

Trial Hearing
WITNESS: CAR-OTP-P-2657

(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 Ngaissona - 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 March 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:57] All rise.
12 The International Criminal Court is now is session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:34:28] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:34:32] Good morning, Mr President, your Honours.
17 This is the second situation in the Central African Republic, in the case of The
18 Prosecutor versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaissona, case
19 reference ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:34:54] Thank you. I ask for the appearances of
22 the parties. Mr Leddy first.
23 MR LEDDY: [9:34:58] Good morning, Mr President, your Honours. Today the
24 Prosecution is represented by Kweku Vanderpuye, Manochitran Prathaban, Yassin
25 Mostfa, and myself, Nicholas Leddy.

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:35:10] Thank you. And for the victims.

2 MR FALL: [09:35:13](Interpretation) Thank you, your Honour. The victims of the
3 other crimes are represented today by Orchlou Narantsetseg, Mr Evelyne Ombeni,
4 and interim Wahida and myself, Yaré Fall.

5 PRESIDING JUDGE SCHMITT: [9:35:34] Thank you. And we -- and we know that
6 Mr Narantsetseg is indeed today in the courtroom. Because you have already been
7 announced yesterday, but haven't been there. No problem.

8 MR FALL: [9:35:49](Interpretation) Yes, today he's nearby me.

9 PRESIDING JUDGE SCHMITT: [9:35:52] So you think he cannot escape you. Okay.
10 Good.

11 MS LAU: [9:35:55] Good morning, Mr President, your Honours. The former child
12 soldiers are represented today by myself, Fiona Lau, associate legal officer at the
13 Office of Public Counsel for Victims. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:36:06] Thank you. We turn to the Defence.

15 MS GUISSÉ: [9:36:10] Good morning, your Honour. Good morning, the Chamber.
16 *Mr Yekatom, who's present in the courtroom, is defended by myself, Anta Guissé,
17 and Madam ...

18 PRESIDING JUDGE SCHMITT: [9:36:26] Madam who? We didn't get -- we didn't
19 get a translation here?

20 MS GUISSÉ: [9:36:30](Interpretation) Anta Guissé, Anta Guissé.

21 PRESIDING JUDGE SCHMITT: [9:36:42] Anta Guissé. It's pronounced correctly?

22 MS GUISSÉ: [09:36:41](Interpretation) That is correct.

23 PRESIDING JUDGE SCHMITT: [09:36:41] Thank you.

24 Mr Knoops.

25 MR KNOOPS: [9:36:44] Good morning, Mr President. Good morning, your

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 Honours. Good morning, everyone in the courtroom. The Defence team of
2 Mr Ngaïssona appears today before the Chamber with Mr Landry Omissé from the
3 field office, Ms Marie-Hélène Proulx, Ms Chiara Giudici and Mr Ali Alabdali. And
4 Mr Ngaïssona, of course, is present in the courtroom in the third row.

5 PRESIDING JUDGE SCHMITT: [9:37:08] Thank you very much.

6 Before we start and bring the witness in and start with the testimony, we go shortly to
7 private session, please.

8 (Private session at 9.37 a.m.)

9 THE COURT OFFICER: [9:37:30] We're in private session, Mr President.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 9.39 a.m.)

7 THE COURT OFFICER: [9:39:45] We're back in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [9:39:48] Thank you.

9 Good morning, Madam Witness. I'm the Presiding Judge of this Chamber, of the
10 International Criminal Court.

11 Obviously, you hear and understand me well; is this correct?

12 WITNESS: CAR-OTP-P-2657

13 (The witness speaks Sango)

14 (The witness gives evidence via video link)

15 THE WITNESS: [9:40:54](Interpretation) You hear me; is that correct? Yes, I can
16 hear you perfectly.

17 PRESIDING JUDGE SCHMITT: [9:41:08] Madam Witness, on behalf the Chamber I
18 would like to welcome you to the courtroom. You are called to testify to assist this
19 Chamber in the case of Mr Yekatom and Mr Ngaïssona.

20 Madam Witness, there have been protective measures put in place to ensure that your
21 identity is not revealed to the public. You have been informed about this, I assume,
22 but also from the side of the Chamber, from the judges, I repeat that there is face
23 distortion so nobody outside can see your face, the public does not see your face.

24 There is voice distortion so the public does not hear your voice and cannot identify
25 your voice. And as you recognise, we address you with a pseudonym, only with

