

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 1
8 Monday, 10 October 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:45] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:13] Good morning, everyone.
14 Madam Court Officer, can you please mention the case.
15 THE COURT OFFICER: [9:32:22] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:32:36] Thank you very much.
20 Can counsel kindly introduce themselves, starting with the Prosecution.
21 MS MAKWAIA: [9:32:46] May it please the Court, for the Prosecution this morning,
22 myself, Holo Makwaia, senior trial lawyer; Leonie von Braun, trial lawyer; Vanessa
23 Hernández, Lise Tamm, Le Bailly Brunhild and Ramu Bittaye. Thank you.
24 PRESIDING JUDGE SAMBA: [9:33:06] Thank you very much.
25 Ms Pellet, for victims, please.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 MS PELLET: [9:33:12](Interpretation) Thank you, your Honour.

2 The victims are represented by Adeline Bedoucha and myself, Sarah Pellet, counsel
3 for the *Office of Public Counsel for Victims.

4 PRESIDING JUDGE SAMBA: [9:33:25] Thank you, Ms Pellet.

5 Ms Naouri, for the Defence, please.

6 MS NAOURI: [9:33:33](Interpretation) Good morning, your Honour.

7 On my side, I have Counsel Jacobs and Léa Allix, and we've got Capucine Banet, and
8 I am Jennifer Naouri, lead counsel. Thank you so much, your Honour.

9 PRESIDING JUDGE SAMBA: [9:33:47] Thank you very much, Ms Naouri.

10 And for the record, I note that Mr Said is in court.

11 Good morning, Mr Said.

12 MR SAID: [9:33:59](Interpretation) Good morning, your Honour.

13 PRESIDING JUDGE SAMBA: [9:34:06] Thank you.

14 Good morning, Mr Witness.

15 WITNESS: CAR-OTP-P-0338 (On former oath)

16 (The witness speaks French)

17 THE WITNESS: [9:34:12](Interpretation) Good morning, your Honour.

18 PRESIDING JUDGE SAMBA: [9:34:15] I hope you had a restful weekend.

19 THE WITNESS: [9:34:26](Interpretation) I'm well rested, your Honour.

20 PRESIDING JUDGE SAMBA: [9:34:29] Thank you very.

21 Today we are going to continue with your direct examination by the Prosecution,
22 Mr Witness.

23 THE WITNESS: [9:34:53](Interpretation) I'm listening to you, your Honour.

24 PRESIDING JUDGE SAMBA: [9:34:56] Yes. As I said, we are going to continue

25 with direct examination by the Prosecution this morning and, just for the record, for

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 you to know that we are in open session.

2 Madam Prosecutor, please, your witness.

3 MS VON BRAUN: [9:35:13] Thank you, Madam President.

4 Good morning.

5 QUESTIONED BY MS VON BRAUN: (Continuing)

6 Q. [9:35:21] Good morning, Mr Witness. It's nice to see you again.

7 A. [9:35:26] Good morning.

8 Q. [9:35:29] Mr Witness, I would like to begin this morning with a follow-up

9 question on something you mentioned on Friday afternoon before we ended the

10 session. I will read a portion of the transcript and then ask you a question about it.

11 All right?

12 At page 90 of transcript T-17, lines -- and this is the English version, lines 16 to 20, it is

13 recorded: "Everything came from Camp de Roux where Djotodia was there. The

14 cows would be slaughtered there and the food rations would be distributed and

15 the -- when the food ration arrived at the OCRB, Nouradine would call upon the

16 colonel who would send his elements to pick the food up."

17 My question to you is: Who is the colonel that you were referring to in this

18 statement? Who is that person?

19 A. [9:37:02] Thank you. Food rations would come from Camp de Roux, and these

20 food rations would be distributed amongst the bases. And I said, with regard to

21 OCRB, the minister would call the colonel, Colonel Said. He was in charge of the

22 OCRB. If the ration had not come to the OCRB, Colonel Said had to send one of his

23 elements to go and pick the ration up.

24 Q. [9:37:53] Thank you very much. That clarifies my question in this regard.

25 Now, before -- shortly before we ended on Friday afternoon, we had begun to speak

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 about your office at the OCRB, and I had asked you where that office was situated
2 exactly. And I'm referring to transcript 17, page 101, lines 2 and 3 and 4. I would
3 like to continue there and ask you to describe where your office was located, please.

4 A. [9:39:00] At the OCRB, all offices were in the same building. I said that my
5 office was on the eastern side of the main entrance, which was just opposite the
6 director general of the police, and Said's office was on the west, just opposite my
7 office.

8 Q. [9:39:38] Thank you very much.

9 Concerning the location that you've just mentioned, I would like to show you a few
10 images now. And when you see the image, which will come up on your screen,
11 please do explain what you recognise and what each image is. We will go through
12 them one by one.

13 Madam President, on the list of materials submitted, I would like to start with what is
14 tab 6, which has the registration number CAR-OTP-2033-7326, and have that
15 displayed on an evidence channel, please.

16 Mr Witness, do you have the image on your screen?

17 A. [9:41:02] I can see the image.

18 Q. [9:41:05] And can you tell us what you see and whether you recognise
19 something.

20 A. [9:41:25] In the left where you've got the white vehicle, you can see the roof of
21 the building, and that's the side to my office. And to the right, there is an entrance
22 that leads to -- that directly leads to Said's office.

23 Q. [9:42:00] Can you give the name of the building that you see there.

24 A. [9:42:12] That's the building where the OCRB office is located.

25 Q. [9:42:20] Thank you. And just for the record, and if it may assist, these images

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 can be shown to the public as well.

2 Now, let us move to the next image, which is tab 7, at the registration number

3 CAR-OTP-2033-7337.

4 Do you recognise something?

5 A. [9:43:07] Yes. This is the entrance that leads to Said's office. The white vehicle
6 you see, there is a big tree near that, and that's where the Seleka elements are based.

7 Q. [9:43:35] Thank you. We can move to the following image now, which is at tab
8 8, with the registration number CAR-OTP-2033-7154. And when it is displayed on
9 your screen, please explain what you recognise there.

10 A. [9:44:09] This is the main entrance of the OCRB. This is the entrance to the
11 police station at the OCRB. You can see the curtain to the right, and that's where you
12 have the director's office.

13 THE INTERPRETER: [9:44:37] Correction: Curtain to the left.

14 MS VON BRAUN: [9:44:41]

15 Q. [9:44:41] Thank you. I believe you have the possibility to mark photos. Do
16 you have like a marker there where you could -- that you could use and indicate
17 the -- the curtain that you mean? Thank you very much.

18 Could you mark the circle with a little -- with a 1, please. It's just that we can keep
19 track better for the record.

20 Thank you.

21 What else do you see on this picture that you can describe to us? Perhaps what the
22 other windows lead to.

23 A. [9:45:50] This is the police station, and the windows are of the office of the
24 command officer. And the windows at the far end, that of the investigators, the OPJ.
25 And this, what you see, is the parking space for motorbikes, bicycles.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [9:46:44] Thank you very much. I would move to the next photograph, please,
2 which is at tab 20 and has the registration number CAR-OTP -- oh, yes, thank you for
3 registering this photograph. I'm sorry. Thank you very much. Yes, yes, thank
4 you very much.

5 Shall I continue? Yeah? Okay.

6 The ERN is CAR-OTP-2033-7049. It's at tab 20, just in case I was not clear. Thank
7 you.

8 Mr Witness, when you have the photo, please let us know if you recognise something.

9 A. [9:49:00] I do not recognise this room, but rooms with benches are where the
10 OPJs welcome visitors. It's nothing special about this room.

11 Q. [9:49:24] Thank you. We will move on to the next photo then, which is at tab
12 21, at CAR-OTP-2033-7163.

13 And please let us know if you recognise this image -- what is on this image.

14 A. [9:50:01] This is the police station. It's the police station. That is the office of
15 the chief of the police station. And this corridor here, you would be going towards
16 the director's office, and that's the office of the intervention command officer. And if
17 you go that way, it is Said's office. That's the director's office, and that is Said's office
18 on the other side.

19 Q. [9:50:47] Thank you. For the blue door, if I understood you correctly, you said
20 this was -- that's where you go to the director's office. Is that --

21 A. [9:51:03] No.

22 Q. [9:51:03] Can you explain again where the blue door leads.

23 A. [9:51:19] The blue door on the right is to go to the operations commander.
24 That's the intervention unit operation commander's office, the CSE -- CSI. The
25 director is just behind the police station.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [9:51:48] Thank you very much. Where you put the "S", that is where it led to
2 Mr Said's office, did I understand that correctly?

3 A. [9:52:04] Yes, there.

4 Q. [9:52:08] All right. Thank you very much. Then we will move to the next
5 image, please, which is --

6 THE COURT OFFICER: [9:52:17] Shall we give a registry number to this picture too?

7 MS VON BRAUN: [9:52:22] I'm very sorry. Yes, please.

8 PRESIDING JUDGE SAMBA: [9:52:25] Madam Prosecutor, if you don't say whether
9 or not you want an exhibit number, they're not going to be numbered.

10 MS VON BRAUN: [9:52:29] Yes. Please, I would like a registration number for this
11 exhibit as well and to tender it, yes. I'm very sorry. I'll be more attentive in the
12 future.

13 Q. [9:52:54] Now, we will move to the next image which is at tab 22 with the
14 registration number CAR-OTP-2033-7170.

15 Do you recognise this?

16 A. [9:53:31] This is another view of the picture I showed you. This is the entrance
17 to the police station. All that is the police station, and this is the entrance to it.

18 When you enter from that door, it's to go to the office of -- it's to go to Said's office.

19 And if you go this way, you'd be going to the office of the director.

20 Q. [9:54:15] Thank you very much. The "B.S." you marked on the photograph,
21 where you said, "This is the direction to Mr Said's office," what does the B.S. stand for,
22 exactly?

23 A. [9:54:41] "*Bureau de Said*", which is Said's office.

24 Q. [9:54:47] Thank you very much for that clarification.

25 And this image, as well, I would like to have tendered into evidence with a

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 registration number. Thank you very much.

2 Now, the next image is at tab 23, which is CAR-OTP-2033-7175. And once it is on
3 your screen, please let me know if you recognise this.

4 A. [9:55:55] This is another view of the police station. The police head's office is
5 right there. So this is the office of the police head or chief. And here, this way,
6 leads to the director's office.

7 Q. [9:56:22] Thank you very much.

8 And also this image I would request to be registered and tendered into evidence as an
9 exhibit.

10 Moving to tab 24, please, with registration number CAR-OTP-2033-7194.

11 And once you have it on your screen, Mr Witness, please explain again if you
12 recognise it, the image.

13 A. [9:57:47] The -- this is not a very good photo, not very well taken. I feel that
14 this is the entrance of the director's secretariat. That's the entrance.

15 Q. [9:58:13] Okay. Can you put a number 1 at that arrow, which is the arrow for
16 the entrance that you just described.

17 A. [9:58:30] Yes.

18 Q. [9:58:31] Do you recognise anything else in this photograph?

19 A. [9:58:42] No.

20 Q. [9:58:42] All right. I would like this exhibit also be tendered into evidence and
21 registered. And then we can move to the next image, which is tab 25, at
22 CAR-OTP-2033-7205.

23 Is this -- do you -- can you -- do you recognise anything on this image?

24 A. [10:00:18] This is the previous image but a different angle. I do not recognise
25 anything peculiar about this image. It's a big room with tables, and this is where the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 OPJs would receive visitors. There is nothing special about this room.

2 Q. [10:00:37] Thank you. The OPJs, what does that stand for?

3 A. [10:00:54] It means the judicial police officer, OPJ. That's what it stands for.

4 Q. [10:01:05] And what was their function?

5 A. [10:01:20] Well, it's the Criminal Investigation Unit's offices, investigators.

6 Q. [10:01:35] Were you their superior?

7 A. [10:01:48] Yes, I was their superior, yeah. This is -- this is a department run by
8 the director, headed up by the director.

9 Q. [10:02:08] Thank you. We will move to tab 26, please, with the ERN
10 CAR-OTP-2033-7215.

11 And, please, if you have the image on your screen, explain whether you recognise
12 anything.

13 A. [10:03:07] This is one of the OCRB offices. It looks like the director's office.
14 When I left, it wasn't furnished as we see it in this photograph.

15 Q. [10:03:27] Do you -- do you recognise it as the director's office? Did I
16 understand that correctly?

17 A. [10:03:51] It looks like it, but I'm not absolutely certain. When I left -- well, I'm
18 not sure.

19 Q. [10:04:03] All right. Thank you.

20 THE INTERPRETER: [10:04:09] That was inaudible, says the interpreter.

21 MS VON BRAUN: [10:04:15]

22 Q. [10:04:15] I'm sorry, Mr Witness. I think I cut you off a bit. Did you still want
23 to say something?

24 A. [10:04:31] I'd just like to say that the photos here were taken well after the time I
25 left OCRB. There are many events, and since I left and the declaration, if you will,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 has changed. The same colours for the doors and windows, and have you, but -- but
2 I can only speak of when I was there in 2012, when I was director. And that's what I
3 can refer to, the Criminal Investigation Unit and the operational unit, and that was
4 when the administration was operating as it did and normally. But when the Seleka
5 arrived, there was nothing left. And this photo was taken after -- when stability had
6 returned. So other people were at the OCRB, and they furnished the offices
7 differently, and that's why I'm struggling a little bit to identify this particular office.

