Trial Hearing
Procedural Matters

(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
- 7 and Judge Chang-ho Chung
- 8 Trial Hearing Courtroom 1
- 9 Tuesday, 14 February 2023
- 10 (The hearing starts in open session at 9.31 a.m.)
- 11 THE COURT USHER: [9:31:47] All rise. The International Criminal Court is now in
- 12 session. Please be seated.
- 13 PRESIDING JUDGE SCHMITT: [9:32:04] Good morning, everyone.
- 14 Court Officer, please call the case.
- 15 THE COURT OFFICER: [9:32:11] Good morning, Mr President, your Honours.
- 16 Situation in the Central African Republic II, in the case of The Prosecutor versus Alfred
- 17 Yekatom and Patrice-Edouard Ngaissona, case reference ICC-01/14-01/18. And for the
- 18 record, we're in open session.
- 19 PRESIDING JUDGE SCHMITT: [9:32:24] Thank you.
- 20 The appearances of the parties.
- 21 Ms Berdennikova first.
- 22 MS BERDENNIKOVA: [9:32:29] Good morning, Mr President, your Honours, and
- 23 everyone. The Prosecution is represented by Kweku Vanderpuye, Yassin Mostfa, and
- 24 myself this morning.
- 25 PRESIDING JUDGE SCHMITT: [9:32:39] I turn to the victims representatives.

(Open Session)

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- 1 MR DANGABO MOUSSA: [9:32:43](Interpretation) Good morning, your Honours.
- 2 Good morning, everyone. The legal representatives of victims are here. Ms Ombeni is
- with me, and I am Dangabo Moussa. Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:33:06] Thank you.
- 5 Ms Lau.
- 6 MS LAU: [9:33:08] Good morning, your Honours. Good morning, everyone in the
- 7 courtroom. Today the former child soldiers are represented by me, Fiona Lau, Office of
- 8 Public Counsel for Victims. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:33:15] I turn to the Defence.
- 10 Oh, I didn't see Ms Dimitri, but you resurfaced.
- 11 MS DIMITRI: [9:33:26] Good morning, Mr President. Good morning, your Honours.
- Good morning, everyone. Mr Yekatom is present in the courtroom, and he is
- represented today by Ms Anta Guissé, Mr Florent Pages-Granier, Mr Jean-Michel Kola,
- 14 Ms Cassandra Obussier, and myself, Mylène Dimitri.
- 15 PRESIDING JUDGE SCHMITT: [9:33:39] And for the Defence of Mr Ngaïssona, Ms
- 16 Proulx.
- 17 MS PROULX: [9:33:44] Good morning, Mr President, your Honours. Good morning,
- 18 everyone. Good morning, Madam Witness. Mr Ngaïssona is also present in the
- 19 courtroom, and he is represented today by Mr Alexandre Desevedayy, Ms Tessia
- 20 Monteiro, and for the first time in the courtroom, our language assistant, Mr Mathias
- 21 Goffe.
- 22 PRESIDING JUDGE SCHMITT: [9:34:04] Then welcome to Mr Goffe.
- 23 And, of course, very importantly, good morning, Madam Witness. I hope you had a
- 24 good rest and feel strong enough to continue with the examination.
- 25 THE WITNESS: [9:34:33](Interpretation) Thank you.

Trial Hearing (Open Session)

WITNESS: CAR-OTP-P-0967

- 1 PRESIDING JUDGE SCHMITT: [9:34:39] It's still the examination by the Prosecution.
- 2 We are in open session. I don't know if you can show these video excerpts in open
- 3 session. You will tell us.
- 4 MS BERDENNIKOVA: [9:34:46] Thank you, Mr President. We could start in open
- 5 session, but at some point I will ask to --
- 6 PRESIDING JUDGE SCHMITT: [9:34:53] Yes, you will tell us.
- 7 MS BERDENNIKOVA: [9:34:55] Yes.
- 8 WITNESS: CAR-OTP-P-0967 (On former oath)
- 9 (The witness speaks Sango)
- 10 QUESTIONED BY MS BERDENNIKOVA: (Continuing)
- 11 Q. [9:34:58] Good morning, Madam Witness. I only have a few questions left for you
- this morning, so I'm not going to take too much of your time today. There's just one
- 13 last topic that I would like to cover with you.
- 14 Do you recall being shown a number of videos during your interview in June 2017?
- 15 A. [9:35:19] Thank you. I remember, yes, indeed, that I looked at some video footage,
- 16 but I no longer remember the date.
- 17 Q. [9:35:51] That's fine. Thank you. I am going to show you some of those videos
- again today, and I will ask you a few follow-up questions after. All right?
- 19 MS BERDENNIKOVA: [9:36:07] So we're going to start from a video which is at tab 6,
- 20 and the reference number is CAR-OTP-2012-0523. I will read in the transcript
- 21 references just for the record, but the videos will mostly be shown for identification
- 22 purposes, so I don't think interpretation is necessarily necessary here.
- Nevertheless, the transcript is at tab 6 at CAR-OTP-2118-5507, and the translation is at
- tab 7, CAR-OTP-2118-5547. And we will start by playing an excerpt from minute 09:02

25 until 09:07.