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 Madam Witness. We address you as Madam Witness not -- it would be more polite
2 to address you with your real name, but we don't want your identity to be revealed.
3 That is the reason. There might also be some portions of your testimony which we
4 can elicit in private session so that the public does not hear certain things that have
5 happened you to, but when we come to that everybody here in the courtroom is -- is
6 aware of the -- of these matters and we will tell you then.
7 Madam Witness, I will now read to you the solemn undertaking to tell the truth. So
8 what I would ask you to do is to repeat what I say. So listen, please, and repeat.
9 I solemn -- okay. I solemnly declare.
10 THE WITNESS: [9:43:11](Interpretation) I solemnly declare.
11 PRESIDING JUDGE SCHMITT: [9:43:23] That I will speak the truth.
12 THE WITNESS: [9:43:28](Interpretation) That I will tell the truth.
13 PRESIDING JUDGE SCHMITT: [9:43:32] The whole truth.
14 THE WITNESS: [9:43:41](Interpretation) All the truth and nothing but the truth.
15 PRESIDING JUDGE SCHMITT: [9:43:46] So that's fine, in that regard. You are
16 faster than me. Thank you very much, Madam Witness. You are now under oath
17 and you know, of course, that you have to tell us the truth.
18 Before we start with your testimony, there are a few practical matters that I would
19 like to discuss with you. Everything, Madam Witness, we say here in the courtroom
20 is written down and interpreted. And to allow the interpreters to follow and to get
21 and capture everything you are saying and others are saying, we need to speak at a
22 relatively slow pace. And, please, Madam Witness, only start speaking when the
23 person who has asked you something has finished the sentence and then perhaps you
24 even wait two or three seconds. Thank you very much, Madam Witness. We start
25 now with your testimony. I give the floor to the Prosecution, to Mr -- the person is

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 Mr Leddy. I think he will introduce himself. And he's the first to put questions to
2 you.

3 Mr Leddy.

4 MR LEDDY: [9:45:03] Thank you, Mr President.

5 QUESTIONED BY MR LEDDY:

6 Q. [9:45:08] Good morning, Madam Witness. My name is Nicholas Leddy and I'm
7 a trial lawyer for the Office of the Prosecution. You may recall we met briefly last
8 week in a familiarisation session. I want to thank you for coming to testify today.
9 The Judge has informed you about the protective measures, so I'll do my best not to
10 identify you in my questions. I'll ask that you please try to not identify yourself in
11 your answers when we're in public session. If you think you're answer to a question
12 may identify you, please let us know so that we can go to private session so that the
13 public cannot hear your answers.

14 Now, this morning I plan on covering more or less five topics with you. The first is
15 your general background and biographical information, the second is the Seleka
16 takeover of Bossangoa and the third are the Anti-Balaka attacks on Bossangoa and the
17 surrounding area from September through December 2013, including your experience
18 on 5 December, 2013.

19 And then I'd like to ask you about the conditions at the *École Liberté* in Bossangoa after
20 the 5 December attack. And lastly, I'll ask you about your evacuation to Chad.

21 Now, if any of the questions I ask you are not clear or if you do not understand the
22 question, please just let me know and I'll rephrase it. If at any point you'd like to
23 take a break, please let us know. It's not a problem.

24 So we'll begin with the questions now, and I'd like to request private session for the
25 first topic, the biographical questions.

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:46:54] That's perfectly clear. We go to private
2 session.

3 (Private session at 9.47 a.m.)

4 THE COURT OFFICER: [9:47:04] We're in private session, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 9.50 a.m.)

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 THE COURT OFFICER: [9:50:02] We're back in open session, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:50:05] Mr Leddy, before you start, let me say
3 something. I think we are together for a longer time now in this case, and I think I
4 have addressed it sometime ago already. It might make sense to go in a
5 chronological order, but experience in this courtroom has shown, especially
6 with -- not especially - with regard to question by the Prosecution that this leads to a
7 time pressure at the end, very often, when the possibly, probably most important
8 things have to be discussed with the witness. So why not start with the 5 December
9 attack and then go back and forth. I think you have enough flexibility to do that
10 because then we have the most details by the witness. Otherwise, I fear that I will
11 have to put you under pressure for the afternoon session. You understand my
12 point?

13 MR LEDDY: [9:51:15] I do, Your Honour. I appreciate the advice and I have very
14 few questions before we get to the 5 December attack so ...

15 PRESIDING JUDGE SCHMITT: [9:51:22] So I -- I simply wanted to flag it. And,
16 also, I said this in the beginning when we were in private session, it is of course clear
17 that the witness has a lot of information about this 5 December attack and the
18 aftermath and some information - I underscore that - about the events before. So
19 then, of course, I cannot direct you to do what you want to do, but then I would really
20 take you by your word. Be as concise as possible with regards to the other questions.
21 So please start then.

22 MR LEDDY: [9:51:59] Thank you, your Honour. I take your advice.

23 Q. [9:52:04] Now, Madam Witness, a few more background questions. Excuse me.
24 Could you please give us the place of your birth? Where were you born?

25 A. [9:52:26] I am born in Bossangoa.

1 Q. [9:52:30] And can you tell us your nationality?

2 A. [9:52:51] I know that I was born Bossangoa, as my family is there.

3 PRESIDING JUDGE SCHMITT: [9:53:00] Please continue. That is an answer.

4 MR LEDDY: [9:53:03]

5 Q. [9:53:03] Madam Witness, can you tell us your ethnicity and your religion for
6 the record, please.

7 A. [9:53:27] I am Fulata.

8 Q. [9:53:34] And what religion to the practice?

9 A. [9:53:47] I practice Islam.

10 Q. [9:53:49] What neighbourhood did you grow up in in Bossangoa?

11 A. [9:54:06] At Bossangoa, I lived in the Arabe neighbourhood.

12 Q. [9:54:09] And can you please describe life in that neighbourhood prior to the
13 arrival of the Seleka in 2013?

14 A. [9:54:40] We had a peaceful life. We had no problems. It was very
15 harmonious at that time.

16 Q. [9:54:53] Now, I'd like to move to ask you about the second topic, the Seleka
17 arrival in Bossangoa.

18 Can you describe what happened then?

19 A. [9:55:24] When the Seleka entered, we were there and suddenly we heard firing
20 and shootings everywhere.

21 Q. [9:55:40] And what did you do in response to those firings and shootings?

22 A. [9:56:01] We didn't have to do anything. We stayed at home with the children.

23 Q. [9:56:09] How did the Seleka treat the civilian population in Bossangoa?

24 A. [9:56:35] After they entered Bossangoa, they didn't do anything in particular to
25 the civilians. I didn't see any harm that they caused to the civilians. I'm talking

1 about the beginning.

