

Trial Hearing
WITNESS: CAR-OTP-P-1704

(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
5 Patrice-Edouard 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, 5 May 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:09] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:33] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:40] 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 in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you.
21 I ask for the appearance of the parties. We start with the Prosecution.
22 MR SCALIOTTI: [9:34:01] Good morning, Mr President, your Honours.
23 The Prosecution today is represented by Kweku Vanderpuye, Yassin Mostfa, Irina
24 Galupa, and myself, Massimo Scaliotti.
25 PRESIDING JUDGE SCHMITT: [9:34:13] Thank you.

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1 Ms Massidda.

2 MS MASSIDDA: [9:34:18] Good morning, Mr President, your Honours.

3 For the victims of the other crimes, attending the hearing today, myself, Paolina

4 Massidda, Mr Yaré Fall, Ms Omari Wahida, and Ms Mouhia Asso.

5 PRESIDING JUDGE SCHMITT: [9:34:31] Thank you.

6 Mr Suprun.

7 MR SUPRUN: [9:34:35] Good morning, Mr President, your Honours.

8 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the

9 Office of Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:44] Next, we turn to the Defence.

11 Ms Dimitri, first.

12 MS DIMITRI: [9:34:48] Good morning, Mr President. Good morning,

13 your Honours. Good morning, everyone.

14 Mr Yekatom, who's present in the courtroom, is represented today by Mr Florent

15 Pages-Granier, Ms Wilhelmina Whittingham, Ms Daniela Mvougou Police, Ms Anta

16 Guissé and myself, Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:35:07] And Ms Proulx.

18 MS PROULX: [9:35:09] Good morning, Mr President, your Honours. Good

19 morning, everyone.

20 Mr Ngaïssona today is represented by Mr Michael Rowse, Ms Despoina Eleftheriou,

21 Mr Ali Alabdali and myself, Marie-Hélène Proulx. And, of course, Mr Ngaïssona is

22 present in the courtroom.

23 PRESIDING JUDGE: [9:35:26] Thank you very much.

24 And, most importantly, we have a witness here, Prosecution Witness P-1704.

25 Good morning, Mr Witness. Can you hear and understand me well?

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1 Good morning, Mr Witness. May I ask you again if you hear and understand me
2 well.

3 I have already been informed that we have to be patient with regard to the connection.
4 So, perhaps, can I get information if it works or not. Obviously, I'm not getting
5 through to the witness.

6 THE INTERPRETER: [9:36:48] The court officer in the remote location says that the
7 witness is waiting for the interpretation in Sango.

8 PRESIDING JUDGE SCHMITT: [9:36:59] Okay. Then I think, since we should have
9 interpretation in Sango, I give it another try.

10 Mr Witness, good morning. Do you hear and understand me well?

11 WITNESS: CAR-OTP-P-1704

12 (The witness speaks French)

13 (The witness gives evidence via video link)

14 THE WITNESS: [9:37:23](Interpretation) Thank you. I can understand you now;
15 five on five.

16 PRESIDING JUDGE SCHMITT: [9:37:28] That is very promising, Mr Witness. On
17 behalf of the Chamber, I would like to welcome you to the courtroom. You're called
18 to testify to assist this Chamber in the case of Mr Yekatom and Mr Ngaïssona.

19 Mr Witness, there have been protective measures put in place to ensure that your
20 identity is not revealed to the public. You have been informed about that. I know
21 that, but just shortly, to reassure you that there will be face distortion. This means
22 that the public cannot see your face during your testimony.

23 In addition, there will be voice distortion, meaning that also your voice cannot be
24 identified. And, finally, we are using a pseudonym; this is the reason why I am a
25 little bit unpolitely not referring to you with your real name but only as "Mr Witness".

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1 Do you understand that?

2 THE WITNESS: [9:38:40](Interpretation) Yes, I understand you very well.

3 PRESIDING JUDGE SCHMITT: [9:38:43] Mr Witness, there should be a card on the
4 desk in front of you with the solemn undertaking to tell the truth. I would like to
5 ask you to read out loud the content of this card.

6 THE WITNESS: [9:39:12](Interpretation) I solemnly declare that I shall speak the
7 truth, the whole truth and nothing but the truth.