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WITNESS: CAR-OTP-P-0967

1 (Viewing of the video excerpt)

- 2 MS BERDENNIKOVA: [9:37:23]
- 3 Q. [9:37:23] Madam Witness, did you see the footage that was played to you, first of
- 4 all?
- 5 A. [9:37:29] Yes, I've seen it.
- 6 Q. [9:37:41] Now, I understand that it's been a long time. It's nine years, in fact, since
- 7 the events that you described during your testimony, and another five and a half years
- 8 since your interview with the OTP, but did you recognise anyone in the footage that
- 9 was just played?
- 10 A. [9:38:01] It's true that this footage was shown to me, and I recognise one of the
- 11 people who's in the footage. Thanks to this footage I was able to recognise him merely
- because at the time of those events I had a video that I looked at -- well, I had an
- opportunity to view some footage in which the person shown was one of the Anti-
- 14 Balaka commanders. And I saw him. He was in front of a classroom or in front of a
- school. He was surrounded by several other people, but I recognised him.
- So when the video was shown to me, that refreshed my memory and I was able to
- 17 make the connection with the other video which I had had an opportunity to view.
- 18 Q. [9:39:59] So who is it, the individual that you're referring to?
- 19 A. [9:40:02] This person that I'm referring to who I recognised on the footage is called
- 20 Alfred Rombhot. I identified him. He had grown a beard and he had grown his hair
- out as well, and I identified him within the Anti-Balaka group. If I remember correctly,
- 22 thanks to the video footage, I believe it was during -- when foodstuffs was being
- 23 distributed. He was giving a speech. Supplies were being distributed. And thanks to
- that video, I was able to identify him and confirm that it was him.
- 25 Q. [9:41:22] All right. Thank you, Madam Witness.

Trial Hearing (Private Session)

WITNESS: CAR-OTP-P-0967

1 MS BERDENNIKOVA: [9:41:32] Your Honours, I think we could go into private

- 2 session. It would be more prudent at this point.
- 3 PRESIDING JUDGE SCHMITT: [9:41:38] Okay. Private session.
- 4 (Private session at 9.41 a.m.)
- 5 THE COURT OFFICER: [9:41:59] We are in private session, Mr President.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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- 14 (Redacted)
- 15 (Redacted)
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- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

(Private Session)

Trial Hearing

Trial Hearing (Private Session) ICC-01/14-01/18

WITNESS: CAR-OTP-P-0967

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Open session at 11.31 a.m.)
- 10 THE COURT OFFICER: [11:31:33] We're in open session, Mr President.
- 11 MS GUISSÉ: [11:31:42](Interpretation)
- 12 Q. [11:31:43] Madam Witness, we are now in open session, so please be careful when
- 13 you answer my questions. Please don't give any information that would allow people
- to identify you. And if you have the impression that one of my questions might be
- problematic, let me know. But I think these are general questions about the situation in
- Bangui, so it should be fine. And for the rest of my questioning, I'll be asking us to go
- 17 back into private session.
- Now, my first question to you, Madam Witness, is this: Would you agree with me that
- 19 late December 2013, there was a great deal of tension in Banqui between Seleka groups
- and Anti-Balaka groups and there were clashes, and sometimes you could hear gunfire
- in the city? Would you agree with that statement?
- 22 A. [11:32:43] Yes, that's right.
- 23 Q. [11:33:02] Yesterday, after 11:46, you said on 24 December the Seleka were still in
- 24 the town -- the city, rather, in Bangui. Am I correct in saying that there were many
- 25 Seleka elements at PK5?

Trial Hearing (Private Session) ICC-01/14-01/18

WITNESS: CAR-OTP-P-0967

- 1 A. [11:33:22] Yes, that's correct.
- 2 Q. [11:33:34] Would I also be correct in saying that after 5 December, from the 24th,
- 3 the areas around PK5 were protected by Seleka members or by armed members of
- 4 civilians, Muslim civilians, and that's why many Muslims sought refuge in that
- 5 particular neighbourhood, PK5? Would that be a correct statement?
- 6 A. [11:34:02] Yes, that's right.
- 7 Q. [11:34:23] Would I also be correct in saying that for a person who was not a
- 8 member of the Seleka and not a Muslim either at that time, that there would be no
- 9 particular reason to go to PK5, no reason to venture into that area? It was dangerous.
- 10 A. [11:34:53] It is true that people were afraid.
- 11 MS GUISSÉ: [11:35:07](Interpretation) My five minutes of open session questioning are
- 12 now over. I know it was quite short.
- 13 PRESIDING JUDGE SCHMITT: [11:35:12] I am not even sure if it was five minutes.
- 14 But no matter, we go back to private session.
- 15 (Private session at 11.35 a.m.)
- 16 THE COURT OFFICER: [11:35:39] We are in private session, Mr President.
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

(Private Session)

Trial Hearing

WITNESS: CAR-OTP-P-0967 1 (Redacted) 2 (Redacted) 3 (Redacted) (Redacted) 4 (Redacted) 5 (Redacted) 6 (Redacted) 7 (Redacted) 8 (Redacted) 9 (Redacted) 10 (Redacted) 11 12 (Redacted) 13 (Redacted) 14 (Redacted) 15 (Redacted) 16 (Redacted) 17 (Redacted) 18 (Redacted) (Redacted) 19 20 (Redacted) (Redacted) 21 (Redacted) 22 (Redacted) 23 (The hearing adjourned in private session at 3.38 p.m.) 24

(Private Session)

Trial Hearing