2 Q. [9:56:56] Thank you, Madam Witness. Now, the third topic I'd like to discuss
3 with you --

4 PRESIDING JUDGE SCHMITT: [9:57:00] What she says "I'm talking about the
5 beginning", perhaps an easy question, Madam Witness, and later did that change?

6 THE WITNESS: [9:57:31](Interpretation) No, no. Even afterwards they didn't do
7 any harm vis-à-vis us. It's only after the arrival of the Anti-Balaka that clashes began.
8 And at that moment there was a lot of tension, but we never heard about that they
9 harmed civilians in Bossangoa.

10 MR LEDDY: [9:58:01]

11 Q. [9:58:01] Now, you mentioned the Anti-Balaka, Madam Witness, and I'd like to
12 ask you a few questions about the time period before the 5 December attack. I
13 believe in your statement you mentioned several attacks in areas outside Bossangoa.
14 Can you tell us what you know about those?

15 A. [9:58:45] When we were still in Bossangoa, we didn't have a lot of problems.
16 When the vehicles came to the small villages like Mboya, Benzambe, Zere and it was
17 there when attacks took place and a man was killed. His name was Mahamat.
18 That's what I can tell you.

19 Q. [9:59:24] And how did you come to know about this information?

20 A. [9:59:44] You know, the victim was a driver who lived close to us. His family
21 house was next to ours. And during the funeral, we -- we were -- we went there as
22 well. We attended the funeral.

23 Q. [10:00:04] Thank you, Madam Witness.

24 And do you recall the name Koursi as someone involved in that incident as well?

25 A. [10:00:34] Yes, Koursi. He was also killed on the road to Zere. He also lived

1 in our neighbourhood and he was part of the imam's in-laws.

2 Q. [10:00:53] And how about the name Bouba? Can you tell us if that refreshes
3 your recollection about anyone implicated in that incident?

4 A. [10:01:26] Yes, Bouba used to live in Zere. *He was also killed along with
5 another boy. They were burnt in their house.

6 Q. [10:01:42] Thank you, Madam Witness.

7 And how did you come to learn that information?

8 A. [10:02:01] *As for Bouba, the inhabitants of Zere had left and come to the École
9 de Liberté. And we were also there. You know, they are our coreligionists. We were
10 there together and we met with their children and they told us that their father and
11 their junior brother had been killed, that they had been burned in the house.

12 Q. [10:02:36] Thank you, Madam Witness. Did you also meet Muslims who had
13 fled from Benzambe in the École? Did they tell you what had happened during an
14 Anti-Balaka attack?

15 A. [10:03:13] No. Haoua only told us about what happened to them, namely the
16 murder of her father. We didn't have any other information. This that I have told
17 you is the only thing that the daughter of the victim told me.

18 Q. [10:03:42] Did she describe the Anti-Balaka who attacked her family?

19 A. [10:04:03] No, she didn't do so. She simply told me about the facts and added
20 that it was done by the Anti-Balaka without describing -- describing them.

21 Q. [10:04:17] Thank you, Madam Witness. I'd like to now ask you about the
22 Anti-Balaka attack in Bossangoa prior to the 5 December attack. I believe in your
23 statement at paragraph 34, and in is number eight on our list of materials,
24 CAR-OTP-2126-0058 at 0064, you placed the attack at approximately three months
25 before the 5 December; is that correct, the timing?

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 A. [10:05:06] Yes.

2 Q. [10:05:07] Can you please describe for us what happened that day?

3 A. [10:05:32] Are you referring to the first attack on Bossangoa.

4 Q. [10:05:34] Yes.

5 A. [10:05:53] At the beginning, we were all there. It was morning and then
6 suddenly there was gunshots and we were later informed that the Anti-Balaka had
7 attacked Bossangoa and that they were fighting against the others. But they also
8 attacked civilians. On that day, I learned that somebody had been struck by a bullet
9 and had been taken to the hospital but died the next day in the morning.

10 PRESIDING JUDGE SCHMITT: [10:06:32] Madam Witness, did you know that
11 person?

12 THE WITNESS: [10:06:49](Interpretation) Yes, I know that person.

13 PRESIDING JUDGE SCHMITT: [10:06:53] I think we have to ask that in private
14 session.

15 Madam Witness, we go shortly to private session and we will ask you then the name
16 of this person and then we go back to open session. Because if you tell us the name
17 of this person in open session, this could reveal your identity. Okay. We go to
18 private session shortly.

19 (Private session at 10.07 a.m.)

