

Trial Hearing
CAR-V45-P-0001

(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 Yekatom and Patrice-Edouard
5 Ngaiissona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Thursday, 21 September 2023
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:50] All rise. The International Criminal Court is now
11 in session. Please be seated.
12 PRESIDING JUDGE SCHMITT: [9:33:09] Good morning, everyone. Court officer,
13 please call the case.
14 THE COURT OFFICER: [9:33:24] Good morning, Mr President, your Honours.
15 Situation in the Central African Republic II in the case of the Prosecutor versus Alfred
16 Yekatom and Patrice-Edouard Ngaiissona, case reference ICC-01/14-01/18.
17 And for the record we are in open session
18 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you very much.
19 Before we start with the presence of the parties, I would like to thank everyone here in
20 the courtroom, the parties, participants, Registry for their flexibility. These are
21 unusual times that require unusual measures, measures that the older people in this
22 courtroom know from the olden times, but still they are now not unusual anymore.
23 A special thank you to CMS, I have to say, that they did an enormous effort to make it
24 possible that we can have this hearing today.
25 Now, for -- I ask the Prosecution for the presence.

1 MS NEITHARDT: [9:34:24] Good morning, Mr President. The Prosecution today is
2 represented by Mr Kweku Vanderpuye, Maria Berdennikova, Yassin Mostfa, Lucio
3 Garcia and myself, Caroline Neithardt. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you. I turn to the representatives
5 of the victims, Ms Massidda first.

6 MS MASSIDDA: [9:34:44] Good morning, Mr President, your Honours, good
7 morning everybody in the courtroom. For the victims of the other crimes appearing
8 today, Mr Chenaifa, Merouane, Ms Mouhia Asso and myself, Paolina Massidda.

9 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you.

10 I turn to Mr Suprun who, together with his team, is in a double role, so to speak,
11 potentially -- potentially, we don't know. Mr Suprun.

12 MR SUPRUN: [9:35:09] Good morning, Mr President, good morning, your Honours.
13 The former child soldiers are represented by Joseph Akem Mevoungou, Diletta
14 Marchesi, Ayesha Umana, Patrick Tchidimbo, and myself, Dmytro Suprun. Thank
15 you.

16 PRESIDING JUDGE SCHMITT: [9:35:22] Thank you.

17 I turn to the Defence. Ms Dimitri for the accused, Mr Yekatom.

18 MS DIMITRI: [9:35:22] Thank you, Mr President, good morning. Good morning,
19 your Honours, good morning everyone.

20 Mr Yekatom is present in the courtroom. He is represented today by Ms Alexandra
21 Baer, Ms Yousra Lamqaddam, Mr Narek Chakhalyan, Mr Lionel Messi Tikpa, Mr Gyo
22 Suzuki, MS Sarah Bafadhel and myself, Mylène Dimitri. We also have -- not part of
23 the team, but as observer, a judge from the Court of Appeal of Québec, Mr Simon
24 Ruel, as a visiting professional.

25 PRESIDING JUDGE SCHMITT: [9:35:54] Thank you. Good morning, Judge.

1 I turn to the Defence of Mr Ngaïssona.

2 Mr Knoops, please.

3 MR KNOOPS: [9:36:04] Good morning, Mr President; good morning, your Honours;
4 good morning, everyone in the courtroom. The Defence team of Mr Ngaïssona
5 appears today before the Court with Mr Alexandre Desevedavy, Lina Taki, and Mr
6 Mathias Goffe, and Mr Ngaïssona himself. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:36:16] Thank you very much.

8 And mostly importantly, I now turn to our witness. We will start with the testimony
9 of witness CLRV 1, V45-0001.

10 Mr Witness, good morning, do you hear and understand me well? Yes, please help
11 the witness with the ...

12 Yes, Mr Witness, do you understand me well?

13 THE WITNESS: [9:37:02](Interpretation) I understand you fine.

14 PRESIDING JUDGE SCHMITT: [9:37:05] Thank you. On behalf of the Chamber I
15 would like to welcome you to the courtroom. You are called to testify to assist the
16 Chamber in the case against Mr Yekatom and Mr Ngaïssona. Before continuing, I
17 would like to inform the participants about the shield screen between the witness and
18 the accused. This is simply -- was simply recommended by VWU, and I thank the
19 Defence for rearranging in a manner that we can work with this special measure.

20 Mr Witness, the Chamber granted the request by your counsel for assurances under
21 Rule 74 of the rules, with regard to two specific topics. I think this has been
22 explained to you. You are entitled not to incriminate yourself, but Rule 74 means
23 that no proceedings will be initiated against you in the event that that the area that
24 Rule 74 was applied and confirmed by the Chamber is affected.