8 PRESIDING JUDGE SCHMITT: [9:39:22] Thank you very much, Mr Witness. You
9 are now under oath.

10 Before we start now with the questioning, there are a few practical matters that I
11 would ask you to keep in mind. Everything we say here in the courtroom is written
12 down and interpreted in various languages. For example, for you in Sango, but it's
13 also into French and English. And to allow for the interpretation and for the
14 interpreters to follow, it is very important to speak clearly in the microphone and at a
15 slow pace.

16 Please, only start speaking when the person asking you the question has finished so
17 that there is not an overlap. So it would be very kind of you if you could follow
18 these small practical rules.

19 We can now start with your testimony. I give the floor to the Prosecution.

20 You have to -- you don't have to explain these practical matters again. And also the
21 protective measures, you don't have to explain them again to the witness. Thank
22 you.

23 MR SCALIOTTI: [9:40:28] Thank you, Mr President.

24 And with your leave, I will remain seated during my examination.

25 PRESIDING JUDGE SCHMITT: [9:40:37] Yes, absolutely. Yeah.

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1 MR SCALIOTTI: [9:40:38] Thank you very much.

2 QUESTIONED BY MR SCALIOTTI:

3 Q. [9:40:47] Good morning, Mr Witness. Can you hear me?

4 A. [9:40:50] Good morning. I can hear you very well.

5 Q. [9:40:56] Mr Witness, we met briefly yesterday. Anyway, let me introduce
6 myself again. My name is Massimo Scaliotti, and I'm a trial lawyer. And I will ask
7 you questions today on behalf of the Prosecution.
8 You heard the -- some recommendations that Mr President gave you, so I don't want
9 to repeat. Just, please, remind that -- I would like to remind you that during the
10 examination, while I'm asking you questions and you give me answers, we should
11 speak slow, as Mr President said, to allow the interpretation process. And please, in
12 particular, I would like to -- you to wait a few seconds possibly, five seconds, by the
13 time I finish my questions, before you give your answer. This is very important to
14 allow the interpretation process.

15 Moreover, if you don't understand a question, don't hesitate, please, let me know, and
16 I'll rephrase the question.

17 Regarding your examination, I will ask first some basic questions about your identity.
18 And then I will ask you to clarify some portions of the statement that you gave to the
19 investigators of the Office of the Prosecutor.

20 And, finally, if at any point in time you need a break, just let us know, please.

21 PRESIDING JUDGE SCHMITT: [9:42:30] I think we go to private session for
22 the -- for his private information about his identity.

23 MR SCALIOTTI: [9:42:38] Absolutely, Mr President.

24 PRESIDING JUDGE: [9:42:39] Mr Witness, we now go for your -- the information
25 about your personality and where you're coming from and your name. We are

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1 going to private session so that the public cannot hear it. That is also for your safety.

2 Private session.

3 (Private session at 9.43 a.m.)

4 THE COURT OFFICER: [9:43:10] We are in private session, Mr President.

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21 (Open session at 9.47 a.m.)
22 THE COURT OFFICER: [9:47:06] We are back in open session, Mr President.
23 MR SCALIOTTI: [9:47:12]
24 Q. [9:47:13] Mr Witness, I'm going to ask you now a few questions about the
25 statement that you gave to the investigators of the Office of the Prosecutor.

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1 Is it correct that you were interviewed by the investigators of the Office of the
2 Prosecutor? Do you remember that?

3 A. [9:47:41] Yes. The investigators of the OTP met with me in the Central African
4 Republic, and they put questions to me.

5 Q. [9:47:55] So it is correct that you gave a statement to the investigators, right?

6 A. [9:48:08] That is correct.

7 Q. [9:48:11] And is it also correct that recently you had the opportunity to review
8 your statement?

9 A. [9:48:34] Yes, I had the opportunity to reread my statement.

10 Q. [9:48:42] And you made a few corrections to your statement; is that right?

11 A. [9:48:58] I confirm that I made three corrections to my statement.

12 Q. [9:49:09] Mr Witness, is it also correct that this statement, with the corrections
13 that you made to it, accurately and fairly reflect what you said to the investigators of
14 the Office of the Prosecutor?

15 A. [9:49:34] Yes, that is true.

16 Q. [9:49:39] So do you agree that your statement --

17 PRESIDING JUDGE SCHMITT: [9:49:41] Perhaps ask him first -- he said --

18 Mr Witness, you said it reflects what you had said. Having read this recently, is it
19 the truth, what you said at the time?

