

Trial Hearing
WITNESS: CAR-OTP-P-1716

(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 Wednesday, 20 July 2022
10 (The hearing starts in open session at 10.26 a.m.)
11 THE COURT USHER: [10:26:35] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [10:26:56] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [10:27:01] 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 from open session.
20 PRESIDING JUDGE SCHMITT: [10:27:15] Thank you.
21 The appearances of the parties. Prosecution, first.
22 MR SCALIOTTI: [10:27:21] Good morning, Mr President, your Honours and
23 everyone in the courtroom. The Prosecution today is represented by Kweku
24 Vanderpuye, Yassin Mostfa, Maria Berdennikova at my side, and myself, Massimo
25 Scaliotti.

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- 1 PRESIDING JUDGE SCHMITT: [10:27:35] Thank you.
- 2 And then we turn to the representatives of the victims.
- 3 MS RABESANDRATANA: [10:27:40](Interpretation) Good morning, Mr President.
- 4 Good morning, your Honours. Good morning, everyone.
- 5 The victims representatives are represented by Mouhia Asso and myself, Elisabeth
- 6 Rabesandratana.
- 7 PRESIDING JUDGE SCHMITT: [10:27:57] Thank you.
- 8 And we note for the record that the former child soldiers are represented by Mr
- 9 Suprun, who is following from the video link location.
- 10 And then we turn to the Defence. Ms Guissé, first.
- 11 MS GUISSÉ: [10:28:11](Interpretation) Good morning, Mr President, your Honours.
- 12 Mr Alfred Yekatom, who's present in the court, he's assisted today by Mr Florent
- 13 Pages-Granier and Jean Michel Kola and Alexandra Baer and myself, Anta Guissé.
- 14 PRESIDING JUDGE SCHMITT: [10:28:30] Thank you.
- 15 And Mr Knoops, finally.
- 16 MR KNOOPS: [10:28:33] Yes. Good morning, Mr President. Good morning, your
- 17 Honours. Good morning, everyone in the courtroom.
- 18 I'm assisted today with Mr Michael Rowse, on my right side; and in the second row,
- 19 Mr Alexandre Desevedavy; and Mr Ngaïssona is present, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [10:28:47] Thank you, Mr Knoops.
- 21 And we will now start with the testimony of Prosecution Witness P-1716.
- 22 Mr Witness, good morning. Can you hear and understand me well?
- 23 WITNESS: CAR-OTP-P-1716
- 24 (The witness speaks Sango)
- 25 (The witness gives evidence via video link)

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1 THE WITNESS: [10:29:28](Interpretation) Thank you very much. Good day to you.

2 I hear you very well.

3 PRESIDING JUDGE SCHMITT: [10:29:31] Thank you, Mr Witness. On behalf of
4 the Chamber, I would like to welcome you to the courtroom. You're called to testify
5 to assist this Chamber in the case of Mr Yekatom and Mr Ngaïssona.

6 Mr Witness, to protect your identity, there are measures put in place. You have been
7 informed about them. I just mentioned them shortly. There is face distortion, voice
8 distortion, and we're using a pseudonym, and that is the reason why I am addressing
9 you as "Mr Witness" and not with your real name.

10 Mr Witness, there should be a card in front of you with a solemn undertaking to tell
11 the truth. Please read this card out aloud.

12 THE WITNESS: [10:30:52](Interpretation) I state solemnly that I will speak the truth,
13 all the truth, and nothing but the truth.

14 PRESIDING JUDGE SCHMITT: [10:31:01] Thank you. Thank you very much,
15 Mr Witness. You are now under oath.

16 Before we start with your testimony, please keep in mind that everything we say here,
17 and especially also what you are saying, is written down and interpreted. And to
18 allow for the interpretation, we have to speak at a relatively slow pace. Please start
19 only answering a question after the person who has asked you has finished, and wait
20 a couple of seconds so that the interpreters can follow.

21 So we can start now with the testimony, but just a housekeeping matter, since we
22 could only start later than envisioned. We have decided, the Judges, that we will
23 have two two-hour sessions today. I think we will make due tomorrow. That's my
24 feeling, let's say, even if you have lost half an hour. So this means, until 12:30 now.
25 Perhaps a short bit before 12 we have a short break. And then from 12:30 to 2 we

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1 have the lunch break. And then from 2 to 4 o'clock we have the second two-hour
2 session.