8 Q. [10:05:31] That is completely fine and understood. And the images that are
9 shown to you are in no way meant to -- yeah. If you don't remember or recognise
10 anything, that is absolutely fine, and you just say that, and it will be understood. So
11 there should -- you should not feel obliged to say something that you just don't
12 recognise. That's fine.

13 I will move on to the next image, which is at tab 27, with the registration number
14 CAR-OTP-2033-7250. And please let me know if you recognise what is on this
15 image.

16 A. [10:06:38] I don't recognise that particular room, no.

17 Q. [10:06:46] All right. Thank you. Then we move to the next one, which is at
18 tab 28, with the registration number CAR-OTP-2033-7270. And please let us know if
19 you recognise what is on this image.

20 A. [10:07:23] This room, the windows -- well, it looks like the director's office, but
21 given the furnishings, I couldn't really confirm that.

22 Q. [10:07:48] What makes you say that it could be the director's office? What are
23 the elements that make you -- that have led you to say that? Can you describe that
24 for us.

25 A. [10:08:11] Well, I said, the room, really, the window on the right, it's the position,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 and on the left in the foreground, looks like the exit towards the director's secretariat.

2 But in my day, my office was positioned in this particular way as well.

3 Q. [10:08:44] When you say your office was positioned, what do you mean by that?

4 A. [10:08:58] Well, that table isn't the one that I used. This is a desk. That's what

5 I would describe as a desk, what we see in this photo.

6 Q. [10:09:16] All right. Anything else you would like to add on this photo?

7 Otherwise I would move to the next one.

8 A. [10:09:29] I've got nothing further to add.

9 Q. [10:09:35] Then I would like displayed what is tab 30, CAR-OTP-2033-7305.

10 Do you recognise this room?

11 A. [10:10:08] No, I don't.

12 Q. [10:10:14] All right. Thank you.

13 Did you want to add something? I'm sorry.

14 A. [10:10:30] No. I was saying that it looks like the entrance into the director's

15 secretariat, the way that it's furnished. But it's not -- the door looks like the door that

16 leads to the director's secretariat, just before his office.

17 Q. [10:11:12] What do you recognise on that door that makes you say that?

18 A. [10:11:27] Well, in the previous photos, I showed you that it led to the director's

19 office. So what we have here, the police station is that way and the secretariat is here.

20 That's the secretariat. And then if you go beyond the secretariat, you go into the

21 director's office. So, for me, that's the angle that we've got here.

22 Q. [10:12:09] All right. Thank you. And in 2013, when you came back to the

23 OCRB, did you have a secretariat in place then as well?

24 A. [10:12:29] No. In 2013, the administration had gone, so I had three or four

25 employees. We didn't have a secretariat. We didn't even have any operational

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 elements. And everything had been taken away by the Seleka. So there was
2 nothing at all, really, to speak of.

3 Q. [10:12:58] All right. Thank you very much.

4 And the witness has marked this image, so I would request a registration, please, and
5 this item to be tendered into evidence as an exhibit. Thank you very much.

6 Now, we will continue with just two more images for now, which is -- the first one is
7 at tab 31, with the registration number CAR-OTP-2033-7259, please.

8 And once it is displayed on your screen, please let us know if you recognise what is
9 on the image.

10 A. [10:14:15] I don't recognise that office.

11 Q. [10:14:23] Thank you. Then we move to tab 32, which is registered at
12 CAR-OTP-2033-7316.

13 Do you recognise what is on this image?

14 A. [10:14:58] No, I don't.

15 Q. [10:15:04] Thank you very much.

16 The image can be removed then.

17 Now, Mr Witness, were persons -- in 2013, when you came back to the OCRB, were
18 persons arrested by the Seleka and detained at the OCRB?

19 A. [10:15:56] Yes, that's right. When I returned to the OCRB, as I said earlier, Said
20 came to me. I got back into my office. There were detainees in the external cells, in
21 the holding cells, but during that period, pretty much every day there were
22 demonstrations, hostile demonstrations against the arrival of the Seleka. So pretty
23 much every day there were arrests. And when the Seleka elements undertook to
24 manage those demonstrations. So there were arrested persons, and these people
25 were -- were sent to the various bases. And some of these people found their way to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 the OCRB where they were put into holding cells.

2 But -- so that I could come to know that there were people who had been arrested by
3 Seleka elements and detained at the OCRB, when I said this in my written statement,
4 and it was one of the Central African Seleka elements, *Thaddé was his name, and
5 who surreptitiously came to see me in my office where he told me, "Big brother," he
6 said, "outside, the people that you see there in those external cells, in those cells, there
7 are some of our brothers," he said. "And they are also kept in the basement where
8 Said -- above which Said is sitting."

9 So I said, "Well, what basement?"

10 And he said, "Where Said has a basement and people are inside that basement."

11 I thought he was joking, but he made a point of it. So I said, "Okay, I understand
12 what you're saying. I'll go and see that matter -- take up that matter with Said."

13 And I think it was the next day that I went to see Said to ask him whether he could
14 come and see me in my office.

15 So Said came to my office, and I asked him, I asked him whether it was true that there
16 was a basement underneath his feet and whether there were people in that basement.

17 Now, his first response was one of surprise. That's the way I understood it.

18 Because he responded by saying, "Who told you that?"

19 And I -- I replied, "This is information that has come to my knowledge, and I simply
20 want to check it out dispassionately."

21 And he said, "It's true, there are prisoners detained there, but these are Djotodia's
22 prisoners and, therefore, nobody needs to know anything beyond that." And then
23 he left, he left my office.

24 Q. [10:22:19] When was this encounter, this conversation with Said?

25 A. [10:22:36] It was in the morning. At this present time, I couldn't specify the day

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 or the date, but it was during the morning.

2 Q. [10:22:52] Do you recall which month it was?

3 A. [10:23:13] I think it must have been during April, because when Said left to go to
4 the OCRB -- well, it was a short time after I received that information. It must have
5 been during April.

6 Q. [10:23:34] Why do you say it must have been during April?

7 A. [10:23:47] Because I arrived at the OCRB in March-April. That's when I
8 arrived.

9 Q. [10:24:07] All right. You mentioned that you had learned from a Seleka
10 element named *Thaddé this information about the basement. Who is *Thaddé, and
11 what was his role and function at the OCRB?

12 A. [10:24:53] When the Seleka arrived in Bangui, many young Central Africans,
13 and primarily Banguissois, people who were a little bit at a loss joined their ranks.
14 And so this young chap, *Thaddé, was among them. So he was a Seleka element.
15 He didn't have any particular attribution as such, but he was with them.

16 Q. [10:25:26] And when this Seleka -- you mentioned that this Seleka element
17 informed you about brothers being detained. What did he mean by that?

18 A. [10:25:50] Well, in the Central African Republic, we call each other brothers.
19 We're brothers. Every Central African is a brother to his compatriot.

20 Q. [10:26:14] And after this conversation with Said, where he referenced Djotodia,
21 what happened then?

22 A. [10:26:37] Well, when Said had gone back to his office, and after a day or two
23 days later, after mulling things over, I went up to him again to ask him, "Look, can
24 you come and see me again in my office?" So he came. And I said to him, "Look,
25 Said, the people who are in the basement" -- and I lied to him when I said that it was

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 the prosecutor who wanted to know more about this. But could he take me to see
2 them so I can identify them. And Said told me that that was out of the question
3 because he may have serious problems with his hierarchy; Nouradine and Djotodia.

4 Q. [10:28:03] Go on. And what happened then?

5 A. [10:28:11] Well, I went up to him a second time, and I think it was actually the
6 third time that Said accepted and said, "Look, hang on. I'll see what I can do for
7 you." And that's how he showed me, not at the knowledge of his elements, because
8 he didn't want anybody to know that he was going to actually take out one of the
9 detainees to take him into my office. He was covering his own back.
10 So he brought me one of the detainees very quickly into my office. And I said to him,
11 "Look, I just want to get some identity, and then you can take him back."
12 Anyway, he came out, and I immediately -- I immediately called in -- I can't -- what's
13 his name? Maybe a partner. I can't find my word in French.
14 Anyway, he came into my office from the eastern side, the -- the door that leads
15 directly into my office. And very quickly, he photographed the detainee, who barely
16 moved and barely spoke. I told him to do this very quickly and then leave. So this
17 Frenchman took the photos, and he left. But I -- I couldn't keep him long.
18 And then he goes. He'd find it very difficult to speak. And then I called Said to
19 come and collect him and take him back to his place of detention. That's how it
20 went.

21 The person who took the photograph was called Thierry.

22 Q. [10:31:27] You just said the detainee couldn't really speak, if I understand you
23 correctly. Can you describe what he looked like and what you noticed about him.

24 A. [10:32:01] It's a detainee who was tortured. He had injuries on the body,
25 everywhere on the body. He was -- he only wore an underwear, and his limbs were

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 tied. He had injuries on his wrists, and he had been physically tortured. And I
2 don't know how long he spent in the basement. He could not speak. So I couldn't
3 ask him a lot of questions. When I saw him, it was too much. And after this
4 commander left, I asked Said to take him back.

5 Q. [10:33:41] Was -- was Said present when the photographs were taken of this
6 detainee?

7 A. [10:33:59] Said wasn't there. He wouldn't accept that.

8 Q. [10:34:10] How do you know the man you say was -- is named Thierry, the
9 Frenchman? Where do you know him from?

10 A. [10:34:33] The OCRB is an elite police unit. And if you're appointed the head
11 of the OCRB, you work with all the security forces and security departments. So
12 Homeland Security representing the French delegation in the Central African
13 Republic introduced all French officers working in the field of security and human
14 rights protection. They would actually regularly come to the OCRB to get
15 information to find out what's happening. And this is how this officer would
16 regularly come to the OCRB, because they also would provide information and
17 equipment if we needed. And this is how -- in fact, I had his business card.

18 Q. [10:36:00] You mentioned that the detainee was unable to speak. So was -- was
19 there a conversation with the detainee of any kind?

20 A. [10:36:31] Yes. When he came -- when he came out, I tried to identify him. I
21 wanted to know what happened to him, but it was very hard for him to speak.

22 Q. [10:36:52] Why was it hard for him to speak?

23 A. [10:37:05] I said that he was tortured. He had injuries. He was burnt
24 with -- with hot water or cigarette stubs. He was beyond the point of recognition.

25 Q. [10:37:38] Do you know who did this to that detainee?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [10:37:58] I did not dare ask that question to Said or anyone, as a matter of fact,
2 because -- because if these questions were asked for the Seleka, it would be
3 tantamount to an inquiry, me conducting an inquiry, and that would be -- that could
4 prove serious for me.

5 Q. [10:38:50] Were there other detainees in the basement?

6 A. [10:39:10] The rare -- the few words he tried to say was, there were three or four
7 in the basement.

8 Q. [10:39:34] After Thierry had left, what -- what happened then with regard to
9 these detainees?

10 A. [10:39:59] After taking the photos, Thierry left, and I called Said, who took the
11 detainee back, back from where he got him out. That's it.

12 Q. [10:40:29] Were you ever -- sorry. Were you ever in contact with this detainee
13 again after this conversation?

14 A. [10:40:53] I never saw him again in the OCRB.

15 When the Seleka were ousted, we -- I saw him. But within the OCRB, that was the
16 first meeting, and then I did not have any contact with him.

17 Q. [10:41:43] Was he released?

18 A. [10:42:03] Released? No. When I saw him, and when I saw who were in the
19 outer cells, it -- it infused a sentiment of rebellion in me. And in my mind, I was
20 always thinking about how to save the brothers who were subjected to all this. I
21 think I told him shortly after Nouradine came to the OCRB on an afternoon with his
22 close collaborators who were always with him. They spoke to Said. They were
23 talking with Said. And from what they were saying, it transpired that we had to do
24 away with these people because they had stayed for a very long time. They were
25 speaking in dialect. I heard all this, and I did not like it, and I went back to my office

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 to think.

2 I called my assistant, and I thought that, "This is this current situation, so what can
3 one do about it?" I took the responsibility on myself, and I spoke to the prosecutor.

4 I called him using the telephone. And this happened the following day.

5 I said, "Prosecutor, there is a situation in the OCRB. Could you please come." The
6 prosecutor came on an afternoon, and I explained to him in my office everything that
7 was said between Nouradine and his men.

8 And he said, "How are you going to manage?"

9 I told him, "You need to put everyone in the same cell, and we'll see what happens
10 next."

11 He called Colonel Said and asked him to get all the detainees who were in the holding
12 cell out. Colonel Said gave instructions to his men, who released the detainees.

13 The prosecutor spoke to them by -- in light of due process, and all the under-age
14 individuals were freed by the prosecutor. And the prosecutor convinced Said,
15 convinced him to keep all the remaining detainees in the same cell, "That way we can
16 actually start proceedings at the Office of the Prosecution." And this was done. So
17 everyone was put in the same cell.