20 THE COURT OFFICER: [10:07:24] We're in private session, Mr President.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 10.17 a.m.)

24 THE COURT OFFICER: [10:17:04] We're in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:17:07] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 So, Madam Witness, we have spoken about this first attack on Bossangoa, as you said,
2 three months before the 5 December attack. In your statement you say, and please
3 listen, your witness statement: "At that time all the Christians had already taken
4 refuge at the church." Obviously, there is, again, the connectivity has been broken
5 down. So last time I've been told there's a technician on their way. That is -- that
6 might be a good notice, but we don't know.

7 THE INTERPRETER: [10:18:16] A message from the Sango both: The witness said
8 *yoro*. *Yoro* can be translated as medication or as a fetish or *gris-gris*.

9 PRESIDING JUDGE SCHMITT: [10:18:32] Okay. So, Madam Witness, I ask you for
10 your indulgence. Yo we see we have connectivity problems, but if we all consider
11 that this is 8,000 kilometres away in not so easy circumstances, there is no -- no -- no
12 way, I think, to be impatient. We simply have to go through that. And I see that
13 you are in a good mood, if I -- if I may say so. Have you understood my last
14 question? Perhaps I repeat it, I think it's the best.

15 In your statement, you said with regard to the time of the first attack, I read it out to
16 you: "At that time all the Christians had already taken refuge at the church."
17 Do you know why that was so?

18 THE WITNESS: [10:19:56](Interpretation) Well, I -- we did not know why people
19 were running to the church. I saw some of my neighbours seek refuge at the church
20 and others went to the farms. We were wondering what was happening, but these
21 neighbours did not tell us anything.

22 PRESIDING JUDGE SCHMITT: [10:20:17] Okay. Thank you.

23 So for the Defence, perhaps, you also recognise that. It's as it is in that, I think.

24 Okay. But we come later to that, I think tomorrow, I hope tomorrow. No, I'm sure
25 tomorrow, Mr Leddy. If -- if high powers do not forbid us with power shortages, so

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 that might also be.

2 Mr Leddy, please continue.

3 MR LEDDY: [10:20:43] Thank you, Mr President.

4 Q. [10:20:47] Madam Witness, I'd like to ask you about another Anti-Balaka
5 member Achille. You mentioned him in your statement.

6 Can you tell us what you know about him?

7 A. [10:21:25] Achille, I knew him to be a civilian. He was not a former soldier.

8 He was nothing. *He used to be in Bossangoa and then he was deployed to Ouham
9 Bac to work as a head or lead nurse. And he worked there for some time, and I saw
10 him in Ouham Bac and then later on he came back to Bossangoa. And we used to all
11 live in the same neighbourhood. Then sometime later on we saw him riding a
12 motorbike, a red motorbike. And then we saw him again going about with a
13 weapon, a weapon and we learned later on that it is Bozizé who had given him the
14 weapon.

15 Now, when these people came in, I saw them with my own eyes. I saw him with his
16 weapon and with his motorbike going by my home. Later on, I didn't hear of him
17 anymore. Now, when the Seleka entered the town, that is when I saw him. But
18 then later on, I did not see him and I don't know what became of him.

19 Q. [10:22:47] Thank you, Madam Witness. What was the weapon that you saw
20 him carrying.

21 A. [10:23:08] Well, I'm a woman and I'm not able to distinguish between the
22 various weapons. But people said it was a Kala, a Kalashnikov, but I really am not
23 sure about what people were saying.

24 Q. [10:23:34] Madam Witness, I'd like to change topics now to the 5 December
25 attack on Bossangoa.

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 Now, I'd like you to take your time with this, but please describe for us what
2 happened that day starting, perhaps, in the morning.

3 A. [10:24:17] The questions you're asking me now, are they about the second
4 attack?

5 Q. [10:24:24] Yes, that's correct. And if you'd like to go to private session perhaps
6 later, just let us know. We can do that.

7 A. [10:24:51] Yes, I would rather we were in private session.

8 PRESIDING JUDGE SCHMITT: [10:24:58] Yeah, that's understandable with regard
9 to what might be the content. We go to private session, yes.

10 (Private session at 10.25 a.m.)

11 THE COURT OFFICER: [10:25:18] We're in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 11.00 a.m.)
- 16 THE COURT OFFICER: [11:00:13] We're back in open session, Mr President.
- 17 PRESIDING JUDGE SCHMITT: [11:00:15] We have now the break until 11.30 and
- 18 afterwards I think we can continue in open session, I would suggest. Thank you.
- 19 THE COURT USHER: [11:00:25] All rise.
- 20 (Recess taken at 11.00 a.m.)
- 21 (Upon resuming in open session at 11.33 a.m.)
- 22 THE COURT USHER: [11:33:03] All rise.
- 23 Please be seated.
- 24 PRESIDING JUDGE SCHMITT: [11:33:28] Welcome back, Madam Witness. We are
- 25 in open session. And I would give, again, Mr Leddy the floor.

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 MR LEDDY: [11:33:38] Thank you, Mr President.