25 But in any way, Mr Suprun, you -- if any issue arises, you will tell us and we will

1 perhaps remind the witness again.

2 Mr Witness, there are protective measures in place to shield your identity. These are
3 face distortion. This means that the public does not see your face; and a pseudonym.
4 This is the reason why I don't address you with your real name, but only address you
5 as "Mr Witness".

6 Mr Witness, I will read now the solemn undertaking to you.

7 I ask you to repeat slowly after me: I solemnly declare --

8 THE WITNESS: [9:38:58](Interpretation) I solemnly swear that I shall tell the truth --

9 PRESIDING JUDGE SCHMITT: [9:39:11] Yes, the whole truth and nothing but the
10 truth.

11 THE WITNESS: [9:39:17](Interpretation) The entire truth and nothing but the truth.

12 PRESIDING JUDGE SCHMITT: [9:39:22] Thank you, Mr Witness.

13 You are now under oath. You have been informed what that means. You have to
14 tell us the truth in this courtroom, and I only want to remind you of that. I think for
15 the technical aspects, making pauses and so on, I can give the floor already to
16 Mr Suprun. Please.

17 WITNESS: CAR-V45-P-0001

18 (The witness speaks Sango)

19 MR SUPRUN: [9:39:51](Interpretation) Thank you.

20 QUESTIONED BY MR SUPRUN:(Interpretation)

21 Q. [9:39:55] Good morning, Mr Witness.

22 A. [9:39:58] Good morning.

23 Q. [9:40:01] We've already met, of course, but I will repeat my name for the court
24 record. I am Mr Suprun and I am representing the former child soldiers of the
25 Anti-Balaka and, in that capacity, I will be putting a number of questions to you this

1 morning.

2 Before we begin questioning, I'd like to give you some practical pieces of advice.

3 First of all, as you can see, everything that is being said in this courtroom is being
4 interpreted into a number of languages, and to allow the interpreters to do their work
5 properly, I would like to remind you that we should not speak too quickly and we
6 should pause for three-to-five seconds between question and answer.

7 Now, secondly, during your testimony, if you don't understand my question, hesitate
8 not to tell me and I will rephrase.

9 Third, a number of protective measures have been granted to you and when we are in
10 open session, if you think that your answer to any of my questions might identify you,
11 tell me so, or make a sign, a gesture, and we can go into private session.

12 During your testimony, please try to follow the chronological order of the events that
13 you experienced so that the judges, parties and participants can properly understand
14 the experience that you went through.

15 Do you understand, Mr Witness?

16 A. [9:41:48] Yes, I've understood.

17 MR SUPRUN: [9:41:53](Interpretation) Mr President, could we go into private
18 session for my first series of questions?

19 PRESIDING JUDGE SCHMITT: [9:42:01] Indeed, private session.

20 (Private session at 9.42 a.m.)

21 THE COURT OFFICER: [9:42:17] We are in private session, Mr President.

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4 (Open session at 11.34 a.m.)

5 THE COURT OFFICER: [11:34:24] We're in open session, Mr President.

6 MR SUPRUN: [11:34:32](Interpretation)

7 Q. [11:34:32] Mr Witness, just before the break, you said that you were respected in
8 the group where you were and you also said that in your group there were young
9 people who were more or less your age.

10 My question is as follows: According to your personal observations and knowledge,
11 how were these young people treated in the group?

12 A. [11:35:08] Thank you for the question. As regards the treatment of the young
13 people in the group, I have a lot to say about that. You know, some of these young
14 people -- there were different duties, and these young people had different duties,
15 and some of these young people were older than I was. As I said, these young
16 people were regarded as child soldiers, and others were sent on errands to buy things
17 outside the camp, for example, so they had different duties they had to perform.

18 Q. [11:36:09] Since you've just said that these young people had different duties,
19 could you give us some examples of the duties which these young people had to carry
20 out?

21 PRESIDING JUDGE SCHMITT: [11:36:24] Ms Dimitri.

22 MS DIMITRI: [11:36:27] Mr President, it's -- again it's the same objection. My
23 understanding of the decision is that he can talk about his experience, his harm, how
24 he took part in trainings or hostilities. This was covered.

25 PRESIDING JUDGE SCHMITT: [11:36:43] Yeah, but his experiences, of course, you

1 can interpret in a more narrow and in a more broader way, and I think as long as we
2 are discussing, now, events of which the witness was an eyewitness, I think we can
3 simply let him answer.