18 Before leaving, the prosecutor said, "It's very dangerous. Be careful." And the
19 prosecutor left.

20 Q. [10:48:18] (Microphone not activated)

21 A. [10:48:36] I told my assistant -- in fact, my assistant would leave before me.

22 Now, I said, "Since everyone's in the same cell" -- it was actually a Friday. And in
23 the evening, when they were supposed to leave, they all left the OCRB. If the colonel
24 wanted to go to the mosque, everyone would go, because it's this trip outside that
25 would bring them the spoils, so to speak. They would rob vehicles. They would

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 probably be lucky enough to get a nice car, and they would just rob it. They would
2 leave. They would come back to the OCRB with spoils. And this was the
3 appropriate time for me to organise this -- the evasion of prisoners who were in the
4 OCRB.

5 I told one of the subordinates -- Said had the keys of the cell and he had given a set of
6 those keys to Tahir. I told the subordinate and my assistant, "When they will leave,
7 when everyone will leave for the mosque, we will free the detainees." This is very
8 dangerous. It could cost us our lives, but that was my resolution.

9 And when they left, I told the element, "This is the key. I'm going to leave, and
10 when I come back, when I come to -- when I reach PK0, I will make a sign. You open
11 the cell and ask the people to leave and go towards the side of the river, and not the
12 city centre." He said he'd understood me.

13 So on that day, I reached PK0, I called him, and I said that I was at PK0. He can now
14 execute the plan. And he said, "Fine." And I left, and I never came back to the
15 OCRB until I had to come back to leave the OCRB. This is what exactly happened.

16 Q. [10:52:32] Thank you very much, Mr Witness. I have a couple of follow-up
17 questions, but there is one which may now have something to do with translation,
18 which I would like to do first.

19 In the English transcript, the last sentence you said came through as, "I never came
20 back to the OCRB until I had to come back to leave the OCRB." Is that a correct
21 translation of what you said?

22 A. [10:53:22] I came back just to organise the departure of the Seleka from the
23 OCRB. It's the Seleka who had to leave the OCRB.

24 Q. [10:53:48] Thank you. That is much clearer now.

25 Why did the Seleka have to leave the OCRB?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [10:54:11] They had to leave the OCRB because many voices were rising. The
2 Seleka based in the OCRB would go out and commit exactions on the name of the
3 OCRB. So there was a parallel pattern of action. The Seleka based at the OCRB,
4 under the direct command of Nouradine, would at night come and look for him.
5 And the administration I was representing, I was reporting to the director general of
6 the police, and he is a gendarme. He is a civil servant. So I was reporting, orally
7 reporting to what was going on.

8 The administration should work in compliance with certain standards. So the
9 exactions committed by certain elements based in the OCRB in Bangui and in the
10 adjoining areas were stirring up a lot of upheaval. And that would actually tarnish
11 the image of the OCRB, which is a state administration body. So you had to remove
12 the base from the OCRB, and the OCRB had to resume its state functions. And that
13 was my objective.

14 Q. [10:56:34] Thank you very much.

15 Madam President, I'm mindful of the time. I would have one more question before
16 the break, and then we can -- yeah.

17 Mr Witness, you described that you -- that Nouradine came to the OCRB that
18 afternoon and you had heard him say something that made you worried. What did
19 you hear exactly that he said?

20 A. [10:57:30] When -- I just said, when Nouradine would come, when he would
21 enter, I know that he's come. When he actually coming from the main entrance that
22 leads to my office, I would go out. And that afternoon, he came. I went out and I
23 greeted him. And he went to the base that was behind. He greeted people. He
24 was smiling. I was following him. And Said came and met him, and we were all in
25 the base. I was actually standing aside. He spoke to them.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 And then he said that, "We have to get rid of these people. They've actually stayed
2 here for a very long time. That's not right." And this is what he said.
3 He came, and the elements were shouting. People were talking. And he said to his
4 men, "These people -- we must get rid of these people because they've stayed here for
5 a very long time."

6 Q. [10:58:53] What did you understand that to mean?

7 A. [10:59:19] Everything that happened in Bangui during that period, the Seleka
8 weren't basically cutting slack to anyone. Even myself, who was working. I -- on
9 that day, I kind of -- I -- it appeared that I was with my family, but I wasn't. I wasn't
10 sleeping at nights. And every day there were executions. There were summary
11 executions in the city of Bangui. The presence of Nouradine, and in light of what he
12 said, it was going to pan out very negatively for them. And they were -- especially,
13 they were prisoners of Djotodia. For me, it was out of the question to leave them
14 there and return to my house in the state they were. It wasn't acceptable. So I
15 immediately understood from the conversations Nouradine had was to eliminate
16 everyone who was there.

17 Q. [11:01:16] Thank you very much, Mr Witness.

18 And I believe we could break for the break.

19 PRESIDING JUDGE SAMBA: [11:01:24] Certainly.

20 Mr Witness, we will take a short break. We'll come back after 30 minutes. We will
21 come back for 11.30.

22 So I will rise the Court.

23 THE COURT USHER: [11:01:36] All rise.

24 (Recess taken at 11.01 a.m.)

25 (Upon resuming in open session at 11.31 a.m.)

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 THE COURT USHER: [11:31:58] All rise.

2 Please be seated.

3 PRESIDING JUDGE SAMBA: [11:32:40] Yes, good morning, again.

4 We will continue with your examination-in-chief. Just I had wanted to ask you,

5 Mr Witness, before we left, you were saying that every day there were summary

6 executions in the city of Bangui. By who?

7 THE WITNESS: [11:33:18](Interpretation) It was the Seleka elements.

8 PRESIDING JUDGE SAMBA: [11:33:21] Thank you.

9 Madam Prosecutor, please continue.

10 MS VON BRAUN: [11:33:26] Thank you, Madam President, your Honours.

11 Q. [11:33:30] Mr Witness, I would like to ask you a few follow-up questions on the

12 issues we -- you described before the break. Now, you described the interactions

13 you had with Prosecutor Tolmo. What exactly did Tolmo do with regard to the

14 detainees that day that you were referring to?

15 A. [11:34:25] So when Prosecutor Tolmo arrived at the OCRB, he asked Colonel

16 Said to show him the detainees, and so all the detainees were taken out. All those

17 who were in the external cells, that is. And the prosecutor, when he saw them

18 assembled, he freed the youngest among them. All the minors, all those under age

19 were released. And he had said that he wanted the remaining detainees gathered

20 together in one cell. And so that was done. And the prosecutor said, "Be careful,"

21 he said. And then he left.

22 The instructions -- well, he said to the colonel that this was to go very quickly, to be

23 expeditious in dealing with all the upcoming proceedings.

24 Q. [11:35:54] Did Tolmo speak to these detainees directly?

25 A. [11:36:09] No, he didn't speak to them directly. He only gave instructions to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 the effect that they should be brought out and that they should be gathered into one
2 cell to help me be expeditious in the various legal procedures that would come next.

3 That was it, really.

4 Q. [11:36:37] Do you know whether Tolmo had seen these detainees before?

5 A. [11:36:55] I don't think so. I had been in the OCRB beforehand.

6 Q. [11:37:09] Were the detainees were the basement, among those, brought out to
7 be seen by Tolmo?

8 A. [11:37:31] No, they weren't.

9 Q. [11:37:46] Concerning the keys to the cell, at page 25, line 3 of the French
10 transcript, I will read to you what it says there, because I have a follow-up question
11 which relates to a potential translation issue. So in the French transcript it reads, at
12 page 25, line 3: (Interpretation) "I told the element, the operational element, 'I belong
13 to the people to whom Nouradine had given a set of the keys to the cells.'" End
14 quote. "I had the keys, Said had the keys, and he gave a set of keys to Tahir."
15 (Speaks English) Please, can you clarify, who at the OCRB had keys to the cell? Who
16 were these people, all of them?

17 A. [11:39:49] It was the three people responsible for the OCRB. Myself, when they
18 arrived, the OCRB was totally turned on its head, when they arrived. And some
19 cells didn't have any keys. And when I arrived for minister Nouradine, when the
20 administration was to take over and operate as it had before, I put the question to him.
21 And he preferred to change all the keys. I think it was actually on that -- at that
22 moment, he changed the keys, and so he bought mats for the cells. And so we -- first
23 of all, we cleaned the cells. We put down the mats, and we had the new keys. And
24 he came me a set of the new keys.

25 One set went to Said, and Tahir also had a key. So those were the two people

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 responsible for the OCRB Seleka base. And I was the legal administrative
2 representative at the OCRB. And by virtue of that, I also had a key, because at any
3 point in time, if the prosecutor -- no. In the normal course, the prosecutor would
4 regularly visit the cells. And so it was by virtue of that, that was the first explanation
5 he offered, for giving me a key. But I didn't have any right to open the cells and see
6 who was inside the cell. I didn't have that entitlement, no.

7 Q. [11:42:08] Why did you not have that entitlement? Can you explain that.

8 A. [11:42:24] The cells were only monitored by a Seleka official. Given that the
9 Criminal Investigation Unit didn't exist, per se, it was in the presence of the
10 prosecutor that I would see the cell. But outside of the prosecutor's presence, I
11 wouldn't even go near the cells.

12 Q. [11:43:09] Who -- who was this Seleka element at the cell that you just referred
13 to?

14 A. [11:43:24] The elements guarding the cells, they were appointed on a daily basis.
15 They were called the jailers. It was every day that the head would choose one
16 element to guard the cells.

17 Q. [11:43:43] And when you say "the head would choose", who are you referring
18 to?

19 A. [11:43:57] The head? Well, Colonel Said, that's who I'm talking about. It was
20 he who had the keys. And if he wanted somebody brought, then he would call upon
21 the appointed person who held the keys to bring somebody out of the cell or put
22 them back in.

23 Q. [11:44:19] Thank you very much.

24 Coming back to the group of prisoners that were brought before Prosecutor Tolmo,
25 the ones that you said were all then in one cell, can you describe these prisoners for us,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 please.

2 A. [11:44:54] Well, it's difficult for me to describe them. They were young people.
3 They were teenagers who were there. They had been demonstrating or they had
4 been arrested in the street for acts that Seleka had described as -- but it's difficult to
5 describe these people.

6 Q. [11:45:26] Do you know -- when you say demonstrated, where were they from?
7 Were they from Bangui?

8 A. [11:45:43] Yes, they were young people from Bangui. But you need to
9 remember that practically every day there were anti-Seleka demonstrations in Bangui
10 in areas that were majority -- in majority non-Muslim. On a daily basis, there were
11 anti-Seleka demonstrations. And the group based at OCRB, it would arrive to
12 disperse the demonstration. And so there were always arrests. And even there
13 could be deaths, and there were killings. And those who were arrested, they were
14 arrested by elements from the OCRB and brought to that place.

15 Q. [11:46:36] And when you say areas, non-Muslim areas, which areas of Bangui
16 are you referring to?

17 A. [11:47:01] Boy-Rabe, Gobongo, Fouh, and Combattant; these were the
18 non-Muslim neighbourhoods where pretty much on a daily basis there were
19 demonstrations.

20 Q. [11:47:18] Were these male? What gender were these prisoners?

21 A. [11:47:40] They were pretty much all men. I didn't see any women.

22 Q. [11:47:52] What -- what, if any, religion did they belong to?

23 A. [11:48:12] They were Christians.

24 Q. [11:48:18] And how did you know that?

25 A. [11:48:32] Well, in Central African Republic, there are two major religions.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Either you're a Muslim or you're Christian. And it's -- it's difficult really to speak of
2 any Atheist or any other religion, really. You have these two blocks. If you're not a
3 Muslim, then you're a Christian. And that's really what I boils down to.

4 Q. [11:49:05] What condition were these prisoners in?

5 A. [11:49:18] Well, there -- the prisoners -- well, these were people who at all times,
6 they were persecuted. They were -- they were tortured, not necessarily -- well,
7 physical but also psychological. Every day, day in and day out.

8 Q. [11:49:50] Can you describe that a bit more, please.

9 A. [11:50:05] Well, for example, today people say that people didn't wash, and
10 people -- if you didn't open the cells, then people couldn't wash. And I went up to
11 see the colonel, I remember, and said, "Look, these people need to be able to wash."
12 And, basically, they were -- they had water thrown on them, and then they were
13 brought back into the cells. Buckets loads of water.

14 Q. [11:50:46] And -- and what else can you describe concerning these condition?

15 A. [11:51:07] Of those who were in the outside cells, these are the ones I'm referring
16 to, by the way, because I can't talk about those underneath Said, aside from the one I
17 saw. But those outside, they were -- they were fragile. They didn't eat very well,
18 and they didn't wash very well, and they didn't come out as they wanted, even for
19 going to the toilet. They had buckets in the cells. So -- and I can't say that they had
20 a very nice time; no.

21 Q. [11:52:00] Concerning the eating, do you have knowledge of what they received
22 and how much they received to eat?