2 Q. [11:33:44] Good morning, Madam Witness. Are you feeling okay? Ready to
3 proceed?

4 A. [11:33:59] Good morning, again. We can continue.

5 Q. [11:34:04] Great. Thank you. So I'd like to take you back to the events of
6 5 December 2013. And after the events you described earlier, you mentioned going
7 to the imam's house and then to the *école*.

8 Can you describe for us the conditions when you arrived at the *École de la Liberté* that
9 night.

10 A. [11:34:51] When we arrived at the *École Liberté*, the gunshots and firing had
11 stopped and we were there under FOMAC protection.

12 Q. [11:35:05] You said "we". Who did you arrive with?

13 A. [11:35:31] "We" means that (Redacted).

14 PRESIDING JUDGE SCHMITT: [11:35:42] No problem, Mr Leddy. We can deal
15 with that.

16 MR LEDDY: [11:35:45] Thank you. Thank you, Mr President.

17 Q. [11:35:50] And when you got to the school, can you describe the scene for us?
18 What did you see?

19 A. [11:36:18] I did not see anything special, but I saw a dead body.

20 Q. [11:36:23] Okay. Can you tell us more about that?

21 A. [11:36:45] What I said is that when I arrived there, I noticed that there was a
22 dead body on the ground. Apart from that, nothing special.

23 Q. [11:37:04] Were there lots of people there, and if so can you describe them for
24 us?

25 A. [11:37:34] There were very many people at the *École Liberté* and I'm not able to

1 give you a number or a figure because there were people from Bossangoa and people
2 from surrounding villages. Many of them had all gathered there.

3 Q. [11:37:56] And could you tell whether the people you saw were Christian or
4 Muslim?

5 A. [11:38:17] The people who were at the *École Liberté* were exclusively Muslim.
6 There were also some Christians, but these Christians had been married to Muslims.
7 Those are the people who were there with us.

8 Q. [11:38:41] And can you tell us, did you see men, woman and children?

9 A. [11:39:07] I've talked about Christians and Muslims.

10 Q. [11:39:11] Thank you, Madam Witness. I'm not sure if the interpretation came
11 through.

12 Did you see men as well as women as well as children?

13 A. [11:39:44] Yes, indeed there were men, children and women; men, women, and
14 children and many of them in number.

15 THE INTERPRETER: [11:39:54] Interpreter corrects from previous question.

16 The witness asked whether counsel was speaking about Muslims or Christians in her
17 answer, her previous answer.

18 PRESIDING JUDGE SCHMITT: [11:40:04] Well, she has answered that, I think.

19 MR LEDDY: [11:40:07] I think so, too.

20 Q. [11:40:11] Madam Witness, can you tell us whether you saw anyone at the *École*
21 *de la Liberté* with weapons?

22 A. [11:40:35] No, the only persons who were bearing weapons were the FOMAC
23 soldiers. But those who had sought refuge there, none of them had weapons.

24 Q. [11:40:51] And what were the living conditions like at the school?

25 A. [11:41:21] We were under FOMAC protection. They asked us not to go out but

1 to remain within the school and not to leave without their instructions. They said
2 they were only responsible for those who were within the *école*, so that is how it was
3 that FOMAC was providing protection while the HCR provided food.

4 Q. [11:41:57] Who were they providing protection from?

5 A. [11:42:18] The protection was against those who wanted to hurt us.

6 Q. [11:42:29] And who was that, for the record?

7 A. [11:42:45] Those who wanted to hurt or harm us were the Anti-Balaka.

8 Q. [11:42:54] And without FOMAC's protection, what do you -- what would you
9 have done? What do you think would have happened to you and your family?

10 PRESIDING JUDGE SCHMITT: [11:43:08] Well --

11 MR KNOOPS: [11:43:13] Mr President?

12 PRESIDING JUDGE SCHMITT: [11:43:14] Yes, you're right. You're right.

13 MR KNOOPS: [11:43:16] With all due respect, I think this is --

14 PRESIDING JUDGE SCHMITT: [11:43:18] Perhaps, a little bit differently, if you
15 allow me, Mr Leddy.

16 Madam Witness, have you been told what would happen to you if you had left the
17 compound, if you had left the *École Liberté*?

18 THE WITNESS: [11:44:01](Interpretation) We were afraid we could not leave
19 because that was not too far away, and so we were afraid and we were -- we couldn't
20 leave the school compound.

21 PRESIDING JUDGE SCHMITT: [11:44:25] I think, Mr Leddy, we can move on. I
22 think it's relatively clear, I would say.

23 Madam Witness, you have been already asked that, but perhaps you have more
24 information. First of all, how long did you stay at the *École Liberté*? Do you recall
25 that?

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [11:45:09](Interpretation) We remained there for quite some time,
2 four months and a few days, one would say, before we were evacuated.

3 PRESIDING JUDGE SCHMITT: [11:45:21] How was life there? You know, food?
4 Was there enough food, hygiene, medication, these things?

5 THE WITNESS: [11:45:53](Interpretation) While we were at *École Liberté*, HCR built
6 some latrines, there was a water point and then there was also a health centre. And
7 whenever there were serious health cases, FOMAC itself would transport the sick
8 people to the hospital. But within the school, there was a small health centre
9 providing health services. We had food. We did not have any problems with water
10 and we were provided with the necessary food supplies.