3 Please, Mr Scaliotti, you have the floor.

4 MR SCALIOTTI: [10:32:14] Thank you very much, Mr President. And once again,
5 with your leave, I will remain seated.

6 PRESIDING JUDGE SCHMITT: [10:32:18] Of course. Of course.

7 MR SCALIOTTI: [10:32:20] Thank you.

8 QUESTIONED BY MR SCALIOTTI:

9 Q. [10:32:28] Mr Witness, good morning. We met briefly last week, but I will
10 introduce myself again. My name is Massimo Scaliotti, and I'm a trial lawyer who
11 will ask you questions today on behalf of the Office of the Prosecutor.
12 You heard the recommendation from the Presiding Judge, so speak please -- like the
13 Judge said, I invite you to speak slow when you give your answers.
14 Regarding your examination, I will ask you first some questions regarding your
15 identity. And then we will move to clarifications regarding the statement that you
16 gave to the office -- to the investigators of the Office of the Prosecutor.
17 If you don't understand one of my questions or the question is not clear, please, don't
18 hesitate, just let me know, and I will rephrase the question.
19 And, finally, if you need a break at any point in time, please let us know and -- so the
20 judges will grant you a short break.

21 Mr President, if you can move to private session for the information related to the
22 identity.

23 PRESIDING JUDGE SCHMITT: [10:33:39] Private session.

24 (Private session at 10.33 a.m.)

25 THE COURT OFFICER: [10:34:12] We're in private session, Mr President.

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15 (Redacted)

16 (Open session at 10.37 a.m.)

17 THE COURT OFFICER: [10:37:54] We're in open session, Mr President.

18 MR SCALIOTTI: [10:37:56]

19 Q. [10:37:57] Mr Witness, do you remember that you were interviewed by the
20 Office of the Prosecutor, by the investigators of the Office of the Prosecutor?

21 A. [10:38:25] Yes, I do remember.

22 Q. [10:38:29] And you gave a statement to the investigators of the Office of the
23 Prosecutor. Is this right?

24 A. [10:39:00] Yes, that is correct.

25 Q. [10:39:03] And recently you had the opportunity to review that statement. Is

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1 this correct?

2 A. [10:39:42] Yes, I did have the opportunity to review my statement before coming
3 before the court.

4 Q. [10:39:53] And you also provided some additional information to the statement.
5 You remember that?

6 A. [10:40:27] Yes, I do remember providing some additional information.

7 Q. [10:40:38] Do the statement and the additional information reflect what you said
8 to the investigators?

9 A. [10:41:13] That is correct. That is true.

10 Q. [10:41:22] And is the statement, with the additional information, true to the best
11 of your knowledge and recollection?

12 A. [10:41:58] Yes, that does reflect the reality.

13 Q. [10:42:03] So do you agree that the statement, with the additional information,
14 will be used by the Chamber as evidence in this case?

15 A. [10:42:46] Yes, I accept that this statement be regarded as evidence in this case.

16 PRESIDING JUDGE SCHMITT: [10:42:56] So this means that the witness statement,
17 CAR-OTP-2053-0062, that's the English version, and the French version is
18 CAR-OTP-2107-7495, with annexes and with the corrections made by the witness - I
19 don't have an ERN number which you provide me with - fulfil the requirements of
20 Rule 68(3).

21 MR SCALIOTTI: [10:43:29] Thank you very much, Mr President.

22 And for the record, the ERN of the additional information is CAR-OTP-2135-4118.

23 PRESIDING JUDGE SCHMITT: [10:43:42] Thank you very much. So I think you
24 can continue from there.

25 MR SCALIOTTI: [10:43:48] Mr President, I think we need to move back again in

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1 private session.

2 PRESIDING JUDGE SCHMITT: [10:43:52] I thought so too.

3 Private session.

4 (Private session at 10.44 a.m.)

5 THE COURT OFFICER: [10:44:33] We are in private session, Mr President.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [10:46:19] I knew they were Anti-Balaka because they had weapons and the

20 *gris-gris*. They themselves stated that they were Anti-Balaka. (Redacted)

21 (Redacted). And since they had weapons, I immediately knew they

22 were Anti-Balaka, because at that time, the Anti-Balaka were the only one who were

23 carrying arms in that particular way and that type of weapon -- weapons of that type.

24 (Redacted)

25 (Redacted)

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11 (Redacted)

12 A. [10:49:21] (Redacted) They were all Anti-Balaka. They

13 were numerous in the neighbourhood. They came with the same equipment and

14 accessories. Some had uniforms, others had weapons, gunfires, and machetes.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:50:41] You said that they had weapons.

22 Do you remember what weapons they had?

23 A. [10:51:08] They had machetes, the Kalashnikovs, and they had the grenades.

24 They had several types of war guns, which I can't all mention here. I can't list them

25 all here, but I do know that they had several different types of weapons. They also

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1 had 12.7.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [10:52:46] They were Anti-Balaka who were controlling the sector. (Redacted)

8 (Redacted). At that time, no one else could carry weapons or *gris-gris* and go

9 around in that sector. This made me understand that they were all Anti-Balaka.