23 A. [11:52:29] It wasn't the OCRB that fed them. Some may have had relatives that
24 knew that they were being held at the OCRB, and so those relatives would bring
25 those prisoners something to eat. And if one relative were to bring food, then on

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 that particular day, it's -- the Seleka would have to agree to take the food to the
2 detainee. Otherwise, it wouldn't happen.

3 But if they took the food for the prisoner, the colonel would send the food through the
4 day jailer. He would open the cell, and give the food to the prisoner. And then it
5 would be divvied up among the people occupying that cell. But it wasn't really the
6 OCRB who fed these people. It was the relative who brought this food.

7 But, again, as I say, this really depended on the Seleka elements on that particular day.
8 They would give them the amount of food. It depends on how much the relatives
9 had brought. But the Seleka didn't feed the prisoners, no.

10 Q. [11:53:46] Thank you. What about water? Was water provided by the Seleka?

11 A. [11:54:02] Yes. If they cried out for water, then yes. It was Evian bottles that
12 were filled, and they were given that. I can't tell you how much because I didn't
13 have daily access to the cells. So they were given water but in Evian bottles. How
14 they muddled through with it inside with having that water, I just can't tell you. But
15 a prisoner wasn't allowed to come out and wash or even to satiate his thirst; no.

16 Q. [11:54:39] And the buckets you referred to for the -- for using the -- as toilets,
17 were those removed? How did that work, with the buckets?

18 A. [11:55:03] Well, every morning the -- the cells were opened. The colonel
19 ordered the cell doors to be opened, and two prisoners would empty the buckets.
20 One or two per cell. And so the excrements and the urine were -- were emptied into
21 a hole behind the cells, and then he would bring back the bucket into the cell. And
22 this was done only in the morning, each morning.

23 Q. [11:55:48] And do you have knowledge of how many -- in the time that you
24 were at the OCRB under the Seleka, while it was a Seleka base, do you have
25 knowledge of how many detainees were in the above-ground cells on average?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [11:56:16] I have no idea. In the basement, I told you, the only prisoner that I
2 was shown, he'd find it very difficult to express himself, but he told me that there
3 were three or four of them in that below-ground cell.

4 Q. [11:56:35] And in the above-ground cell -- cells?

5 A. [11:56:51] The holding cells, maybe 10 or 15 or so per cell, but it varied.
6 Because as time went by, some were freed, some were -- others were put into the cells.

7 Q. [11:57:14] And you said that the detainees were not only physically but also
8 psychologically not treated well. With physical mistreatment, what else are you
9 thinking of?

10 A. [11:57:53] Physical torture.

11 In the morning, for example, if the prisoner was asked to empty the bucket, then he
12 would take up the bucket. But when he left. But then an element would take a
13 rope and strike him, say, "Go on, quickly." And water was thrown over them. It
14 was that type of conduct that -- that I refer you to.

15 Q. [11:58:34] Did you ever witness any other types of mistreatment?

16 A. [11:58:55] I witnessed instances of ill-treatment, because from my office I could
17 hear lots of cries and shouts from behind. And so I went out, and I glanced around.
18 And then I went off to Said to say, "Look, I mean, there are people who" -- I couldn't
19 identify who were tied up, and they were being struck when they were on the ground
20 and they were whipped. And water was thrown over them. And I spoke to him.
21 And I said, "Look, look, Said, look at your elements are -- how they are behaving."
22 And in his office, he said, "No, this is a thief. This is how you have to treat them.
23 And so this is how he will tell the truth quickly. And he -- that's the treatment he
24 deserves," he said. And that was a frequent occurrence.

25 And I couldn't go up close to the person to identify the person, the victim, but this is

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 acts of brutality against people who they had arrested; prisoners. And maybe a
2 prisoner showed lack of respect to a Seleka element or for another reason, and then he
3 was treated in this fashion.

4 Q. [12:00:26] When you say you saw somebody being tied up, can you describe to
5 us, please, what you mean by that exactly.

6 A. [12:00:47] An individual who's on the floor with his hands tied behind and tied
7 to the legs and who is being whipped, he is lying down, one pours water on him. I
8 saw that the treatment was inhuman, and I would often speak about that to Said.
9 And he would say, "This is how he deserves to be treated because they are thieves."

10 Q. [12:01:38] What is that form of tying called, to your knowledge?

11 A. [12:01:58] We -- this method -- in fact, we knew -- we got to know this method
12 on the arrival of the Seleka, this method of tying people up behind -- with the arms
13 behind. As -- when we would -- when I would chat with Said -- when I would have
14 a friendly chat with Said, it would be -- the word was *arbatachar*, and this is how cattle
15 was tied. Prisoners would be tied, and you couldn't move at all, and you are forced
16 to speak the truth. And personally, this is a practice that started in the Central
17 African Republic with the arrival of the Seleka. This is not a quintessentially Central
18 African Republic practice.

19 Q. [12:03:20] Thank you. How often did you see the Seleka at OCRB tying
20 someone like this?

21 A. [12:03:43] From what I saw, I saw it twice. There were two different
22 individuals who were tied up like this.

23 THE INTERPRETER: [12:04:04] Correction: I saw two different individuals who
24 were mistreated like this.

25 MS VON BRAUN: [12:04:19]

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [12:04:19] Who were the Seleka elements involved in tying these individuals in
2 that fashion?

3 A. [12:04:43] I cannot name them because I don't know them. These were
4 basically subordinate Seleka elements. I did not know them. There was a whole
5 mixture of them. There were Central African Republicans who were there, and there
6 were Chadians who would come from time to time. There were Sudanese people as
7 well. And there was a whole mixture. And there were specialists who -- who knew
8 this technique called *arbatachar*.

9 Q. [12:05:23] When you say specialists, are you referring to more than one person?

10 A. [12:05:47] Yes. A single person cannot tie up an individual in such a fashion.

11 Q. [12:05:53] If you can describe that a bit more. On the occasions that you saw,
12 how many elements were involved in the tying up of a detainee?

13 A. [12:06:19] When I would leave the office, the person was already tied up and
14 mistreated on the floor. The person was already tied up. He would receive blows.
15 He would be whipped. We would -- one would put water on him, and he would cry
16 and shout. And that's what led me to go and see what's happening. But I've never
17 personally witnessed an arrest or a person being tied up.

18 Q. [12:06:55] All right. Thank you very much. I just needed to clarify that, all
19 right?

20 Now, before the break, you had -- and this is at page 25, around line 12 of the English
21 transcript. You were speaking about organising the Seleka to leave the OCRB, that
22 you were involved in that. Can you describe what do you mean by that? What did
23 you do?

24 A. [12:07:44] I was at home, and I was called and told that there was a meeting at
25 the police headquarters. I reached the OCRB, and I met Colonel Said to get more

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 information. He said he did not know much. And the meeting was supposed to be
2 held at the DG, or the police headquarters. So we just crossed over, and -- and there
3 was an instruction issued to Said to gather everyone at the police headquarters. So
4 we went through all the Seleka elements. And Nouradine was there. We just
5 crossed over to go to the general police headquarters. And he rallied his men. And
6 the chiefs were called to the office of the director general for the meeting.
7 The subject of the meeting was that the Seleka base at the OCRB must be dismantled
8 and the Seleka were to leave the OCRB. And this came as a surprise to them. And I
9 found that absolutely normal because these were armed elements, and we did not
10 want them to give time so that they could prepare.
11 And during the meeting, this was not to the taste of the minister Nouradine who left
12 the meeting. And the Seleka leaders, including Colonel Said, said, "And the people
13 who do not have parents, how will they leave OCRB and where will they go and
14 sleep? In order for them to leave the OCRB, they must be given some kind of
15 compensation."
16 So then they called President Djotodia. Then we left to meet the president. The
17 president reached the headquarters. He listened to the director general. And
18 Colonel Said also took the floor to give an overview of the situation. And the
19 president -- the minister Binoua was there. And the President Djotodia asked them,
20 how much did they want, how much money did they want as compensation.
21 They said -- I don't remember. I don't know if it was Rakiss or Colonel Said who
22 stated the amount, but the amount was 5 million. And we were standing in the rain.
23 And President Djotodia said, "5 million? Okay. Stay there. Don't move." And
24 he asked the minister Binoua to escort him to his home in Camp de Roux. Shortly
25 after, they came with a bag containing 5 million.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 And it must be added that, during that time, we were in the meeting. And it was
2 General Assimeh's team that was at the firefighter's base. He was a Sudanese
3 general who was very influential. He -- it appears that he is the brain behind
4 everything that happened in Bangui. He was the one who brought his troops to
5 discipline the Seleka elements based in the OCRB.
6 So we -- he was there with his son who was acting as an interpreter because he only
7 spoke Arabic, whilst his son spoke French and a bit of English. So he was there. He
8 was just there to control the Seleka elements, to avoid any kind of excessive behaviour
9 in the city.
10 So the president and the minister came with 5 million. And the president said, "This
11 is the 5 million, and I'm giving it to your minister, and he must manage you all."
12 There were shouting. People were not happy. The minister gave the money to the
13 director -- the deputy director general, who was also a Seleka general, called Rakiss.
14 And he and the president then left.
15 General Rakiss called all the Seleka leaders and myself, the director of the OCRB, to
16 say that, "We will meet in the office of the director general to divide the money." We
17 went to the office of the director general and -- to divide the money. I should not be
18 involved in what was to happen.
19 The director General Rakiss said, "Why are you here?"
20 And it's Colonel Said who said, "The director has been with us all this time, so he
21 must be given his share and for his elements as well." And this is how they talked
22 amongst themselves. And the director general gave me the share that was supposed
23 to be given to the OCRB. So I left.
24 And the following day, when I came to the OCRB, the place was completely deserted.
25 And I'm saying completely deserted because it was empty, because all the motorbikes

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 that were confiscated were all taken away, and the OCRB was empty.

2 The OCRB of 1992, some was -- but on that day, I did not have -- I did not have
3 contact with any element based at the OCRB.

4 Q. [12:17:49] Thank you, Mr Witness.

5 THE INTERPRETER: [12:17:51] Just an addition from the interpreter: Some of the
6 elements were also at Camp Beal.

7 MS VON BRAUN: [12:18:02]

8 Q. [12:18:02] Thank you, Mr Witness. Just one clarification quickly which relates
9 to something that was translated just now. In the English transcript, it came through
10 "The OCRB of 1992." Did you refer to the OCRB of 1992? Can you -- then let me
11 rephrase my question.

12 You said the OCRB was empty and that you did not have contact with any element
13 based at the OCRB. Did you say a number together with the OCRB in the French?
14 Just to be sure that the English version also captures exactly what you said.

15 A. [12:19:00] Your Honour, I said that the OCRB had branches, and one of the
16 branches of the OCRB -- I'm talking about the 92 dwelling. It's a residential district
17 where the office of the OCRB was. So "92" was actually the name of a dwelling.
18 So when they left the central OCRB office, according to the information that actually I
19 received, a part of the elements were -- was another district of the OCRB, which is the
20 92 district. And one part of the elements was also at Camp Beal, which is a former
21 military base.

22 Q. [12:20:06] Thank you very much for that addition.

23 Going back to the meeting you just described, can you, from your memory, list who
24 was all the people who were present at that meeting, by name, please. You've
25 mentioned a few, but just to have a complete picture.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [12:20:39] It will be difficult for me because everything was so stormy and
2 everything happened in an environment of fear. The armed men were supposed to
3 be dislodged from their base. I was there. Said was there. The OCRB leaders
4 were there. Said was there. Tahir was there. The director general who is the rebel
5 head, General Rakiss was there. The Minister Binoua was there. The President
6 Djotodia came and met us. So these were the leaders who were there on that day.
7 The others -- all the -- and all the elements of the OCRB under the command of the
8 director General Assimeh were there.

9 Q. [12:21:44] Now, you mentioned Rakiss. Can you describe who this was,
10 exactly, and what his relationship to the OCRB was.

11 A. [12:22:09] Rakiss was a Seleka general. He was appointed as the deputy head
12 of Linguissara.

13 Q. [12:22:21] And what -- what was his role or function *vis-à-vis* the OCRB?

14 A. [12:22:34] He -- the general director, he is the one who coordinates all police
15 services. So he was the hierarchical head. He was in charge of the operation of the
16 OCRB. He was the Seleka general.

17 Q. [12:22:56] Thank you very much.

18 Do you know where he was from?

19 A. [12:23:13] According to the information I received, Rakiss is Central African
20 Republic, and he joined the Seleka in Bangui and traveled north. He was known in
21 Bangui.

22 Q. [12:23:35] And how often would you see him at the OCRB?

23 A. [12:23:51] He would come any time. The headquarters is in front of the OCRB.
24 He is one of the Seleka heads, leaders. He supervises the various bases to make sure
25 everything is proper. So he could come to the OCRB at any time and check if things

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 are running smoothly.

2 Q. [12:24:17] Thank you. This meeting that you described, when was it, to your
3 recollection?

4 A. [12:24:34] This happened in an afternoon, but I can't tell you the day and the
5 date.

6 Q. [12:24:48] You mentioned the name of Binoua. What -- in what function did he
7 take part in this meeting?

8 A. [12:25:06] Binoua was the home minister. He was the one who replaced
9 Nouradine.

10 Q. [12:25:19] Do you recall when he replaced Nouradine?

11 A. [12:25:33] I cannot give you the date. I've forgotten.

12 Q. [12:25:41] All right. That's not a problem. We'll -- we'll get back to that.

13 I would like to use the remaining time that we have until the next break to show you
14 a few more images, Mr Witness.