4 Please, Mr Witness, so what did you personally observe, which duties have
5 been -- these young people had been obliged to do?

6 THE WITNESS: [11:37:20](Interpretation) These young people were sent to do
7 errands. They did quite a lot of things. Some participated in battle. There were
8 some who were older and there were some who were younger than me, and they
9 were sent to buy things outside the camp. {ICR: (Redacted)}
10 (Redacted).}

11 PRESIDING JUDGE SCHMITT: [11:38:04] Thank you. Mr Suprun.

12 MR SUPRUN: [11:38:09](Interpretation)

13 Q. [11:38:09] Mr Witness, you just mentioned that these young people, or some of
14 these young people, participated in the hostilities. As far as you know, did some of
15 these young people who participated in hostilities -- were any of them killed or
16 wounded during the hostilities?

17 A. [11:38:36] Thank you. What I just said that happened, happened in Mbande.
18 Some who were my age were killed. But you must understand that in a battle, on
19 both sides -- the elements of both sides can die. Some who are lucky get out of it.
20 There were some who were wounded.

21 PRESIDING JUDGE SCHMITT: [11:39:14] I think, Mr Suprun, we've -- we gave you
22 this leeway, you should now move on. Please.

23 MR SUPRUN: [11:39:27](Interpretation)

24 Q. [11:39:28] Mr Witness, during your experience in the group of Rambo, did you
25 ever use any drugs?

1 A. [11:39:48] Thank you. It's true. That is something that did happen. All the
2 elements who were part of the armed group did have this habit of using drugs so they
3 could overcome the difficulties they were facing. Myself, personally, I did take
4 drugs.

5 Q. [11:40:21] What sort of drugs did you take? What products did you take?

6 A. [11:40:37] We used cannabis. There were the leaves which we collected and we
7 dried them in the sun. We reduced them into a powder and we rolled them up in a
8 leaf so that we could smoke them. We also used drugs called "Tramole", which was
9 white, which was a type of cigarette.

10 MR SUPRUN: [11:41:18](Interpretation) I think, unfortunately, we have to go into
11 private session for the next series of questions.

12 PRESIDING JUDGE SCHMITT: [11:41:23] Yes, we do that.

13 (Private session at 11.41 a.m.)

14 THE COURT OFFICER: [11:41:44] We are in private session, Mr President.

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19 (Open session at 12.01 p.m.)

20 THE COURT OFFICER: [12:01:52] We're in open session, Mr President.

21 MR SUPRUN: [12:01:56](Interpretation)

22 Q. [12:01:57] Mr Witness, how did your experience within the Anti-Balaka
23 movement have an impact on your life? Did this experience harm you? Did you
24 experience psychological harm?

25 A. [12:02:21] Yes, indeed. You know, a normal person who suddenly {ICR:

1 (Redacted)}, that has consequences. You know, well before
2 that time, I was -- well, I was an angry person. Even when I sleep now, when I'm
3 sleeping, sometimes I awaken suddenly -- and it wasn't easy for me to carry out my
4 normal activities the way I should. Each time, after I wake up, I have to rest so I can
5 collect my thoughts. That's what I can tell you about the impact that it has had on
6 my life.

7 Q. [12:03:31] Are you still having emotional or psychological problems because of
8 your experience within the Anti-Balaka group?

9 A. [12:03:47] Well, what I just described to you, I would go to church, I would meet
10 with priests, and they would pray for me. And so after their prayers I realised that
11 this no longer had an effect on me and I started to lead a normal life.

12 Q. [12:04:17] Did your experience within the Anti-Balaka group affect your plans
13 for your life, things you wanted to do in life?

14 A. [12:04:33] Yes, indeed. It did impact my life. There wasn't just one impact.
15 There were multiple impacts, many impacts that I can't tell you about.

16 Q. [12:04:57] You just said that there were many impacts and you can't tell
17 them -- tell us about them. Why's that? Why can't you tell us about these impacts?

18 A. [12:05:12] Just because there have been many of them. I could tell you some
19 things but not everything. You know, I need time to remember some things. That's
20 why I can tell you about some things, some impacts but not all of them.

21 Q. [12:05:44] Mr Witness, what would you like to do in the future? Would you
22 like to have some kind of business activity, have a trade, a profession?

23 A. [12:06:02] In my life, a trade -- well, you know, I would like to go back to school,
24 but, as you know, as well, you have to take into account my age. When you're older,
25 * it's difficult to go back to studying again at that age. When am I going to start

1 working and taking advantage of my trade? In our country a person with a diploma
2 is not appreciated, doesn't have a value, so that's why I would like to be relocated to a
3 country in Africa so I can forget about everything I experienced in the past. And I
4 would like to be trained to work in a hospital, for example.