10 Q. [10:53:13] And the Yamwara school was the Anti-Balaka base in that area, am I
11 correct?

12 A. [10:53:38] That is correct.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 Q. [11:17:05] In paragraph 40, a few paragraphs back, page 0069, you mentioned an
2 Anti-Balaka element who was at the -- at the base, at the Yamwara school, and you
3 said that this element was named Coeur de Lion, and he was apparently in charge.
4 This is what you say in your paragraph 40.

5 I would like to know how you -- how you know that this man was named Coeur de Lion.

6 A. [11:18:11](Redacted)

7 (Redacted) people had a

8 lot of respect for him and were reporting everything that was happening to him.

9 (Redacted). He was the one in command

10 of those who were there, but he also had someone who was commanding him.

11 Q. [11:19:11] Thank you, Mr Witness. We'll -- we will come back to this point in a
12 few minutes. Just some more clarification about other facts that you relate in your
13 statement.

14 PRESIDING JUDGE SCHMITT: [11:19:19] But the witness is something mentioning.
15 Why not addressing it immediately, so -- you know. When something comes up, it
16 can be dealt with, and then we can go to the next point.

17 MR SCALIOTTI: [11:19:41]

18 Q. [11:19:41] Mr Witness, please tell us, as a follow-up of your answer, you said
19 that Coeur de Lion also reported to someone. Can you tell us to whom.

20 A. [11:20:56] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 PRESIDING JUDGE SCHMITT: [11:22:35] Mr Witness, you said that this Coeur de

6 Lion - I have understood it this way - said: "I'm waiting for my chief. And when

7 my chief will arrive, I will talk to him about it."

8 Did you come to know who this chief was later on?

9 THE WITNESS: [11:23:17](Interpretation) No, he didn't hide it. He said he was

10 waiting for his chief, Rambo. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [11:27:51] I think, also, it would have to be

14 addressed, the correction that the witness made, especially with regard to the

15 wording, which is not self-explanatory, in my opinion. I think -- perhaps, since we

16 are in this process, I think we can do it now.

17 For example, it is not completely clear what the witness means when he says,

18 "*Monsieur Rambo qui était présent a dit ...*" and what follows. This is not completely

19 clear, what we should understand by this, or how the witness understood this.

20 Perhaps you can ask him that.

21 MR SCALIOTTI: [11:28:37]

22 Q. [11:28:37] Mr Witness, I would like to refer now to the additional information or

23 correction that you recently made to your statement.

24 First of all, in that document, in the additional information, you mentioned Rambo.

25 (Redacted)

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7 (Redacted)

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9 (Redacted)

10 Q. [11:37:24] Mr Witness, I would like to ask you, in your statement you had
11 mention mentioned Coeur de Lion and you said that he appeared to be in charge, but
12 there was no mention of Rambo in your statement. Rambo was also mentioned by
13 you in this additional information. Is there any explanation for that? Can you
14 explain how did this happen?

15 A. [11:38:12] If you ask me the question about him, I will answer. I spoke about
16 Coeur de Lion. Afterwards, I spoke about him. I repeat, if you had asked me the
17 question relating to him, I would have answered. But the person who questioned
18 me didn't ask me the questions about him. If I had been asked a question about him,
19 I would have answered as regards this.

20 MR SCALIOTTI: [11:38:51] Mr President, if I can consult just one second with my
21 colleagues, if you don't mind.

22 PRESIDING JUDGE SCHMITT: [11:39:00] Absolutely. Take your time.

23 (Counsel confers)

24 MR SCALIOTTI: [11:41:00]

25 Q. [11:41:02] Mr Witness, I would like to go back briefly to the narrative that you

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1 gave during your statement. You said -- you answered my question that the
2 investigators didn't ask you questions specifically about Rambo, but you -- during
3 your -- during the interview when you were answering the question of the
4 investigators, you talk extensively about Coeur de Lion.

5 So my question is, why at that time you didn't mention that Coeur de Lion was
6 reporting to someone?

7 A. [11:42:18] I spoke more of him because if I was questioned to -- about who was
8 commanding, I would have spoken about that. (Redacted)
9 (Redacted). If I had been asked questions regarding him, I would have also
10 provided information about him. But all the questions related to Coeur de Lion, and
11 that's why I answered in such a way because it was Coeur de Lion.

12 Q. [11:43:01] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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9 MR SCALIOTTI: [11:46:49]

10 Q. [11:46:50] Mr Witness, just to clarify the record, when I was asking you why you
11 didn't mention that name, the name that I referring to is Rambo, not Coeur de Lion.

12 So my question again is: Why you didn't mention the name Rambo? And I'm
13 asking you if there was any specific reason for that, not to mention the name Rambo,
14 not Coeur de Lion?