15 And we'll, with your Honours' leave, like to request that the item at tab 36, which has
16 the ERN number CAR-OTP-2033-7041, is displayed on the evidence channel, please.

17 When you have it on your screen, Mr Witness, please look closely and let me know if
18 you recognise anything in particular in this room.

19 A. [12:27:46] I'm looking at the floor, and there is a mark.

20 THE INTERPRETER: [12:28:03] Sorry. Correction from the interpreter:

21 THE WITNESS: [12:28:07](Interpretation) I'm looking at the floor and I can -- and
22 I'm going to mark it. Where there is a bench, I think that's the lid that covers the
23 basement. A shut door -- sorry -- a trap door that covers the basement.

24 MS VON BRAUN: [12:28:38]

25 Q. [12:28:39] And where you put the circle, that is where -- what -- the area is that

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 you are referring to, the trap door; is that correct?

2 A. [12:28:54] Yes, yes.

3 Q. [12:29:01] Where -- where is this room, for the record, please?

4 A. [12:29:25] Apart from this room, I remember that this was Colonel Said's office.

5 And this is where they moved a lot of things. But the door that's close to the right,

6 where there is the bench, this is where the chairs -- the chair was installed and the

7 desk of Colonel Said. This is really the room.

8 Q. [12:30:12] Thank you very much.

9 Madam President, I would like to tender this into evidence and request a registration
10 number.

11 PRESIDING JUDGE SAMBA: [12:30:22] Thank you.

12 Madam Court Officer, please, an ERN number.

13 THE COURT OFFICER: [12:30:29] Yes, Madam President. CAR-REG-0002-0026

14 will be the next registration number for this item.

15 PRESIDING JUDGE SAMBA: [12:30:41] Thank you very much.

16 MS VON BRAUN: [12:30:44]

17 Q. [12:30:45] I would like to show you another image, Mr Witness.

18 This one is tab 37, your Honours, and it has the ERN CAR-OTP-2033-7056.

19 And, again, Mr Witness, once it is displayed on your screen, please do not hesitate to
20 let us know what you see, what you recognise.

21 A. [12:31:47] What we see here is another view of Said's office. This is the
22 extension, if you will, of -- of the trap door leading to the basement. This is the exit
23 to go towards the base, the Seleka base. That's the exit point. So from his office,
24 Said could go this way in order to see his -- his men behind.

25 Q. [12:32:31] And -- and you have encircled something in the below corner. What

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 did you -- with a half circle. What is that?

2 A. [12:32:55] That's where the -- the basement was located.

3 Q. [12:33:05] Thank you very much.

4 Madam President, again, with your leave, I would like to request this to be registered
5 and tendered into evidence.

6 PRESIDING JUDGE SAMBA: [12:33:13] Thank you.

7 Madam Court Officer, please, an ERN mark.

8 THE COURT OFFICER: [12:33:16] Yes, Madam President. The next registration
9 item will be CAR-REG-0002-0027.

10 PRESIDING JUDGE SAMBA: [12:33:32] Thank you very much.

11 MS VON BRAUN: [12:33:35]

12 Q. [12:33:35] Mr Witness, there will be another image. This one is at tab 34 with
13 registration number CAR-OTP-2033-7555.

14 Please describe what you see to us.

15 A. [12:34:17] This is the basement. The trap door has been removed, and this
16 covering has been placed in its stead.

17 Q. [12:34:37] When you say the trap door was removed, can you describe to us
18 what that trap door looked like.

19 A. [12:35:01] Well, the trap door is there, isn't it? It's the -- you can see. It's
20 planks that have been put across the -- this is the entrance. I think they've -- I think
21 they've taken it away to put something back.

22 I don't really understand the thrust of your question, madam.

23 Q. [12:35:34] Yeah, thank you. That's not a problem. I'll rephrase it. And it can,
24 of course, be again a translation issue. So bear with me one second.

25 I had understood -- now I see -- you said you see planks there, wooden planks there.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Are those the same -- do you recognise these same planks, this type of covering? Do
2 you recognise that covering?

3 A. [12:36:14] I've never seen it in this way. They've taken something away. This
4 is what they've done with it. I don't know. When the Colonel Said was in the office,
5 his office, there was a rug, and his actual desk was resting on the -- on this carpet or
6 this rug. So it didn't look like this.

7 Q. [12:36:39] What -- what type of rug was this, if you remember?

8 A. [12:36:53] It was just an ordinary bog standard grey rug.

9 Q. [12:37:07] All right. Thank you.

10 And you remember that that rug was situated there close to that door; is that correct?
11 Did I understand that correctly?

12 A. [12:37:27] I think they've removed -- I think they've undone everything and then
13 put it bad badly. Because look at the back here, where we see it's brown, the brown
14 door, it should be switched around. That should be there. That was the other side
15 and not on the side where we see it now.

16 I think they've removed something, and they've put something that is badly
17 positioned; this sort of covering. Because the desk, Said's desk was next to the
18 brown door, the brown-coloured door at the back, on the right-hand side there that
19 you see.

20 Q. [12:38:13] So where you just drew with the marker close to that brown door, is
21 that where the desk was situated, according to your memory?

22 A. [12:38:33] Yes, according to my -- according to our memory. Yes, that's
23 the -- the colour has stayed there, but the blue colour, no. When -- when Colonel
24 Said's desk was there, then they had -- they had shut that door and it wasn't used.
25 And the -- and that would access other offices.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [12:38:55] They had shut -- just for me to understand. They had shut the brown
2 door or the blue door?

3 A. [12:39:06] The brown door was closed.

4 Q. [12:39:09] All right. Thank you very much.

5 Then, Madam President, again, with your leave, I would like to tender this item into
6 evidence and have it registered.

7 PRESIDING JUDGE SAMBA: [12:39:20] Madam Court Officer, please, an ERN
8 number.

9 THE COURT OFFICER: [12:39:25] This item will bear the reference
10 CAR-REG-0002-0028.

11 PRESIDING JUDGE SAMBA: [12:39:33] Thank you very much.

12 MS VON BRAUN: [12:39:36] Thank you.

13 Q. [12:39:38] Another image, Mr Witness, will come to your screen.

14 This now is at tab 33, your Honours, with ERN CAR-OTP-2033-7554.

15 And once you have it, Mr Witness, on your screen, please do let me know if you
16 recognise anything.

17 A. [12:40:22] For me, that's the basement that they opened up.

18 Q. [12:40:36] Anything else?

19 A. [12:40:48] No. Nothing else. But I've -- you know, that room, I -- but I never
20 knew it at all -- that office, I never knew it as we see it in these pictures.

21 Q. [12:41:07] All right. Thank you very much.

22 The image can be removed, and since it's in eCourt we don't -- and had no markings,
23 it can just stay like that.

24 I would like to show you a few more images now, Mr Witness. We spoke already a
25 bit about the fact that there were above-ground cells also at the OCRB, and you

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 described the meeting where prisoners were shown to Mr Tolmo, for example. So I
2 would like to move to some images to see whether you can recognise what is seen on
3 those as well.

4 And the first image, your Honours, would be at tab 9 of the list of materials, and that
5 holds -- is registered at CAR-OTP-2033-6871.

6 Do you recognise this building, Mr Witness?

7 A. [12:42:44] Yes, I do. We see here the secondary holding cells. At the time, this
8 is where -- well, the Seleka used that as their base. The first office on the right, that
9 was their ammunitions dump. Here, look. So they put their weapons there. And
10 then the others were for their belongings. The weapons were deposited there. That
11 was -- that was where they put the weapons. In that particular cell, that's where they
12 put the weapons. And then three others, that was where they put their belongings
13 and that's where they slept. So there weren't any -- any prisoners in those particular
14 cells. It was a Seleka depot.

15 Q. [12:43:50] So where you encircled, there were the weapons stalled -- stored.

16 Can you put a "1" there.

17 And for the other rooms you mentioned, could you repeat what they were and also
18 add numberings so we have it very clear on the record which ones were the ones
19 where you said these elements were sleeping.

20 A. [12:44:54] The two rooms in the middle, that's where they put their belongings.

21 They put their belongings there. And they also slept there. Some slept under
22 the -- under the tree. There was no rain, so they slept on the -- under the tree that we
23 see on the right. And there was a desk set up underneath the branches of the tree,
24 and the -- Yaya, the Commander Yaya's, there was a table and chair set up there, and
25 he received people there. That was their base. Sleeping -- I mean, I say sleeping.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Look how -- look how they slept.

2 Q. [12:45:41] So the two doors in the middle were -- can you put a "2" there. And
3 those were the ones where they were sleeping; correct?

4 A. [12:45:55] Yes, they put their belongings in those two. They put their
5 belongings there. The third one, it was -- it was used for the same purpose. I -- I
6 didn't inspect their base. It was their base. It was theirs. And those who didn't go
7 to sleep in the neighbourhood, they slept there. And I had no access to that
8 particular area. I didn't access to that particular location.

9 Q. [12:46:27] And just because there are two trees visible in this picture, can you
10 indicate with your marker where the desk of Commander Yaya was.

11 A. [12:46:45] Commander Yaya, he was somewhere around there.

12 Q. [12:46:51] So, for the record, where you put an "X" now, yeah?

13 THE INTERPRETER: [12:47:01] Inaudible utterance from the witness.

14 MS VON BRAUN: [12:47:04]

15 Q. [12:47:04] Was that a "yes"? We had a little overlap, Mr Witness.

16 A. [12:47:12] I said yes. Commander Yaya, when he received people, it was under
17 that tree. If there was bad weather, or something like that, he would put his chair
18 where you see the bench here. That's where he would receive people when there
19 was bad weather. Then he would come -- he would come there, look, to receive
20 people.

21 Q. [12:47:45] So where you put the second smaller "x" is where he would receive
22 people. All right.

23 Do you want to add any --

24 A. [12:47:59] Yes.

25 Q. [12:48:01] Do you want to add anything in addition on this image before we

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 move to the next?

2 A. [12:48:13] No, I have nothing further to say.

3 Q. [12:48:14] All right. Thank you.

4 Then with your -- I'd request that this be registered, this image, Madam President,
5 and tendered as evidence.

6 PRESIDING JUDGE SAMBA: [12:48:24] Madam Court Officer, an ERN number,
7 please. Thank you.

8 THE COURT OFFICER: [12:48:28] CAR-REG-0002-0029.

9 MS VON BRAUN: [12:48:44] Your Honours, then the next image I would like to
10 have displayed is at tab 15, and it has the registration number CAR-OTP-2033-7064.

11 Q. [12:49:31] Once you have it on your screen, Mr Witness, do -- yeah -- describe
12 for us what you see and whether you remember anything about what is on this
13 image.

14 A. [12:49:55] What we see here are the cells where arrested persons were held.

15 Q. [12:50:17] In all three of these cells?

16 A. [12:50:30] In all three cells, yes.

17 Q. [12:50:35] And do the markings on the doors say -- mean anything to you?

18 A. [12:50:57] They've probably put that on the doors, "*maison blanche*". Well, in my
19 day, there was no such writing on the -- on the doors.

20 Q. [12:51:11] Thank you. Was there a way to refer to the cells in your day?

21 A. [12:51:36] No, because when I was there in 2012, these were cells for delinquents.
22 Primary delinquents, they were put there. But for major criminals, they were put in
23 the other cells where the Seleka base was set up. What we see here are for
24 delinquents who are awaiting to be received by the Criminal Investigation Unit,
25 before going -- and then going before the prosecutor. It's basically provisional

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 detention. They couldn't be kept outside, and so they were put there.

2 Q. [12:52:23] And during the Seleka period, did these cells have any names?

3 A. [12:52:38] No. Who could write such things? The cells had no -- had no

4 names. Just numbers. They started by 1, 2, 3, 4, all the way through to 7. But they

5 turned things around here, or maybe they've changed. Anyway, this lettering came

6 after my time.

7 Q. [12:53:15] All right. Thank you very much.

8 If you take -- think back to 2013, do you remember whether these cells were

9 numbered? Do you remember if they were numbered, even if in a different way?

10 A. [12:53:37] Yes, the cells were numbered, because -- do forgive me. Because in

11 2012, the administration ran normally, and we had registers, we had logbooks, and

12 we knew who was in such-and-such a cell. And then it was through those records

13 that the prosecutor, when he visited the cells, he would take the logbook, and he

14 would check whether such-and-such a detainee was indeed in the cell. But when the

15 Seleka arrived, that was no longer used. It was just abandoned, that system. And

16 so they would -- they would bring people in. And when there was room in the cell

17 number 7, let's say, then they would put -- they would put people where there was

18 room. But there was no -- there was no system to see who was actually inside the

19 cells.

20 Q. [12:54:53] Thank you very much.

21 Do you recall in 2012, because you were just speaking about it, what -- what numbers

22 these cells had?