20 MR SCALIOTTI: [9:49:59]

21 Q. [9:49:59] Mr Witness, one more question, as suggested by the -- by

22 Mr President --

23 PRESIDING JUDGE SCHMITT: [9:50:02] He has heard it. I think he has heard it.

24 It's translated. I think we can move on.

25 MR SCALIOTTI: [9:50:17]

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1 Q. [9:50:18] Mr Witness, have you heard the question that --

2 PRESIDING JUDGE SCHMITT: [9:50:20] I think I was wrong. So please put the
3 question to him.

4 MR SCALIOTTI: [9:50:26] Mr President --

5 Q. [9:50:29] Mr Witness, can you hear me?

6 A. [9:50:34] I can hear you.

7 Q. [9:50:37] One more question. Can you confirm that what you told to the
8 investigators actually reflects the truth, to the best of your knowledge.

9 A. [9:50:59] Yes, I confirm that it is the truth.

10 Q. [9:51:05] So do you agree that your statement, with the corrections that you
11 made to it, will be used by the Chamber as evidence in this case?

12 A. [9:51:26] Yes, I agree.

13 PRESIDING JUDGE SCHMITT: [9:51:29] So then we can state for the record that the
14 conditions of Rule 68(3) are fulfilled with regard to CAR-OTP-2136-0486, if I
15 understand it correctly - perhaps please check with me that I'm correct - and with the
16 corrections made by the witness to this statement, plus annexes. I think we have a
17 drawing. That is CAR-OTP-2054-1150, if I'm not mistaken.

18 MR SCALIOTTI: [9:52:06] Yes, Mr President, you are absolutely correct.

19 Just for the record, I also would like to add that the Court has a copy of the
20 corrections, were disclosed on 2 May. The ERN is CAR-OTP-2136-0486, and it will
21 be formally disclosed in the next disclosure package.

22 PRESIDING JUDGE SCHMITT: [9:52:26] Thank you very much.

23 We can go then to private session.

24 (Private session at 9.52 a.m.)

25 THE COURT OFFICER: [9:52:44] We are in private session, Mr President.

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14 (Open session at 10.30 a.m.)

15 THE COURT OFFICER: [10:30:49] We are in open session, Mr President.

16 MR SCALIOTTI: [10:30:51]

17 Q. [10:30:52] Mr Witness, I'm now on paragraph 38 of your statement, and it's
18 page 1143. You stated that Rombhot told one of his elements to cut off the ears of
19 that person, the person we were mentioning.

20 So my question is: Where was Rombhot, again, within the environment of the
21 Anti-Balaka base, when he told that Anti-Balaka element to cut off the ears of that
22 person?

23 A. [10:31:39] You're asking me the day or the month?

24 Q. [10:31:49] No, Mr Witness. I'm not asking you when. I'm asking you where.

25 In what position exactly within the environment of the Anti-Balaka base, where was

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1 Rombhot when he told the Anti-Balaka element to cut off the ears of that person?

2 A. [10:32:19] It was within their base. That's where -- close to the Yamwara school.

3 It was in a home that belonged to someone else that they had turned into their base.

4 That's where it was.

5 Q. [10:32:45] Thank you. And where were you at that point in time?

6 A. [10:32:59] Thank you. As they were cutting (Redacted) ears off, I was beside

7 him. We were at the same place. There were -- it was about 2 metres between us,

8 or 1 metre, 50 centimetres between us. It was right before me, outside the house,

9 that's where they were striking (Redacted).

10 PRESIDING JUDGE SCHMITT: [10:33:26] Please wait a second.

11 Ms Dimitri.

12 MS DIMITRI: [10:33:30] Yes, Mr President. Apologies for the interruption.

13 There's a Sango interpretation correction. The witness is saying "in front of the

14 house", "*devant la maison*", but it's being interrupted by "*dans la maison*", "inside the

15 house".

16 PRESIDING JUDGE SCHMITT: [10:33:49] Yeah, this is -- I think this has happened

17 also when I asked a similar question in private session. Because of that, I asked

18 further if it was in the house or not. So it was obviously in front of the house. So I

19 think we have that. Thank you have much for that.

20 And, yeah, please continue.

21 MR SCALIOTTI: [10:34:15] Mr President, just for the record, if I may turn to

22 page 1147 of the statement, paragraph 64. During the interview with the

23 investigators of the Office of the Prosecutor, the witness recognised, when he was -- a

24 video was displayed to him, he recognised the coordinator.

