESS: [11:37:01](Interpretation) Are you asking me a question? I was
4 asking if you were asking me a question.

5 PRESIDING JUDGE SCHMITT: [11:37:13] Mr Witness, I'm addressing you
6 personally. I welcome you. Good morning. My name is Bertram Schmitt. I am
7 the Presiding Judge of this case. My two fellow Judges are Péter Kovács and
8 Chang-ho Chung. And I would like to address you personally with regard to your
9 testimony.

10 Do you understand?

11 THE WITNESS: [11:37:55](Interpretation) Yes, I understand just fine what is being
12 said to me in Sango.

13 PRESIDING JUDGE SCHMITT: [11:38:01] Thank you.

14 Mr Witness, we have been informed about the fears that you have to testify today.

15 We as the judges fully understand these fears. Because of that, we have put

16 measures in place to protect you so that the public does not know who you are. We
17 very much hope that this helps you to overcome your fears.

18 Furthermore, please consider what I am now saying. The Court needs people like

19 you. The Court needs witnesses that testify and help us to understand what

20 happened in your country. We need witnesses that testify and help us to establish

21 the truth. And we think that also the people in the CAR have a right to know the

22 truth. So you can see it perhaps this way, testify today and perhaps tomorrow, tell

23 us the truth about what happened for the benefit of your people too.

24 So did you understand what I said, Mr Witness?

25 THE WITNESS: [11:40:35](Interpretation) I've understood.

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1 PRESIDING JUDGE SCHMITT: [11:40:36] Mr Witness, so can we continue?

2 THE WITNESS: [11:40:58](Interpretation) I have something to say. If I were
3 worried, I wouldn't be here.

4 PRESIDING JUDGE SCHMITT: [11:41:11] Okay. So then we -- yeah. So I
5 understand you that we simply continue. Thank you very much for this.

6 Mr Witness, there should be a card on the desk in front of you with a solemn
7 undertaking to tell the truth. Please be so kind to read out loud the content of this
8 card and to make your solemn undertaking.

9 If there is no card in front of you, then I would like to be informed by our people on
10 the ground, so to speak, at the video-link location, and then I would tell you what the
11 words for the solemn undertaking are.

12 THE WITNESS: [11:42:37](Interpretation) I think that before coming here I
13 was -- well, something happened at 10 o'clock. I had a shock and I lost my left eye,
14 and with my other eye, I can't see very well. That's why I'm here to explain what
15 happened to me today at about 10 in the morning.

16 PRESIDING JUDGE SCHMITT: [11:43:15] Do you still have this problem?

17 THE WITNESS: [11:43:17](Interpretation) Do you -- don't you understand me?

18 PRESIDING JUDGE SCHMITT: [11:43:20] Mr Witness, we fully understand you.
19 We hear what you say, and of course we take care of that.

20 Do you still have the problem? Do you feel ready to testify?

21 THE WITNESS: [11:43:53](Interpretation) Let me repeat. It's been three days now.
22 I told (Redacted) about it. For the last three days, I haven't been sleeping, I haven't
23 been eating because of my eye. It's been three days now that I've had this problem.
24 I can't see with that eye. When I close the other eye, I just have a white sort of cloud
25 in front of me.

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1 If I wasn't willing to testify, I would not have turned up here, but something has
2 happened to me. I'm a human being. I'm here. I was given some tea which I
3 didn't drink because I have no appetite. I explained everything (Redacted)
4 (Redacted) didn't want to understand what I was telling him. Do you want me to
5 fall down dead right here? If I had a heart attack and died after the discussion I had
6 with (Redacted).I'm right here in front of you and I can tell you what happened to me.

7 PRESIDING JUDGE SCHMITT: [11:45:10] So we understand that, Mr Witness.

8 We go to private session.

9 (Private session at 11.45 a.m.)

10 THE COURT OFFICER: [11:45:31] We are in private session, Mr President.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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- 14 (The hearing ends in private session at 11.57 a.m.)