23 A. [12:55:14] In 2012, we started with the number 1 all the way through to 7, as well.

24 Number 1 was where we see a "7" now, and all the way backwards.

25 Q. [12:55:34] All right. Thank you very much. I would like to show you another

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 image, Mr Witness.

2 And this would be the last one before the break, Madam President, if that is all right.

3 It is at tab 16, and it has the registration number CAR-OTP-2033-7068. And once it's

4 on your screen, please let me know if this -- what you see and whether you recognise

5 anything.

6 A. [12:56:33] This is the interior of one of the cells. We see the bucket for the

7 toilets at the back.

8 Q. [12:57:00] Do you -- do you recall in which of the two buildings that we just

9 discussed this cell is?

10 A. [12:57:21] No, I couldn't tell you, because when I was at the OCRB, even in 2012,

11 I never -- I didn't have any -- any contact with the interior of these cells; no.

12 Q. [12:57:45] Thank you very much.

13 The image can be removed. I don't have any further questions on it. Thank you.

14 Now, since we have two minutes left, one short question before the break; is that all

15 right?

16 Now, we've already spoken about what detainees had to eat and the water, the

17 buckets. Was access to medical support provided? Were there doctors at OCRB?

18 Was -- were detainees provided with medical care at OCRB in 2013?

19 A. [12:58:59] First, it must be said that it was very, very difficult. In 2012, when I

20 arrived, it was the NGOs; the Red Cross. It was NGOs, really, on site who from time

21 to time dealt with sanitary, the sanitary side of things and toilets, and the Red Cross

22 seeing whether there were any ill people.

23 When the Seleka arrived, the NGOs weren't any -- sheltered, if you were, because

24 they were systematically looted as well. And the rare senior officials who came up

25 to me to see whether anything could be done, or whether there were any ill people,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 any sick, I put them in touch with Colonel Said. But that was only in relation to the
2 above-ground cells.

3 You need to remember that the climate, the prevailing climate was such that it was
4 very difficult for those NGOs to operate as they had done before. It was very
5 difficult.

6 Q. [13:00:33] Would -- would members of the Red Cross visit the OCRB?

7 A. [13:00:47] I was in touch with them at the OCRB.

8 MS VON BRAUN: [13:00:53] I think we can take a break now. Thank you.

9 PRESIDING JUDGE SAMBA: [13:00:56] Yes.

10 Mr Witness, we'll take a break for lunch, and we'll come back at 2.30.

11 I rise the Court and ask that we come back at 2.30, please.

12 THE COURT USHER: [13:01:11] All rise.

13 (Recess taken at 1.01 p.m.)

14 (Upon resuming in open session at 2.32 p.m.)

15 THE COURT USHER: [14:32:35] All rise.

16 Please be seated.

17 PRESIDING JUDGE SAMBA: [14:32:56] Well, good afternoon, everybody.

18 We'll resume -- the witness's mike is not on.

19 Hi. Good afternoon, everybody. We'll resume the session with the continuation of
20 the examination-in-chief by the Prosecution.

21 Madam Prosecutor, may I ask before you start, how much more do you have on your
22 legs?

23 MS VON BRAUN: [14:33:23] Yes, no problem. Madam President, I am estimating
24 that I will only need this additional next session and that I will be finished by the end
25 of this session.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 PRESIDING JUDGE SAMBA: [14:33:37] Thank you very much then.

2 All right. Continue. Your witness, please. Thank you.

3 MS VON BRAUN: [14:33:44] Thank you very much, Madam President.

4 Q. [14:33:48] Mr Witness, before -- sorry, one second, sorry -- before the break, we
5 spoke about the detainee from the basement, and that -- about the photographs taken
6 of this detainee. I refer to page 20, line 7, of the past transcript, for example. I
7 would like to show you an image and ask you then some questions concerning this
8 image.

9 And, Madam President, your Honours, this concerns item 42 on our list of materials.

10 And it has the registration number CAR-OTP-2018-0598.

11 And once it is displayed on your screen, Mr Witness, can you tell me whether you
12 recognise this individual.

13 A. [14:35:21] This is the prisoner that Colonel Said brought to the office. I
14 recognise him.

15 Q. [14:35:48] Thank you very much. I'm sorry for the delay.

16 I would like to just ask a question to the Bench quickly, whether this image now is
17 displayed public or not, just to be sure, whether we can --

18 PRESIDING JUDGE SAMBA: [14:36:08] We are in public session, aren't we?

19 MS VON BRAUN: [14:36:11] Yes. And I should have asked for a private session to
20 show this photograph, and I'm sorry for not doing that.

21 THE COURT OFFICER: [14:36:19] The items are not published by default unless
22 otherwise stated by the examining party. So the picture has not been published.
23 However, we are indeed in open session. Thank you.

24 MS VON BRAUN: [14:36:31] Thank you very much. That reassures me. I'm sorry
25 for the interruption.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 PRESIDING JUDGE SAMBA: [14:36:37] That's okay. Carry on, please.

2 MS VON BRAUN: [14:36:43]

3 Q. [14:36:48] Thank you very much, Mr Witness.

4 I have no further questions concerning this photograph.

5 Do you wish to add anything concerning this individual before we remove the photo?

6 A. [14:37:17] This prisoner was in this state when Colonel Said brought him to my
7 office. Seeing him in the state he was in, I didn't have the words to express it, and he
8 was unable to speak. I felt revolt automatically when I saw how this brother had
9 been mistreated.

10 Q. [14:38:04] Do you know or do you recall where this detainee was from, which
11 area he was from?

12 A. [14:38:27] That was later. It was later that I heard that it was a demonstration
13 in the Fouh and Gobongo district. It was a demonstration against the Seleka, and a
14 Seleka patrol had surrounded that area of Fouh, Gobongo, and Boy-Rabe, and had
15 stopped a number of young people and had tortured them. And at that time I recall,
16 and I've said it, I had a nephew who was stopped in Boy-Rabe, and he was taken to
17 the base that was in the enclosure of the national police academy.

18 We were looking for him for a number of days, when we heard that some people
19 were under guard at the police academy. And it was women, sisters and daughters,
20 who went to the police academy to verify that information. And thanks to the
21 assistance of certain international organisations, our nephew was freed, and he bore
22 the same scars.

23 He told us that they had been stopped on the roadside in Boy-Rabe and that they had
24 been tortured in that way at the police academy.

25 Q. [14:40:30] Okay. Thank you very much for this addition.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 The image can be removed. I don't have any further questions on this.

2 Now, Mr Witness, you described how you handled the situation with this particular
3 detainee. Were there any other detainees in the time the Seleka operated at OCRB
4 on whose behalf you intervened?

5 A. [14:41:22] Well, the detainees who were held in -- in the hole, those are the ones I
6 saw. I didn't see the others. And my concern was for all those who were
7 imprisoned in the basement, but also those who were held in the cells outside,
8 because all of them were being subjected to mistreatment.

9 Q. [14:42:11] Thank you. Do you recall the names of any other detainees?

10 PRESIDING JUDGE SAMBA: [14:42:23] Mindful that we are in open session, please.

11 MS VON BRAUN: [14:42:26] Yes, I am mindful of that. Would you rather -- from
12 my side, I do not think we would need to go into private session, but if you would,
13 Madam President, rather want me to, we can, of course.

14 PRESIDING JUDGE SAMBA: [14:42:42] Well, no. I suppose maybe you know the
15 answer that the witness wants to give and that name may not be, you know, a name
16 that you would want to cover up or a name of a person who may have appeared
17 before us who is -- who benefited from protective measures. That's the caution I'm
18 giving.

19 MS VON BRAUN: [14:43:04] Thank you. I think it should be fine.

20 Q. [14:43:12] Shall I re-ask my question, Mr Witness?

21 A. [14:43:30] Those who were held at the OCRB, including those who I saw, well, I
22 didn't ask any of them their names or seek to know their identity. The detainee
23 whose name I know was my nephew, the one who was held at the police academy,
24 and his name was (Redacted). He was freed and returned to us. But as regards
25 those at the OCRB, no, I don't have their names.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [14:44:21] Thank you very much.

2 Mr Witness, do you recall giving a statement to the Office of the Prosecutor -- I'm
3 sorry -- to investigators of the Office of the Prosecutor?

4 A. [14:44:52] The prosecutor from where? From Bangui?

5 Q. [14:44:56] I'll ask the question again. Maybe it was not transmitted properly.
6 Do you recall giving a statement to investigators of the Office of the Prosecutor?

7 A. [14:45:14] Yes.

8 Q. [14:45:16] And do you recall being asked about names of specific detainees by
9 the investigators?

10 A. [14:45:40] No, I don't recall. No.

11 Q. [14:45:43] All right.

12 With your leave, Madam President, I would like to refresh the witness's memory
13 using his prior recorded statement.

14 PRESIDING JUDGE SAMBA: [14:45:55] Ms Naouri, that's the Prosecution's position,
15 and I'd like to allow her to refresh the witness's statement. Do you have any
16 comment on that?

17 MS NAOURI: [14:46:10](Interpretation) No comment, your Honours. I will be
18 happy to follow your decision on the conduct of these proceedings.

19 PRESIDING JUDGE SAMBA: [14:46:17] Thank you very much.

20 Yes, you can refresh his memory, please.

21 MS VON BRAUN: [14:46:24] Thank you.

22 Then I would like to have displayed on the evidence channel the witness's prior
23 recorded statement, which is at tab 1 of the list of materials, with the reference
24 number CAR-OTP-2068-0244-R02, for redacted. And the particular page is at 0268.
25 And I would like to draw the attention -- the witness's attention to paragraphs 140

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 and 142 of that page. And, if possible -- is it --

2 PRESIDING JUDGE SAMBA: [14:47:36] Paragraph number?

3 MS VON BRAUN: [14:47:40] 140 and 141 of page 0268.

4 THE COURT OFFICER: [14:47:51] Just for the Prosecution's information, the witness
5 statement you are referring to is in English. Is it that version you would like to
6 display to the witness?

7 MS VON BRAUN: [14:48:01] Yeah. We have a translation. Thank you very much.
8 You're right.

9 In the translation, which is at CAR-OTP-2130-5761, redacted version, which is at tab 2.
10 And paragraph 140 starts at 5786 and at paragraph 141 is then on the following page,
11 5787. Thank you very much.

12 We can scroll down to -- we can go to the previous page, yeah, and then to the bottom
13 paragraph.

14 Q. [14:49:11] Mr Witness, you see a name displayed underlined. Does that name
15 mean anything to you, in the heading above paragraph 140?

16 A. [14:49:43] Yes. He -- he wasn't a prisoner at the OCRB.

17 Q. [14:49:58] He was not. Can you, from your memory now, describe what you
18 remember about this person.

19 A. [14:50:24] That person on that day -- well, on that day, I finished work and I was
20 on my way for home. I was stopped by some friends, and we were talking when my
21 telephone rang, and it was the director of the criminal investigation division who
22 rang me to tell me to come to the OCRB immediately because there was quite a
23 serious situation developing there.

24 I was still in my uniform, so I took a taxi to go down to the OCRB. It was about 6.30,
25 7 o'clock in the evening. So I arrived at the OCRB, and I saw the cardinal's car

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 parked outside. He was still in it.

2 I asked the cardinal to follow me, and we went into the OCRB premises, myself and
3 the cardinal. I went into the office and took out a chair for the cardinal, and then I
4 went round to the Seleka base.

5 Now, they were rather overexcited, making a lot of noise. I called Colonel Said to
6 know what was going on. I asked where Pastor Guerekoyame was. And I said, "I
7 need him to be taken out because the cardinal needs him. He is a man of God, and
8 he has the same status as one of your imams, and he should be treated correctly."

9 And so it was that Pastor Guerekoyame was brought to me.

10 I took him to the cardinal. And then Nouradine and one of his henchmen turned up.
11 Nouradine said to me, "Where is that pastor?"

12 And I said, "Minister, he is here. He is with me."

13 "He should come with me, come with me. I'll take him to Michel." He was

14 referring to President Djotodia. He used to call him by his first name, Michel.

15 His henchmen took the pastor by the hand, and they left the OCRB. I remained

16 behind, as did the cardinal. The cardinal wanted to go in. And I said, "Cardinal, do
17 not enter. The minister is rather excited. We don't know what's going to happen to
18 the pastor. We should follow them."

19 And so it was that the cardinal, I followed him, Nouradine as well. They went
20 together. And they were at a hotel. So they followed them to the hotel. That is
21 the information that I have on that particular event.

22 Q. [14:54:51] Do you recall why this pastor was taken?

23 A. [14:55:18] I believe it was because of the position which they took. They
24 were -- he was one of the three religious leaders. He was the president of the
25 Association of Protestant Churches. He, together with the cardinal and the imam,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 adopted a very radical position regarding the abuses being carried out by -- on a daily
2 basis by the Seleka. So I think it was because of the position which he took.
3 Because at that point of time, as I said, it was he who was the president of that
4 association of religious churches.