25 PRESIDING JUDGE SCHMITT: [10:34:43] Yeah, yeah, yeah. This does not escape

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1 our attention. But you know that there was also, let's say, a procedural motion by
2 the Defence, and I want to -- and we have decided that we incorporate that we allow
3 Rule 68(3), but nevertheless, it is important that we let -- we ask the witness questions
4 that he gives us the impression now that he is speaking in this courtroom, the
5 extended courtroom, this is out of fairness also that we address these things.

6 And -- yeah. And let the witness also speak here and now.

7 MR SCALIOTTI: [10:35:23] Thank you, Mr President.

8 PRESIDING JUDGE SCHMITT: [10:35:31] And may I also -- if we are talking so
9 nicely, so to speak, the fact too the victim of this was -- is I think public. So -- but we
10 have -- I just want to flag it. Please continue now. We don't want to confuse the
11 witness. But it is in the confirmation of charges decision.

12 MR SCALIOTTI: [10:36:03] Thank you, Mr President. In any event, I can continue
13 in open session with a few more questions but not on that topic.

14 PRESIDING JUDGE: [10:36:11] Yeah, I assume we will finish before the break.

15 MR SCALIOTTI: [10:36:14] Absolutely.

16 PRESIDING JUDGE: [10:36:15] Thank you very much. Yeah.

17 MR SCALIOTTI: [10:36:19]

18 Q. [10:36:19] Mr Witness, a few more questions before we take a break in this
19 hearing. And I would like to move to paragraph 24 now of your statement. We are
20 actually moving backwards. And it's page 1140.

21 At that paragraph, you refer to some barricades set up by the Anti-Balaka in several
22 areas of Bangui after the attack was conducted by the Anti-Balaka on 5 December
23 2013.

24 Have you personally seen any of those barricades?

25 A. [10:37:15] On 5 December, that was the day that the Seleka attacked. No, I

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1 correct myself. It was the Anti-Balaka, rather, who attacked on 5 December. And
2 the Anti-Balaka withdrew to the zone of the Christians. It wasn't just at the
3 Yamwara school where they had their barricade. There was also one on the M'Poko
4 road.

5 Q. [10:37:59] Have you seen that barricade with your own eyes?

6 A. [10:38:14] Of course, I saw the barricade that was on the M'Poko road. I also
7 saw the barricade that was in the Yamwara sector.

8 Q. [10:38:28] Thank you, Mr Witness. And what about the others that you
9 mentioned in your statement, Cattin, Boeing, Gbaibiri? What about them? Have
10 you seen them?

11 A. [10:38:56] Cattin is the area where I lived. Boeing is not far from us. Babily is
12 on the M'Poko road. You have to go by way of that locality to get to M'Poko.
13 That's where -- they set up a barricade there as well.

14 Q. [10:39:23] In the same paragraph, Mr Witness, you also mentioned many
15 barricades outside Bangui. Can you be more specific where outside Bangui were
16 those barricades.

17 A. [10:39:54] Well, perhaps I might have forgotten some of those barricades, but I
18 saw many of them. But it was quite a long time ago, so I might have forgotten them.
19 But I repeat, I saw a lot of barricades with my own eyes.

20 MR SCALIOTTI: [10:40:25] Mr President, I have no further questions.

21 And I can thank you very much the witness for his patience, for listening to my
22 questions and answering them. Thank you very much.

23 PRESIDING JUDGE SCHMITT: [10:40:37] Let's shortly go to private session.

24 (Private session at 10.40 a.m.)

25 THE COURT OFFICER: [10:40:52] We are in private session, Mr President.

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6 (Open session at 10.44 a.m.)

7 THE COURT OFFICER: [10:44:55] We are back in open session, Mr President.

8 PRESIDING JUDGE: [10:44:57] Thank you.

9 Questions by the representatives of the victims?

10 MS MASSIDDA: [10:45:00] Thank you, Mr President. The two areas that we
11 wanted to discuss with the witness have been covered by you a few minutes ago.

12 Thank you very much.

13 PRESIDING JUDGE SCHMITT: [10:45:10] Thank you very much.

14 It is then the turn of the Defence. I think we can have the break. I think Ms Anta
15 Guissé is questioning. There are some indicia.