5 Q. [12:07:04] If I've understood you correctly, you would like to become a doctor?
6 Have I understood you correctly?

7 A. [12:07:16] Yes, that's right.

8 Q. [12:07:25] Mr Witness, what do you expect from the International Criminal
9 Court at the end of this trial against Mr Yekatom and Mr Ngaissona? What do you
10 expect in terms of justice?

11 PRESIDING JUDGE SCHMITT: [12:07:40] I'm not really happy with this question.
12 Can you -- can't you reword it: What would he expect from these proceedings for
13 himself? Please, we do it this way.

14 MR SUPRUN: [12:08:05](Interpretation) Thank you, your Honour.

15 Q. [12:08:07] Mr Witness, I'd like to rephrase my question. What do you hope for,
16 for yourself, personally? What do you expect from the Court at the end of this trial?

17 A. [12:08:23] I haven't understood your question. There are expectations -- well, if
18 you have anything to suggest to me I might be able to say more.

19 PRESIDING JUDGE SCHMITT: [12:08:44] I think -- I think it's fine, this answer. I
20 think we leave it at that.

21 MR SUPRUN: [12:08:52](Interpretation) For my last series of questions, could we go
22 into private session?

23 PRESIDING JUDGE SCHMITT: [12:08:58] I understand.

24 Private session.

25 (Private session at 12.09 p.m.)

- 1 THE COURT OFFICER: [12:09:19] We're in private session, Mr President.
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Page redacted — private session

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6 (Open session at 12.16 p.m.)

7 THE COURT OFFICER: [12:16:33] We're in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:16:36] Thank you.

9 Ms Massidda, I assume you don't have any questions.

10 MS MASSIDDA: [12:16:42](Interpretation) No, I don't. Thank you, your Honour.

11 PRESIDING JUDGE SCHMITT: [12:16:44] I would also be surprised if Ms Neithardt
12 had questions, but I ask, of course.

13 MS NEITHARDT: [12:16:55](Interpretation) No, the OTP does not have questions.
14 Thank you.

15 PRESIDING JUDGE SCHMITT: [12:17:01] Ms Dimitri, when do you want to start?

16 MS DIMITRI: [12:17:05] With your leave, Mr President, I'd like to take the afternoon,
17 have a look at the transcript, consult with my colleagues in Bangui, because I had a
18 few connection problems, and start tomorrow. My goal is to finish tomorrow. I
19 really hope I can. But I don't want to make a promise that I -- that I can't hold on.
20 But I'll really try to do it in one day.

21 PRESIDING JUDGE SCHMITT: [12:17:26] Yes, but -- but I think we should really
22 finish the witness then tomorrow. So, I mean even --

23 MS DIMITRI: [12:17:31] Yes, that's -- that's just (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [12:17:32] Yes, yes, but, you know, it's relatively
25 early. We could also continue at 3 o'clock and give you an hour or whatsoever. But

1 when you -- assuming that Mr Knoops will not have many questions, or no question
2 at all, I'm simply assuming. So I think for, let's say, that we keep the witness until
3 Tuesday then, because we have this -- for half an hour, for an hour, I would
4 not -- would not want to have it this way.

5 MS DIMITRI: [12:18:01] Me neither, and that's why I want to use the afternoon.

6 PRESIDING JUDGE SCHMITT: [12:18:05] Yeah.

7 MS DIMITRI: [12:18:06] The other issue is that I can't send what's in Transcend
8 by -- like, I have a few technical difficulties.

9 PRESIDING JUDGE SCHMITT: [12:18:14] Okay.

10 MS DIMITRI: [12:18:15] But I can assure your Honours that I'm doing everything I
11 can to read the paper copy, reduce and finish tomorrow. I really don't want to drag
12 it until ...

13 PRESIDING JUDGE SCHMITT: [12:18:26] Yeah, okay. So -- so this has worked out
14 very well in the past, and there has to be trust and confidence between the parties.
15 So when you say that -- and we have the option to shorten the lunch break tomorrow
16 and even, if necessary, to extend hours, not -- not too much because we have to go
17 somewhere. But -- well, then we simply assume and trust you that you finish
18 tomorrow.

19 So this concludes the hearing for today.

20 Thank you, Mr Witness, we resume tomorrow, 9.30. And as you have heard from
21 our conversation, we take it that we finish your examination tomorrow. Thank you.

22 THE COURT USHER: [12:19:06] All rise.

23 (The hearing ends in open session at 12.19 a.m.)