5 Q. [14:56:08] Thank you. And just for my understanding, what was the position
6 that he took?

7 A. [14:56:34] He was the head of the religious denomination, the religious
8 denomination which through its association was one of the bodies which denounced
9 the crimes which were being perpetrated by the Seleka day in, day out within Bangui
10 and elsewhere in the country.

11 Q. [14:57:06] Thank you very much.

12 The item can be removed from the screen.

13 Mr Witness, we spoke in the past session about the Seleka leaving the OCRB. For
14 example, at page 39, line 15, of the past -- of the transcript. I would like to show you
15 an image, a photograph now, and see if you can recognise anything in particular on
16 that.

17 And this is, your Honours, the item, tab 38 of the list of materials, and it has the
18 reference number CAR-OTP-2094-1927.

19 Do you recognise anyone in this photo?

20 A. [14:58:38] Yes. *One is President Michel Djotodia. Two, this is Rakiss, Deputy
21 Director-General of the police. Three, this is -- he's now Chief of police. That's Mbo
22 Touba Kette. He was part of the senior management of the judiciary police, I believe.
23 And four, that's me. Five, that's Colonel Said. The person behind him, I think he's
24 from protocol, I don't know him -- he's behind President Djotodia.

25 Q. [15:00:16] I'm sorry, I have to ask one small follow-up question which relates to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 translation of what you just said, Mr Witness. In the English transcript, the name
2 "Yakete" came through. Did you mention Yakete?

3 A. [15:00:53] I don't remember this name Yakete. If you could just display it,
4 please.

5 PRESIDING JUDGE SAMBA: [15:01:00] Simply ask him who number 3 is again,
6 then he'll confirm.

7 MS VON BRAUN: [15:01:07] Thank you.

8 Q. [15:01:08] Can you say -- can you let us know again who number 3 on the
9 picture is.

10 A. [15:01:26] I was referring to *Mbo Touba Kette.

11 Q. [15:01:42] Thank you very much.

12 Now, Mr Witness, on what occasion was this photograph taken?

13 A. [15:02:05] I do not exactly recollect the circumstances. Was it during the
14 meeting after -- during which the Seleka had to leave, or after that? From time to
15 time, the president would come over, so I really don't remember the exact
16 circumstances in which this photo was taken.

17 Q. [15:02:42] Thank you very much.

18 I have no further questions on this image, and I would request it to be registered,
19 please.

20 PRESIDING JUDGE SAMBA: [15:02:52] Madam Court Officer, an ERN number,
21 please. Thank you.

22 THE COURT OFFICER: [15:02:57] Yes, Madam President. It will bear the reference
23 CAR-REG-0002-0030. And my co-clerk will proceed with capturing the annotated
24 item. Thank you.

25 MS VON BRAUN: [15:03:40] Thank you very much.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 I would like to show another item. And this one is at tab 5 of the Prosecution's list,
2 and it is -- bears the registration number CAR-OTP-2005-0369. And maybe we can
3 scroll down a bit and then go to the next page at 0369 -- 0370.

4 Q. [15:04:56] Now, Mr Witness, once it is displayed on your screen, can you tell us
5 whether you have seen this document before.

6 A. [15:05:19] No.

7 Q. [15:05:24] When you read what it says there, does that tell you anything? Does
8 that mean anything to you?

9 A. [15:05:51] This is about the appointment of the Minister Binoua who was made
10 the minister of public security.

11 Q. [15:06:11] Do you know why Mr Binoua was nominated minister of public
12 security?

13 A. [15:06:36] I couldn't know that because that was the prerogative of the President
14 of the Republic. That's completely his discretion. But for me, who was a police
15 officer at that point of time, it was undoubtedly due to the multiple exactions that
16 were committed. We -- we could actually feel it. We knew that, with regard to
17 public security and upon the instruction of the Minister Nouradine, there were many
18 exactions. There was many killings.

19 Minister Nouradine, after a protest, declared on radio that the people who were
20 manifesting against the Seleka, the non-Muslims, had less value. And he was -- they
21 had less value than a chicken. And he was capable of doing what he wanted.
22 So this statement, again, instilled a feeling of rebellion in the non-Muslim community.
23 And for me, in order to try and appease the tension, this is probably why he was
24 appointed -- this is my reading of the situation at that point of time.

25 Q. [15:09:08] Thank you. The document states -- has a date on it. When you look

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 at that date, does that bring back a memory of that -- that time? Is that -- can you say
2 something about that date or that time around that date? Does that seem accurate to
3 you?

4 A. [15:09:48] Your Honour, I just told you earlier to spare me of the dates, the exact
5 time and the exact date because the period during which we were living at that point
6 of time, including myself, it was such a period where you cannot put things down to
7 a date or a time. I cannot tell you precisely that such-and-such thing occurred on
8 such-and-such date.

9 Q. [15:10:35] All right. Thank you. That is completely fine. I -- you know, I just
10 asked, and if you don't know, then that is absolutely fine.
11 I don't have any further questions on this item.

12 Now, Mr Witness, were you ever -- sorry, I'll rephrase.

13 In the time the Seleka were based at the OCRB, were you ever absent from the OCRB
14 for longer than just going home? And I mean, were you absent for longer periods?

15 A. [15:11:35] Before I came back to OCRB for a very long period, no. It could
16 happen that we came in the morning, and if there is a serious event that occurred
17 during night, they would close the OCRB and not open it at all. But after the escape,
18 I did not go back to the OCRB until they called me for the meeting on the grand exit
19 of the elements from the OCRB.

20 Q. [15:12:20] During the time the Seleka were based at the OCRB, were you ever
21 appointed to another function?

22 A. [15:12:50] No.

23 Q. [15:12:55] Thank you. I would like to show you another document, Mr Witness,
24 which is at tab 4 of the list of materials and has the registration number
25 CAR-OTP-2034-4515, and showing you this document relates to my previous

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 question.

2 Please, once it's on your screen, provide whether this tells you anything.

3 A. [15:14:01] On this document, when the Seleka left the OCRB, I was replaced in
4 the week that followed. When I was at home, the director general issued this memo
5 in compliance with the ministerial order signed by the president himself. He set up
6 a national investigation commission on the exactions and abuse that were committed
7 by the Seleka. And since I was there at the OCRB at a point of time, the director
8 general called me and said, "You're at home, and I'm going to send you to the
9 investigation commission with the list of police officers." The commission was
10 composed of police officers, magistrates and investigators. And I was the head of
11 the police.

12 And when the commission was set up, the -- we started issuing memos so that the
13 victims could bring their files to us. And the commission was actually ransacked by
14 the Seleka. The Seleka actually ransacked the office of this commission, and they
15 also went and recovered the service vehicle that belonged to the president, who was a
16 magistrate, a high-ranking magistrate. A high-ranking magistrate of the appeals
17 court was assassinated because he was the one who was -- who had the initial files
18 that came in. And this is how the commission disappeared.

19 And after this commission, I remained at home until the transition appointed
20 me -- the transition government appointed me as the head of the Criminal
21 Investigation Unit.

22 Q. [15:16:43] Thank you very much.

23 Who were the Seleka that ransacked the office?

24 A. [15:17:08] That happened after the working hours. And I said, during this
25 period and during the time when the Seleka were in power in Bangui, we, the defence

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 and security forces, had no means to act. We had no weapons, no vehicles. Many
2 were living in hiding. And the exactions that were committed were done by the
3 Seleka. They were the lords of the city. They would do what they pleased. And
4 it's -- the Seleka went to the president's place to take the vehicle. People saw what
5 was happening.

6 But identifying them by their names, it is not possible. I cannot do that. I don't
7 even know them.

8 Q. [15:18:14] I understand that. You may not be able to do that, but it is important
9 to understand how you know that it was the Seleka that did that. So if you
10 could -- you've already began describing that a bit. Maybe you can add some more
11 information.

12 A. [15:18:54] Thank you. During these times, no other unit or law enforcement
13 authority was present in Bangui. The Seleka, because of their base, had vehicles, had
14 arms, weapons, and -- and who were informing them? We don't know. They
15 would go to a spot, either to pillage or destroy. No one could stop them and ask
16 questions. "Who gave you instructions to do that? Why are you doing this?" No
17 one could ask such questions at that point of time. No one could intercede or step in
18 to know more.

19 Q. [15:19:55] And who was the -- what is the name of the judge that you mentioned
20 who was assassinated?

21 A. [15:20:19] This was the Judge Modeste Bria.

22 Q. [15:20:28] And after the offices were ransacked, was this commission able to
23 continue its work?

24 A. [15:20:51] This was a commission instituted by the President Djotodia. The
25 Seleka did not want this commission to do its duties, so we just -- the commission just

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 disappeared. It was just kind of crossed out.

2 Q. [15:21:17] Thank you.

3 We can remove the item from the evidence channel.

4 Now, Mr Witness, going back to the OCRB and the situation of the detainees there

5 during the Seleka period that you've already described to us in some detail, I have

6 another question for you on that issue. For our general understanding of the

7 situation, if you can tell us, what were the judicial guarantees and rights under CAR

8 law at that time that the detainees had?

9 A. [15:22:35] It must be noted that during this period, our institutions were purely

10 ornamental. There were certain leaders who were there, they were in their offices,

11 but they weren't working. So there was no justice. You could not stop a Seleka and

12 summon him to the prosecutor's office. It was just not possible.

13 So the decisions were made by the Seleka. And all the generals would call the

14 president by his first name, Michel. So the rights of prisoners is -- in fact, what I

15 could do for the prisoners is, I would call the colonel and I would say that, "It's not

16 right to administer such treatment." And this is what people could do at the best.

17 But, you know, summoning them to the prosecutor's office, organising something on

18 a legal level, it was just not possible in those times.

19 Q. [15:24:15] Thank you very much.

20 Were the detainees, if you know, of course, informed of the reasons why they were

21 arrested at the OCRB?

22 A. [15:24:49] The Seleka weren't representatives of justice. Their way of seeing

23 things was quite different from the way we would perceive things. They would get

24 hold of people and say, "He's a thief." It's just to put them in prison. It's different

25 for people who were in a protest. But people were arrested because they were

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 standing on the streets. They would just be arrested.
2 I would ask questions. And I would ask the colonel, "What happens -- what's
3 happening?" And he would never have the time to even interrogate an accused.
4 And I would say that, once the parents were informed, they would come to us, and
5 the parents would come to check if their child was there. And sometimes ransom
6 was asked. The parents would go and see the colonel, who would call Colonel Yaya
7 or Tahir and find out if this person was there. And this would happen in the streets.
8 They were the absolute masters to the reasons of arrests. I really cannot tell you
9 why.

10 Q. [15:26:35] Thank you very much.

11 Were detainees at the OCRB provided with legal assistance, a lawyer, upon arrest?

12 A. [15:27:03] No.

13 Q. [15:27:04] Were they formally charged in any way?

14 A. [15:27:23] The Seleka were not answerable to the prosecutor. It was their
15 business, and they would just manage it the way they wanted. They had
16 absolutely -- they were not accountable at all to the prosecutor.

17 Q. [15:27:42] And you just spoke about parents. Who informed parents of a
18 detainee?

19 A. [15:28:02] In Bangui, there aren't many people. In the districts, in the
20 arrondissement, people know each other, practically. Everyone knows each other.
21 And if someone is arrested on the streets, we know that it's such-and-such person
22 who's been arrested by the Seleka. And the information is immediately sent to the
23 parents. And sometimes people also want to know in which direction was the
24 person taken. And this information is given to the parents, and then the parents
25 start looking for their children.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [15:29:04] And you just mentioned ransom. Can you explain a bit more what
2 you meant by that.

3 A. [15:29:24] Thank you. "Ransom" is with regard to hostage taking or something.
4 You see, sometimes when you arrest someone, they do it because they want money,
5 even though you have done nothing at all. If you are two or three young people
6 standing on the streets, they ask you, "What are you doing there?" And they take
7 you in custody. And if the parents ask, they say that they were gathered there and
8 they were protesting, and they will find a reason to extort money from the parents.
9 The parents would be crying on their knees. And if they have some money, they
10 would give them money, and the person would be freed.

11 Q. [15:30:19] And who extorted parents at the OCRB?

12 A. [15:30:40] If the person's taken to the OCRB, Said never would leave his office,
13 and -- and this will be brought to his knowledge. And once Said is aware, the
14 parents would come, and it's Said who would give instructions so that the business is
15 resolved. If the parents had to pay a lump sum amount, the parents would pay the
16 amount, which will be given to Said or Yaya, the lieutenant. And it's the same thing
17 for equipment, vehicles and motorcycles, or for all the vehicles that are confiscated.

18 Q. [15:32:00] Did you ever see this happen with your own eyes?

19 A. [15:32:21] It was a recurring practice. It would happen time and again because
20 often the parents, before going to see Colonel Said, would visit me, and I would check
21 whether such-and-such a person was indeed held on site. And the individuals,
22 when freed, they would even come and thank me once their parents had had them
23 freed.

24 Q. [15:33:08] Thank you. One second.

25 We spoke about Mr Tolmo a few times, the prosecutor, already. Just for me to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 understand, because we only mentioned -- talked about the one meeting with the
2 detainees in the one cell, but if you can recall whether Tolmo came to the OCRB
3 regularly to check on detainees is my question.