16 So then I address you directly. We have been given an idea by Ms Dimitri about
17 how much time you would need. Is this still valid, so -- for the planning purposes,
18 so to speak?

19 MS GUISSÉ: [10:45:44](Interpretation) Good morning, your Honours. Good
20 morning, everyone.

21 Yes, indeed. I tried to reduce the number of questions that I'll be putting to this
22 witness. My goal is to finish today. And in light of the questions already put, I will
23 try to work over the break, and I'll try to cut down the number of questions further.
24 I truly do hope to be able to finish today. And I think that is possible, unless there's
25 technical issues.

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1 PRESIDING JUDGE SCHMITT: [10:46:19] Thank you very much. That's very
2 much appreciated.

3 Then we have the coffee break, a little bit extended, until 11.30.

4 THE COURT USHER: [10:46:28] All rise.

5 (Recess taken at 10.46 a.m.)

6 (Upon resuming in open session at 11.32 a.m.)

7 THE COURT USHER: [11:32:01] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:32:22] We're in open session, and I give
10 Ms Guissé the floor for the questioning by the Yekatom Defence.

11 MS GUISSÉ: [11:32:32](Interpretation) Thank you, Mr President.

12 QUESTIONED BY MS GUISSÉ:

13 Q. [11:32:47] Good morning, Mr Witness. We briefly saw ourselves yesterday, but
14 I will introduce myself once again. I am Anta Guissé, and I am one of the lawyers
15 for Mr Alfred Yekatom Rombhot. And it is in that capacity that I will put to you a
16 few questions for clarification in relation to your statement to the investigators of the
17 OTP and also in relation to your testimony of today.

18 I would like to make once again the recommendation that you have heard several
19 times today, that is, it is very important for you to observe a pause between questions
20 and answers, mostly because I'm aware that you speak French.

21 For my part, I will try to put to you short questions. And if any one of them is not
22 clear, please do not hesitate to ask me to repeat it.

23 In order to respect your protection measures, I will be very cautious about the
24 questions that I will be putting in open session.

25 And, Mr President, I would like to tell you that, for the most part, my cross will take

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1 place in private session because my questions are very specific, and I want the
2 witness to answer freely. So there will be very little public session, and I'm really
3 sorry about it.
4 I will ask you questions of clarification on your statement on 12 June 2017, and I will
5 give the ERN number. Once again, the English version is CAR-OTP-2054-1136.
6 The French version is CAR-OTP-2104-0580. And the statement with the corrections
7 is CAR-OTP-2136-0486. So for the interpreters, the Chamber and the parties, I'm
8 going to be dealing with that statement while referring you to the various paragraphs.
9 Now, that said, Mr President, I would like to request that we go into private session
10 for the beginning of my questions.

11 PRESIDING JUDGE SCHMITT: [11:35:38] Not fortunate, but understandable.

12 We go to private session.

13 (Private session at 11.35 a.m.)

14 THE COURT OFFICER: [11:35:55] We are in private session, Mr President.

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9 (Open session at 11.52 a.m.)

10 THE COURT OFFICER: [11:52:12] We are back in open session, Mr President.

11 MS GUISSÉ: [11:52:19](Interpretation)

12 Q. [11:52:19] Mr Witness, we are once again in open session, so I will ask you to be
13 careful with your answers so as not to identify yourself.

14 In paragraph 24 of your statement, you state that in the neighbourhoods controlled by
15 the Anti-Balaka, they had their checkpoints for the purpose of stopping people and
16 searching them, looking for arms or Seleka spies. And around 10, 0 minutes, you
17 repeated the same thing this morning in this court.

18 Would I be correct to say that when your vehicle was stopped at that roadblock, the
19 Anti-Balaka told you that they were afraid that the vehicle was hiding Seleka
20 elements, so they searched the vehicle in order to find out if there were any Seleka?

21 A. [11:53:27] Yes, that is correct. They were looking for Seleka and weapons also,
22 because at the time the Seleka were using Red Cross vehicles to move about and
23 perpetrate exactions. That is why the Anti-Balaka were compelled to search.
24 When we arrived that roadblock, they realised that there was a dead body in the
25 vehicle, and it is for that reason that they allowed us to pass.