11 PRESIDING JUDGE SCHMITT: [11:46:40] Thank you. Mr Leddy, please.

12 MR LEDDY: [11:46:42]

13 Q. [11:46:42] Thank you, Madam Witness. I'd like to show you a couple of
14 photographs. The first is number 3 on the list of materials. It can be shown to the
15 public. And it's reference is CAR-OTP-2085-4572 -- I'm sorry, 4512. Please let us
16 know, Madam witness, when you can see the photograph.

17 A. [11:47:53] Yes, I can see it now.

18 PRESIDING JUDGE SCHMITT: [11:48:02] Microphone, please.

19 MR LEDDY: [11:48:03] Sorry. For the record, I'm looking at evidence 1 and I can
20 see that it's -- it's item 4 on our list of materials, CAR-OTP-2085-4572, which is fine.
21 We can start with that one.

22 Q. [11:48:16] Madam Witness, does this image accurately reflect the conditions at
23 the school when you were there in December 2013?

24 A. [11:49:00] Yes, I can see part of the building, which resembles the school
25 building, but the image is not clear enough for me to tell you much more than what I

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 have just said.

2 Q. [11:49:20] That's fine. I'd like to show the witness another image. This is item
3 3 on the list of materials, CAR-OTP-206 -- I'm sorry 2085-4512.

4 Can you see the image, Madam Witness?

5 A. [11:50:20] Yes, I can.

6 Q. [11:50:22] And the same question. Does this image accurately reflect the
7 conditions of the school when you were there in December 2013?

8 A. [11:50:53] Yes, I can see some Muslims on the photograph.

9 Q. [11:51:04] So I'd now like to show you an excerpt from a video. And for the
10 record, it's CAR-OTP-2079-0677 at 49 seconds to 1 minute and 16 seconds. And this
11 is number 2 on the list of materials, which can be shown to the public as well. And
12 for the record, the transcript is at number 11 in the list of materials,
13 CAR-OTP-2127-7186 at page 7187, lines 12 through 26.

14 We'll watch the video, Madam Witness, and then I'll have a couple of questions for
15 you.

16 (Viewing of the video excerpt)

17 MR LEDDY: [11:52:32]

18 Q. [11:52:33] So, Madam Witness, did this footage accurately depict the conditions
19 at the school when you were there?

20 A. [11:53:15] I was able to recognise one of the women who was speaking.

21 Q. [11:53:23] Okay. We can perhaps get her name later in private session, but for
22 now I'd like to ask you a couple more questions about the number of people at the
23 compound. So in number one on the list of materials, this is CAR-OTP-2001-2043 at
24 page 2062, which I'd like to show to the witness and to the public, if possible.

25 So, Madam Witness, this is a page from a Human Rights Watch report. You can see

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 two satellite images of the school. The one on the left is from 4 December 2013 and
2 the one on the right is from 12 December 2013. The caption on the right indicates
3 that satellite imagery recorded on the mornings of December 4 and 12, 2013, captures
4 the rapid expansion of the *École Liberté* camp for over 7,000 displaced Muslim civilians
5 in the Boro quarter of Bossangoa. You can see there's a difference in the number of
6 structures in the image on the left versus the image on the right. And my question to
7 you is, did you notice such an increase in (Overlapping speakers) --

8 PRESIDING JUDGE SCHMITT: [11:55:31] Well, that is difficult -- that's difficult for
9 the witness. I think we really -- I think we really don't need that.

10 Mr Knoops, I know what you want to say, so to shorten the whole thing --

11 MR KNOOPS: [11:55:45] Okay. Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [11:55:47] I think to let the witness comment on the
13 satellite, we have seen the satellite images before, we have discussed them with an
14 expert, if I'm not mistaken.

15 MR LEDDY: [11:55:59] We have, your Honour, and I was getting to that next. It's
16 important, I think, for the record, for the witness who was present on the ground to
17 corroborate the photos that we have from the expert, so I'd like to (Overlapping
18 speakers) --

19 PRESIDING JUDGE SCHMITT: [11:56:10] But how can -- how can she do that?
20 How can she do that?

21 MR LEDDY: [11:56:11] From her personal experience within the camp. She can
22 describe what she saw and what she heard.

23 PRESIDING JUDGE SCHMITT: [11:56:15] Yes, but then ask these questions to her.
24 I think with the -- you know, you see a satellite image, whatever, this could be on -- I
25 think for the witness it's difficult to figure that out. But nobody here has a problem

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 if you ask her was this a tent town, so to speak, or whatsoever. Why not?

2 (Overlapping speakers) With the satellite image, I think -- I think we don't get any
3 further. And I think -- it's also not -- this is one of those questions which I think we
4 overwhelm and -- this is not the witness to answer this question, to put this into
5 perspective.