4 A. [15:34:07] I don't recall regular visits. It wasn't easy. It wasn't easy for the
5 prosecutor to visit regularly to ask after the victims who were held at the OCRB.

6 Q. [15:34:31] Can you estimate how often he came.

7 A. [15:34:51] I can't give you a number. But in any case, it was a rare event. It
8 was rare. And confronting the Seleka at the OCRB to question them about the
9 victims, that was tricky. It was the same for all of us. It was like walking on
10 eggshells for us all. So the prosecutor was only rarely at the OCRB.

11 Q. [15:35:38] Now -- sorry.

12 Before the Seleka, is there, in your memory -- wait. I have to think about how I will
13 phrase this. One second.

14 Was there a difference in numbers between the time frame before the Seleka took over
15 and the time the Seleka were in power concerning the numbers of detainees at the
16 OCRB? Was there a difference in numbers?

17 A. [15:36:43] There was a significant difference. Prior to the Seleka, we had rule of
18 law, and institutions operated normally. At the OCRB, the criminal investigation
19 division worked under the chief of prosecutions of the republic. And that
20 prosecutor would visit the OCRB at any time or send one of his assistant prosecutors
21 to verify information at the OCRB at any time.

22 But during the period of the Seleka, institutions only existed in a nominal fashion.
23 It's true that we, the civil servants, were present, but we had no decision-making
24 power, and the same applied everywhere. We received --

25 THE INTERPRETER: [15:38:10] Delete "we received".

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 MS VON BRAUN:

2 Q. [15:38:12] And concerning the amount of detainees, was there a difference?

3 A. [15:38:27] Yes, there was a very big difference, because prior to the Seleka, there
4 were no detainees at the OCRB. When I was at the OCRB, I found two individuals,
5 and I was told that they were Bozizé's prisoners, and I dealt with them in line with the
6 Criminal Code of the Central African Republic. That's how I dealt with them. But
7 there were no detainees. Those attending or awaiting trial were there.

8 If they had to be put in a cell, we would inform the prosecutor. We would log
9 everything. We would register their names and affiliations, because at any point in
10 time, the prosecutors could come to check the cells. It was night and day. There
11 was no comparison after the Seleka arrived. Basically, it was chaos after they came.
12 We used to have to present persons who were subject to charges before the prosecutor
13 within a week. We had to comply with the deadlines. That was the difference.
14 We were not allowed to have cell overcrowding, notably when it came to those
15 awaiting trial.

16 Q. [15:40:22] Concerning cell overcrowding, could you elaborate on that issue
17 during the Seleka period for me a bit more.

18 A. [15:40:54] When the Seleka were there, the number of people per cell was not
19 their problem. It wasn't their problem. They -- as I said earlier, they would stop
20 and question people, including in the OCRB. If they took the person out of a cell and
21 questioned them and returned them to a cell, they would just open the door of the cell.
22 If there was room, they would just push them in there. They didn't pay any
23 attention to numbers. It was anarchy. Nobody was keeping a tally of numbers.
24 Nobody was carrying out checks.

25 Q. [15:41:51] Thank you very much.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Madam President, if I could just have maybe 30 seconds or a minute to see if I have
2 anything left. But otherwise, I would soon conclude.

3 PRESIDING JUDGE SAMBA: [15:42:06] I will give you a minute.

4 MS VON BRAUN: [15:42:09] Thank you.

5 PRESIDING JUDGE SAMBA: [15:42:12] Thank you.

6 (Counsel confers)

7 MS VON BRAUN: [15:42:42]

8 Q. [15:42:56] I have one last question, and then I think we can conclude,

9 Mr Witness.

10 We were -- you have described the conditions for detainees at the OCRB and also
11 certain forms of mistreatment today. Were you ever witness to Mr Said disciplining
12 a Seleka element at OCRB for mistreatment of a prisoner?

13 MS NAOURI: [15:43:43](Interpretation) Your Honour, I object. We have had quite
14 a few questions which are leading, but that question was leading, I believe.

15 PRESIDING JUDGE SAMBA: [15:43:57] Madam Prosecutor ...

16 How else, Ms Naouri, could she put that question, actually?

17 MS NAOURI: [15:44:10](Interpretation) "Did you see Mr Said carrying out certain
18 measures with respect to those who reported to him?" And that would have allowed
19 the witness to answer freely, but there have been quite a few numbers here which I
20 believe are tantamount to putting words in the witness's mouth.

21 PRESIDING JUDGE SAMBA: [15:44:36] Yeah, but you never objected to those, did
22 you, during the proceedings? You never objected to the leading questions, if at all
23 there were any.

24 MS NAOURI: [15:44:47](Interpretation) Well, I'm objecting to the question which
25 has just been put, which I believe is leading. So, your Honour, I'm choosing to object

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 to this question.

2 PRESIDING JUDGE SAMBA: [15:44:58] Madam Prosecutor, do you want to
3 rephrase your question, if you may.

4 MS VON BRAUN: [15:45:03] I can try. It's difficult, but I'll try.

5 Q. [15:45:13] Was there a system of disciplining Seleka in place at the OCRB during
6 the time it was a Seleka base?

7 A. [15:45:50] Well, sanctions or disciplining, I would say that it was verbal.
8 Colonel Said was responsible for his elements, but he didn't have a casting vote, if
9 you'd like. He had the same control over his elements. And all Central Africans
10 who were there, all those from his ethnic group understood him. But, as I said
11 before, there were Chadians, there were Sudanese, and they were more with Tahir.
12 It was difficult to discipline. They always had their weapons. The elements were
13 weapon -- were armed and did not listen. It wouldn't have been possible to
14 imprison a Seleka element himself. Sometimes when I saw him, I could see that he
15 was scared of his own forces because they would take drugs. They were taking
16 drugs at the OCRB. That was known. You could see it. So very difficult.
17 So he would have control over his own men, those who were close to him. He
18 would stop certain things by shouting, but perpetrators could also just grab their
19 weapon and leave the OCRB.

20 Q. [15:47:51] Thank you very much.

21 I have no further questions, Madam President, and would conclude the Prosecution's
22 examination-in-chief.

23 PRESIDING JUDGE SAMBA: [15:48:05] Thank you very much, Madam Prosecutor.
24 You may be seated, yes.

25 Ms Naouri, would you want to start cross-examinations today? You have I think

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 about 12 minutes till the close of session.

2 MS NAOURI: [15:48:30](Interpretation) Your Honour, I could indeed commence
3 cross-examination. I could start with a topic, which of course I will not complete
4 today, but it's as you prefer.

5 PRESIDING JUDGE SAMBA: [15:48:43] Well, you can make use of the remaining
6 12 minutes, just that I'd want to remind you for the pace, about the pace of, you know,
7 the questions that you are going to put so that we can help the interpreters, you know,
8 with translation, for us to get an accurate record. Thank you very much. You may
9 start.

10 MS NAOURI: [15:49:29](Interpretation) Thank you, your Honour.

11 QUESTIONED BY MS NAOURI: (Interpretation)

12 Q. [15:49:34] Good morning, Mr Witness.

13 A. [15:49:39] Good afternoon.

14 PRESIDING JUDGE SAMBA: [15:49:42] Ms Naouri, it's afternoon. Good afternoon.

15 Or is it the interpretation?

16 MS NAOURI: [15:49:43](Interpretation) I think it was the interpreter. I said
17 "*bonjour*". Indeed we mean this afternoon. Thank you, your Honour.

18 Q. [15:49:58] So, good afternoon, Witness.

19 A. [15:50:04] Good afternoon.

20 Q. [15:50:07] I am Jennifer Naouri, and I am the lead counsel for Mr Said, and it is I
21 who shall be putting questions on behalf of the Defence.

22 Now, as the Presiding Judge just reminded me, both of us will be speaking French.

23 So it's important that you and I together bear in mind that there are interpreters
24 interpreting what we say. It's important that we allow them a moment to complete
25 their translation each time we speak. So we should just take a breath before we

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 begin to speak.

2 Now, Witness, I would like to go back to the matter of the different departments, if
3 you like, in the OCRB, and this, as it was, back in 2012. Now, to do that, I'm going to
4 base my questions on T-17, page 53, lines 20 through to 28. This is the transcript of
5 Friday.

6 Now, then you told us that there were three different services. You said that it was
7 the criminal investigation service, there was an intervention service, and there was a
8 service that dealt with police stations. So I'd like to go back to those three stations.
9 I'm at lines 20 to 28 on that transcript.

10 So let's start off with the criminal investigation service. Who was the head of that
11 service back in 2012?

12 A. [15:52:23] It was Commissioner Sophil in 2012.

13 Q. [15:52:33] Thank you, Witness.

14 And could you tell us what was the work of the criminal investigation service.

15 A. [15:52:49] Well, the criminal investigation service, just like any criminal
16 investigation department -- and I'm talking about this period during which the
17 institutions were all functions normally. Of course, things changed considerably
18 when the Seleka arrived. But back then, it was the service that would conduct
19 investigations.

20 If a person was questioned, arrested, it would be that service which would carry out
21 the investigation, gather evidence and present it to the services of the prosecutor.

22 Q. [15:53:35] Thank you, Witness.

23 So I can be specific. My questions at this -- relate to the period of 2012 when you
24 were the director. Now, how many people made up the criminal investigation
25 service?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [15:53:54] I can't recall the exact workforce of that service.

2 Q. [15:54:12] Now, Witness, we referred to the statement which you gave earlier or
3 at a previous time to the investigators of the International Criminal Court. This is at
4 tab 1, for version -- for the English version and tab 2 for the French version. And it is
5 CAR-OTP-2130-5761. And I'm going to read out paragraph 20, which is at
6 paragraph 5765, and I'm going to just focus on one extract from that paragraph. And
7 we'll be looking at that paragraph for my upcoming questions.

8 Now, what you said was, and I quote: "There were three services at the OCRB: (I)
9 There was the inquiries and investigations services which was directed by Sophil who
10 is currently the deputy director general of police, and which was made up of four
11 senior law enforcement officers." End of quotation.

12 Now, perhaps that quotation from your previous statement refreshes your memory,
13 Witness.

14 A. [15:55:39] Yes, it does.

15 Q. [15:55:42] So you confirm that that service was made up of four law enforcement
16 officers; is that correct?

17 A. [15:55:51] Yes, that is correct.

18 Q. [15:55:55] Do you recall the names of those four officers?

19 A. [15:56:10] There was Commissioner Beltoungou. There was General Jean
20 Claude Kotolingar. There was (Redacted). And the name of the fourth does not
21 come to mind for the time being, at least.

22 Q. [15:56:46] Okay. Thank you, Witness.

23 And do you recall the working hours of that service?

24 A. [15:57:00] Well, according to our rules, work -- working hours from 6.30 to 1.30.
25 That was from Monday to Friday. And on Saturdays, we would start at 7 and finish

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 at midday. But given the rather specific status of the OCRB, we didn't have fixed
2 working times. When the criminal investigation officers came, they would do their
3 work, but they would have to stay and complete their work, even if it meant working
4 very late in order to provide the product of their work to their superior when
5 required.

6 Q. [15:58:02] So these are OPJ officers. Did they work at the same time, or did
7 they work in turn?

8 A. [15:58:18] They -- there wasn't a rotation, so to speak. They would come
9 during working hours, and they would then leave each day.

10 Q. [15:58:35] Okay. I'm now going to move on to the intervention service.
11 Witness, who headed that service?

12 A. [15:58:45] It was Commander *Mangabasse.

13 Q. [15:58:57] And could you inform us what was the nature of the work of that
14 service.

15 A. [15:59:06] Well, I think the name says it all. Any type of intervention in the
16 field. We would receive telephone calls informing us of acts of violence in the city of
17 Bangui. Those officers would then act on that information and would intervene.
18 They would also carry out interventions in the field on the instructions of the OPJ
19 officers, for instance, to stop and question individuals or make arrests.

20 Q. [15:59:49] Thank you, Witness.

21 And the telephone calls you've just referred to, at page 87, line 16, of the transcript,
22 was there a dedicated number that would be called? And if so, do you recall that
23 number?

24 A. [16:00:16] The hotline was 116 or 118. There was a hotline that was made
25 available to the civilian population.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

- 1 Q. [16:00:32] Thank you, Witness.
- 2 Your Honour, I can see the time. I'm in your capable hands. I think I've exceeded
- 3 my time by a minute. So I will put myself in your capable hands.
- 4 PRESIDING JUDGE SAMBA: [16:00:46] Thank you very much, Ms Naouri. I think
- 5 it's a good point to stop for today. We will continue tomorrow.
- 6 Mr Witness, tomorrow we shall continue with questions put to you by Defence
- 7 counsel, Ms Naouri, and I'm going to ask that, again, you do not discuss your
- 8 testimony with anybody when you leave this courtroom.
- 9 So, on that note, I'll rise the Court and -- are we -- we're in open session. I'll rise the
- 10 Court and ask that we come again tomorrow at 9.30. Thank you.
- 11 THE COURT USHER: [16:01:23] All rise.
- 12 (The hearing ends in open session at 4.01 p.m.)