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1 Q. [11:54:08] Would you agree with me that during that period, Mr Witness, that is,
2 the end of December 2013, there was tension in Bangui between the Seleka and the
3 Anti-Balaka groups, and that there were confrontations, and sometimes you could
4 hear gunfire in the town?

5 A. [11:54:35] Yes, that is true. There were explosions everywhere in Bangui.
6 There was skirmishes between the Seleka and the Anti-Balaka. This was quite
7 frequent. Even in our own neighbourhood, there were Seleka attacks. And it was
8 for that reason that we could not stay at home. We were compelled to flee
9 somewhere.

10 Q. [11:55:04] Is it correct also to say that on that day - you know the date. We
11 don't want to specify it in open session - when you arrived at your destination, you
12 heard gunshots in the town?

13 A. [11:55:30] During the first trip, when we went to Bimbo, there were no
14 explosions or gunshots. But when (Redacted), Seleka attacks had taken place in
15 Boeing. We heard gunshots.

16 MS GUISSÉ: [11:55:57](Interpretation) Mr President, you will understand that the
17 continuation of my question requires me to go back to private session. I'm really
18 making an attempt, but open session questions will be very brief.

19 PRESIDING JUDGE SCHMITT: [11:56:15] Yeah, I think it will be limited, but still,
20 it's worth the effort. But now we have to go to private session.

21 (Private session at 11.56 a.m.)

22 THE COURT OFFICER: [11:56:36] We are in private session, Mr President.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Recess taken at 12.42 p.m.)
- 2 (Upon resuming in private session at 2.00 p.m.)
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12 (Open session at 2.24 p.m.)
13 THE COURT OFFICER: [14:24:58] We are in open session, Mr President.
14 (Counsel confer)
15 MS GUISSÉ: [14:25:37](Interpretation) I do apologise, your Honour. We had some
16 internal discussions. Do excuse me.
17 Q. [14:25:49] My first question, I'm going to show you a video, Mr Witness. It is
18 tab 4 of the Defence binder, CAR-OTP-2084-1307. And the extract of the video
19 between 3:09 minutes and 3:23. It is a public video which was filmed on 15 May
20 2014. And even if the translation exists, CAR-OTP-2122-2366, the aim of this video is
21 to know whether, one, the witness has seen a specific area, which I suggested in the
22 private session, and then I'll ask some other questions.
23 Mr Witness, could you please look at the video and tell me whether you saw this
24 individual at the place we mentioned in private session.
25 (Viewing of the video excerpt)

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1 THE INTERPRETER: [14:27:44](Interpretation of the video excerpt) "I greet all my
2 brothers and sisters. We are all united here today so we can talk about the peace
3 process and see what we can do in the Central African Republic."

4 MS GUISSÉ: [14:28:05](Interpretation)

5 Q. [14:28:06] You've seen the video, Mr Witness. Have you seen this person, the
6 one who's holding the microphone? The one who's holding the microphone in
7 military attire, have you seen him? And if so, where did you see him?
8 Did you see him at the place I mentioned in private session? Or did you see him at
9 the base at the school?

10 A. [14:28:51] I don't recognise that individual.

11 Q. [14:29:01] So when you answered, "I saw them," you want to say you saw the
12 video; am I correct in that?

13 A. [14:29:12] Yes. I'm talking about the video. I wanted you to understand that I
14 saw the video, but that individual is someone I don't recognise.

15 Q. [14:29:35] Thank you for that clarification.

16 Let me remind you that we are in open session, so be careful that you do not reveal
17 your identity. But I want to go back to two things which you said this morning and
18 have further clarification.

19 This morning, a little after 11:54:30, you said that in your neighbourhood, there were
20 Seleka attacks. And for that reason, you couldn't stay at your house, and you were
21 forced to flee.

22 My first question is as follows: Are you talking about the attack of December 2013?

23 A. [14:30:45] Yes. Before 5 December 2013, the Anti-Balaka attacked. After that
24 attack by the Anti-Balaka, two or three hours later, they withdrew, and the Seleka
25 launched an attack on our neighbourhood. From the Cattin neighbourhood, going

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1 from the other side, that was on 5 December. And we had to leave our house. That
2 was 5 December 2013, that is when they launched the attack upon us.

3 Q. [14:31:29] I now have another question for you, and this is also in relation to
4 what you said this morning. This time it was slightly after 11:55, time was 11:55:29,
5 to be specific, and you said that when your company and you - and please don't give
6 any names in your reply - when you came back to the neighbourhood, you said there
7 had been Seleka attacks in Boeing. "We heard gunfire."