15 THE INTERPRETER: [11:48:07] Could the Prosecution repeat the question, asks the
16 Sango booth.

17 MR SCALIOTTI: [11:48:11]

18 Q. [11:48:11] Mr Witness, I wanted to clarify the record, because my question was
19 why you didn't mention the name Rambo, and you answered something related to
20 the name Coeur de Lion. So I was asking you again why you didn't mention, or is
21 there any specific reason why you didn't mention the name Rambo and not Coeur de
22 Lion?

23 A. [11:49:09] The Anti-Balaka who were based in Yamwara knew what they had
24 done in the neighbourhood. I knew that they had a chief, (Redacted)

25 (Redacted). I was not asked the question

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1 relating to the chief of everything that was happening in Yamwara. I was not asked
2 a question about the boss. The chief was present. (Redacted)
3 (Redacted)
4 Today I'm talking about it because I'm asked directly about it. The last time, no one
5 asked me a question relating to the chief. I was asked a question, and I answered
6 that particular question. I answered the question as they were put to me.
7 Today, if you ask me a question about the chief, I'll talk about the chief.
8 PRESIDING JUDGE SCHMITT: [11:50:13] I think you have to move on.
9 MR SCALIOTTI: [11:50:17] Thank you, Mr President.
10 (Redacted)
11 (Redacted)
12 MR SCALIOTTI: [11:50:21] No, thank you, Mr President. I have no further
13 questions.
14 And I would like to thank you the witness for his cooperation. Thank you.
15 PRESIDING JUDGE SCHMITT: [11:50:28] Thank you very much.
16 It's now -- I think the representatives of victims will not have because I have already
17 addressed it, Ms Rabesandratana, I assume.
18 MS RABESANDRATANA: [11:50:36](Interpretation) Mr President, you're right.
19 We have no questions.
20 PRESIDING JUDGE SCHMITT: [11:50:44] And I also think the representative of the
21 former child soldiers will have no further questions. This has also been addressed
22 by the Prosecutor during the examination.
23 Mr Suprun, am a right?
24 MR SUPRUN: [11:50:57](Via video link)(Interpretation) I have no questions for this
25 witness, Mr President.

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1 PRESIDING JUDGE SCHMITT: [11:51:06] Thank you.

2 Now it's time for Ms Guissé. You want to start immediately or ...

3 MS GUISSÉ: [11:51:24](Interpretation) Sorry, Mr President. I had a problem with
4 my microphone.

5 Well, Mr President, in fact, I would like to start with some questions which already
6 have been prepared and which won't be changed bearing in mind what has been said
7 today. However, I would like -- I think we're going until 12:30, which was agreed
8 this morning. Then I'll have the possibility of following it up tomorrow to allow me
9 to review what has been said today. And as I said, when I said I'll start tomorrow,
10 we will stop -- we will end tomorrow morning, I'm sure of that, but I would like to
11 continue tomorrow.

12 PRESIDING JUDGE SCHMITT: [11:52:11] Of course, no problem with that, but
13 if -- if it is more comfortable for you, that you completely conduct your examination
14 tomorrow, I -- I think nobody would have any objections. You know, I'm
15 just -- because I think here in the courtroom we have -- we try to establish an
16 atmosphere where the needs of every party and participant when questioning is
17 accommodated. So I'm asking you, what you prefer, so to speak.

18 MS GUISSÉ: [11:52:43] Mr President, this is so -- it's such a generous suggestion that
19 I can't refuse it. So that moment, I would prefer that we start tomorrow, and I think
20 we'll finish in two sessions. In any case, I'm sure that we will complete it tomorrow.
21 I won't be very long.

22 PRESIDING JUDGE SCHMITT: [11:53:00] Thank you very much.

23 And I assume, simply, Mr Vanderpuye, Mr Scaliotti will have no problems with it.

24 Mr Knoops, I don't expect you to have too many questions, with a twinkle in my eye,
25 I'm saying that.

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- 1 MR KNOOPS: [11:53:18] Yes, of course. No questions.
- 2 We have just one potential clarification, but I'm sure Ms Guissé might address this
- 3 topic. But, otherwise, we don't have anything for this witness, except for this
- 4 potential point.
- 5 PRESIDING JUDGE SCHMITT: [11:53:29] Very well. Thank you very much.
- 6 So, Mr Witness, you have understood, the examination by the Prosecution has ended,
- 7 and we finish tomorrow with your evidence from 9:30 on, and then the Defence of
- 8 Mr Yekatom will put questions to you. Thank you for the moment. And on behalf
- 9 of the Chamber, we wish you a good rest until tomorrow.
- 10 And we conclude the hearing for today and to resume tomorrow at 9:30.
- 11 THE COURT USHER: [11:54:00] All rise.
- 12 (The hearing ends in private session at 11.54 a.m.)