6 MR KNOOPS: [11:56:57] Mr President, if I may just make an observation. I think
7 without foundation, whether this witness has direct knowledge on, first, the size of
8 the camp --

9 PRESIDING JUDGE SCHMITT: [11:57:09] You don't have to convince me. You
10 have already --

11 MR KNOOPS: [11:57:12] But, I mean, it would also -- it's also a type of leading the
12 witness in this regard, so I would object to any question anymore on the subject
13 because the Prosecution, by puts these photos to the witness without foundation, it's
14 clearly leading. So any answer of the witness, we cannot verify anymore whether it's
15 her authentic (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [11:57:34] I have -- I have already decided that we
17 do not ask the witness about these -- these two satellite images, so you are -- I think
18 it's called sustained, so to speak. But we can, of course -- we have -- we have done
19 that. I have asked the question how were the living conditions. You can ask the
20 witness how did it look like there, did the people live in tents, did they sleep on the
21 ground whatsoever. These are questions that you can put to the witness. And
22 these are questions where the witness, with some likelihood, would have direct
23 information upon and that -- because of that we can ask her that. Thank you.

24 MR LEDDY: [11:58:13] Thank you, Mr President.

25 Q. [11:58:17] Madam Witness, I'd like to ask you to describe, if you could a little

1 more detailed, the conditions at the school *École de la Liberté* at the time. Can you tell
2 us about, for example, where you saw people sleeping?

3 A. [11:59:10] Some people slept inside while others slept on the verandas. Some
4 tents had also been distributed to us, as well as blankets and mats. So some people
5 went back to their homes and brought back mats which they used. The HCR also
6 provided us with some mats and blankets and we slept under some tents.

7 Q. [11:59:57] And for the record, when you say HCR, is that the UNHCR?

8 A. [12:00:16] Yes, that's correct.

9 Q. [12:00:20] And if you recall, approximately how many tents did you see when
10 you were there? Did that number change over time?

11 A. [12:00:58] Yes. There were already people who were living in the surrounding
12 villages. And at the last minute it were people who were in the centre of Bossangoa
13 who took refuge in the school compound. There were many, many people. After
14 that, there were no other people who joined the group because everybody, the
15 population was already at the *École de Liberté*.

16 Q. [12:01:43] And when you say "many, many people", can you tell us if that
17 number was in the hundreds or in the thousands?

18 A. [12:02:08] No, I can't give you an estimate. There were many people. More
19 than a hundred, but I can't give you a figure.

20 PRESIDING JUDGE SCHMITT: [12:02:23] I think you can move on, Mr Leddy.

21 MR LEDDY: [12:02:26]

22 Q. [12:02:27] I'd like to ask you briefly about whether you saw your family at the
23 school. And if you'd like to refer to them by your relationship with them rather than
24 their name, we can try to do that in public session. If you'd like to go to private
25 session also, let us know, thanks.

1 A. [12:03:17] When we were in Bossangoa, I didn't have relatives. *My mother
2 was in Bangui, my older sister was in Bossangoa, I was with her, but during the first
3 attack she was able to leave the town of Bossangoa to go to Bangui. They left to
4 N'Djamena afterwards, so I didn't have anyone of my own family with me. *I was in
5 the family of my husband's in-laws with my husband and his brothers and sisters.
6 My relatives were all in Bangui.

7 Q. [12:03:55] And did you see your husband and your in laws at the school?

8 A. [12:04:17] Yes, we were all at the École de Liberté.

9 Q. [12:04:30] And did you learn what had happened to your husband's
10 grandmother that day?

11 A. [12:04:55] *She was taken to the École de Liberté, and then later HCR staff drove
12 her to the hospital in their vehicle.

13 Q. [12:05:10] Can you tell us what had happened to her that required her to go to
14 the hospital?

15 A. [12:05:35] *When we left, we were four; I was with her, I was with the husband
16 of my in-laws and she -- she was at the entrance of the compound and she was
17 slashed in the head with a machete and she was also wounded just below the knee.
18 The people who did that thought she was dead. The next morning, when we found
19 her, she was still living and she was transported to the École de Liberté and then she
20 was transported to the hospital.

21 Q. [12:06:21] Is she still alive today?

22 A. [12:06:46] When we left, she died about a year ago.

23 Q. [12:07:03] When you were at the school, did you learn how many Muslims were
24 buried from the 5 December attack.

25 A. [12:07:46] You know, these events go back many years. I think maybe it was 18,

1 but it's a long time ago now. I can't remember exactly.

2 Q. [12:08:03] Do you recall where they were buried?

3 A. [12:08:24] They were buried in the compound of *École Liberté*.

4 Q. [12:08:41] Now, I'd like to ask you one follow-up question. Why were they not
5 buried in the cemetery?

6 A. [12:09:14] Well, you know, the cemetery was far away. The situation was not
7 stable and, unfortunately, the Anti-Balaka would attack the Muslims and they
8 wouldn't leave them alive. So, therefore, we had to bury them at the *École de Liberté*
9 rather than at the cemetery.

10 Q. [12:09:46] Now, I'd like to shift to ask you about your departure from the school
11 to Chad. Can you tell us about that experience? Why did you leave for Chad?

12 A. [12:10:27] It's because of the crisis. We were enclaved in the *École de Liberté*. It
13 was almost like a prison. Many people - I think even the imam - refused to leave,
14 but many people couldn't handle it anymore to live under these conditions, so many
15 took the decision, the majority took the decision to leave. It's because of the conflict.
16 And the fact that we were in an enclave in the school.