8 My question is this: Am I correct in saying that, during these attacks by the Seleka,
9 the Seleka had burnt down many houses in Boeing?

10 A. [14:32:43] During the attacks by the Seleka, people did not walk about. We
11 didn't take that risk. People stayed at home. It's true, they attacked. They burnt
12 many houses down. They destroyed many buildings, as you said. But I didn't
13 walk *at the time looking to see that with my own eyes. *But later I received all the
14 information. I heard that it was them who were behind those *fires.

15 MS GUISSÉ: [14:33:17](Interpretation) Your Honour.

16 PRESIDING JUDGE SCHMITT: [14:33:18] There was still interpretation. That is
17 the only reason. But it happened the first time, and that's remarkable. No, no irony
18 here. I really mean it.

19 MS GUISSÉ: [14:33:40](Interpretation) Thank you, your Honour. Indeed, I had
20 forgotten to glance at the screen, and that explains why I didn't pause. And this
21 system really is useful.

22 I wanted to tell you, your Honour, that after these few moments in open session, for
23 the remaining time, I have to ask you if we can go into private session.

24 PRESIDING JUDGE SCHMITT: [14:34:07] Yes.

25 We go back to private session.

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1 (Private session at 2.34 p.m.)

2 THE COURT OFFICER: [14:34:24] We are back in private session, Mr President.

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13 (Open session at 3.17 p.m.)
14 THE COURT OFFICER: [15:17:19] We are in open session, Mr President.
15 PRESIDING JUDGE SCHMITT: [15:17:21] Thank you.
16 Mr Witness, I would like to address you as the Presiding Judge of this Chamber on
17 behalf of the three judges. This concludes your testimony. The Court, the ICC
18 needs witnesses who make themselves available, who take it upon themselves to
19 testify, and we appreciate that a lot. And on behalf of the Chamber, I would like to
20 thank you very much, that you answered all the questions patiently and spoke about
21 matters that still deeply disturb you. Thank you very much again. And on behalf
22 of the Chamber, and I think everybody in the courtroom, we wish you all the best.
23 THE WITNESS: [15:18:18](Interpretation) I too would like to thank you.
24 PRESIDING JUDGE SCHMITT: [15:18:23] So you are now released, so to speak, and
25 may go back home.

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1 (The witness is excused)

2 PRESIDING JUDGE SCHMITT: [15:18:28] Mr Vanderpuye, can you address these
3 issues -- do you prefer to address it in private session?

4 MR VANDERPUYE: [15:18:35] There are two issues. One I think I can address in
5 open session. I don't think it really makes much of a difference.

6 PRESIDING JUDGE SCHMITT: [15:18:42] Then please start.

7 MR VANDERPUYE: [15:18:43] So the first issue relates to the scheduling of the next
8 block, which I think I can address in open session. It is not as progressed as I had
9 hoped it would be. For the moment, it appears that we have quite solidly P-2475 on
10 the date that we had agreed upon, which I think is 24 May. And we're still in the
11 process of trying to contact P-1716 and P-1490.

12 PRESIDING JUDGE SCHMITT: [15:19:16] 1490 And 954.

13 MR VANDERPUYE: [15:19:19] Yes. With respect to 954, I understand there has
14 been some progress made by the Registry with respect to that witness. So we can
15 anticipate that the witness should appear on the 16th. Whether or not we'll be able
16 to go forward is another question.

17 All right. So that's the scheduling matter.

18 The other matter though relates to what recently just transpired and with respect to
19 the examination of this witness, which I think I have to go into private session.

20 PRESIDING JUDGE: [15:19:45] Yeah, then we address this in private session.

21 MR VANDERPUYE: [15:19:47] Thank you, Mr President.

22 (Private session at 3.19 p.m.)

23 THE COURT OFFICER: [15:19:59] We are in private session, Mr President.

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1704

(Private Session)

ICC-01/14-01/18

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Trial Hearing
WITNESS: CAR-OTP-P-1704

(Private Session)

ICC-01/14-01/18

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Trial Hearing
WITNESS: CAR-OTP-P-1704

(Private Session)

ICC-01/14-01/18

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- 11 (The hearing ends in private session at 3.25 p.m.)