17 Q. [12:11:10] Can you tell us more details about how you got to Chad, who went
18 with you, et cetera?

19 A. [12:11:42] It's the HCR who organised the evacuation and FOMAC guaranteed
20 our safety.

21 Q. [12:11:59] So do I understand correctly that FOMAC troops escorted you to
22 Chad?

23 A. [12:12:17] Yes, they took us up to the border.

24 Q. [12:12:21] And approximately how many troops did you see accompany you?

25 A. [12:12:45] There were many because it was a convoy made up of several

1 vehicles.

2 Q. [12:12:57] Can you tell us how many vehicles and how many others went with
3 you to Chad?

4 A. [12:13:26] No, I don't know the number of people and even less the number of
5 vehicles. I didn't want to find out. I don't know.

6 Q. [12:13:40] Did your husband and his family, your in-laws, did they go with you?

7 A. [12:14:00] Yes, we left together.

8 Q. [12:14:08] Did you see other families join the convoy as well?

9 A. [12:14:33] I didn't understand your question. Who was I supposed to see?

10 Q. [12:14:42] I'm trying to -- because we were not there, Madam Witness, I'm trying
11 to understand in more detail the size of the convoy and the other people that may
12 have joined you to Chad. So if you could, perhaps, describe who else you saw, not
13 by name, but if you could just describe the situation for us in a little more detail I
14 think the Chamber would appreciate it.

15 A. [12:15:37] There were civilians that were evacuated. There was no one else
16 with us.

17 Q. [12:15:59] You mentioned the imam. Did he have an opinion about whether
18 you should stay in Bossangoa or leave?

19 A. [12:16:41] Yes, they had discussion amongst themselves. The religious leaders,
20 the imam asked us to stay, but the others didn't share that view and that's why we
21 decided we would leave.

22 Q. [12:17:08] Now, Madam Witness, how long have you been in Chad? Are you
23 still there today?

24 A. [12:17:33] Yes, I am still living in Chad. I think it's about eight years now, if I
25 remember correctly.

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 Q. [12:17:47] can you tell us what your living conditions are like in Chad?

2 A. [12:18:21] For the moment, we don't have any problems. We are under the
3 protection of HCR, so we don't have any problems right now.

4 PRESIDING JUDGE SCHMITT: [12:18:36] Madam Witness, perhaps you can
5 describe a little bit more in detail. Do you have a house there in Chad or do you live
6 in tents? So that we can picture this for ourselves because -- because we, of course,
7 do not know how you live there.

8 THE WITNESS: [12:19:18](Interpretation) When we arrived we had tents and after
9 that houses were built from bricks, mud bricks. I was appointed to make meals for
10 children, for students. I still do that today.

11 PRESIDING JUDGE SCHMITT: [12:19:51] Thank you.

12 MR LEDDY: [12:19:54]

13 Q. [12:19:55] Do you want to go back to Bossangoa, Madam Witness?

14 A. [12:20:24] I don't even think about it. After having suffered these atrocities, I'm
15 scared to go back.

16 Q. [12:20:32] And how has it been for your -- your kids?

17 A. [12:20:57] I have children who are still minor. There's not one who's a *majeur* or
18 adult.

19 PRESIDING JUDGE SCHMITT: [12:21:13] Madam Witness, are your children
20 provided with education, with schooling?

21 THE WITNESS: [12:21:35](Interpretation) Three yes, but two others, no.

22 PRESIDING JUDGE SCHMITT: [12:21:42] Mr Leddy.

23 MR LEDDY: [12:21:58] Your Honour, I'd like to request private session to discuss
24 some family member names.

25 PRESIDING JUDGE SCHMITT: [12:22:03] But you have covered a lot, I think, until

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Private Session)

ICC-01/14-01/18

1 now.

2 MR LEDDY: [12:22:05] Just a few questions.

3 PRESIDING JUDGE SCHMITT: [12:22:06] Yeah, yeah -- no, no, I'm not pushing you,
4 not at all. No, no. This was not meant -- it was meant positively. We go to private
5 session.

6 (Private session at 12.22 p.m.)

7 THE COURT OFFICER: [12:22:24] We are in private session, Mr President.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Open session at 12.29 p.m.)

17 THE COURT OFFICER: [12:29:50] We are in open session, Mr President.

18 MR LEDDY: [12:29:55] Madam Witness, I have no further questions for you today.

19 I want to thank you very much for your time and for your patience with me

20 and -- and, yeah, thank you again.

21 PRESIDING JUDGE SCHMITT: [12:30:07] Thank you, Mr Leddy, for this concise,
22 yet thorough examination.

23 I understand, Ms Proulx, that you prefer to start tomorrow, but you, of course, since
24 you can read my mind, you know my next question. So I don't have to speak it out.

25 MS PROULX: [12:30:27] I think I understand you, Mr President. Indeed, I would

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 prefer to start tomorrow and I will -- I will be finished within the morning sessions
2 tomorrow.

3 PRESIDING JUDGE SCHMITT: [12:30:38] Thank you very much.

4 Then, Madam Witness, you have followed what has been said. We conclude for
5 today. Thank you very much for your patience for answering all these questions.

6 We continue tomorrow at 9.30. We wish you a nice rest until then.

7 THE COURT USHER: [12:30:56] All rise.

8 (The hearing ends in open session at 12.30 p.m.)