

Trial Hearing  
Procedural Matters

(Open Session)

ICC-01/14-01/21

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 Maria del Socorro Flores Liera

6 and Judge Sergio Gerardo Ugalde Godinez

7 Trial Hearing - Courtroom 2

8 Monday, 7 November 2022

9 (The hearing starts in open session at 9.59 a.m.)

10 THE COURT USHER: [9:59:38] All rise. The International Criminal Court is now in  
11 session. Please be seated.

12 PRESIDING JUDGE SAMBA: [10:00:01] Good morning, everyone.

13 Can I ask the court officer to kindly call out the case.

14 THE COURT OFFICER: [10:00:07] Good morning, Madam President, your Honours.

15 The situation in the Central African Republic II, in the case of The Prosecutor versus

16 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21, and we're in open session.

17 PRESIDING JUDGE SAMBA: [10:00:22] Thank you very much.

18 Can I ask the parties to introduce themselves, beginning with the Prosecution, please.

19 MS MAKWAIA: [10:00:28] Thank you, Madam President. Good morning, your

20 Honours. For the Office of the Prosecutor this morning, Lisa Tamm; Le Bailly,

21 Brunhild; Leonie von Braun; and myself, Holo Makwaia. Thank you.

22 PRESIDING JUDGE SAMBA: [10:00:43] Thank you very much, Ms Makwaia.

23 Ms Pellet, for the victims, please.

24 MS PELLET: [10:00:47](Interpretation) Thank you, your Honour. The victims are

25 represented by Tars Van Litsenborgh and myself, Sarah Pellet, OPCV.

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1 PRESIDING JUDGE SAMBA: [10:01:00] Thank you very much.

2 Ms Naouri, for the Defence, please.

3 \*MS NAOURI: [10:01:05](Interpretation) Thank you, your Honour. With me today is

4 Mr Jacobs, Manon Lanselle and Capucine Banet. And as for myself, I am Jennifer Naouri.

5 PRESIDING JUDGE SAMBA: [10:01:18] Thank you very much, Ms Naouri.

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

7 Mr Said, a very good morning to you.

8 MR SAID: [10:01:30](Interpretation) Good morning, your Honour.

9 PRESIDING JUDGE SAMBA: [10:01:36] Before we start today's testimony, I have a  
10 short decision that I want to deliver on behalf of the Chamber.

11 It is a decision on the Prosecution's request to introduce the annex to P-2478's  
12 preparation log under Rule 68(3) of the Rules of Procedure and Evidence. And, for the  
13 record, the request is Filing 531 of the record, and the Defence response is Filing 532.  
14 The annex contains corrections and clarifications to P-2478's prior recorded statement  
15 which was already granted introduction via Rule 68(3).

16 Further, the annex contains the witness's comments on a number of photos which were  
17 shown to the witness. Some of the photos were previously shown to the witness, and  
18 P-2478 provides corrections and clarifications.

19 11 photos were shown to the witness for the first time, and the witness made comments  
20 on them.

21 The Prosecution avers that the annex bears sufficient indicia of reliability and that its  
22 introduction would significantly expedite the proceedings. It further submits that the  
23 witness provides reasonable explanations for why clarifications and additions were  
24 needed; inter alia, referring to the fact that the witness was initially not aware of who  
25 the particular person of interest was.

1 The Defence opposes the request. It argues that the corrections and clarifications  
2 negatively affect the probative value of the prior recorded testimony and disputes that  
3 an introduction under Rule 68(3) would result in a more expeditious questioning of the  
4 witness.

5 Lastly, it purports a lack of preparation time due to the limited time between the  
6 transmission of the preparation log and the witness's testimony.

7 As per the Defence's argument that the verification of whether the annex subject to the  
8 present request is corroborated by other witnesses requires a thorough, time-intensive  
9 analysis, the Chamber reiterates that the present request is not concerned with the  
10 question of whether the witness's prior recorded testimony should be introduced via  
11 Rule 68(3) in the first place. This has already been decided upon by the Chamber.

12 Accordingly, in the eyes of the Chamber, it is not unduly prejudicial to assess the very  
13 limited content of the annex.

14 With respect to the Defence's general allegation that it did not have sufficient time to  
15 properly analyse the annex subject to this request, the Chamber notes that the content  
16 of P-2478's preparation log has been available to the Defence since 1 November 2022.

17 The Chamber has also taken into account the content of the annex and does not  
18 consider it to be of such nature to require an unduly burdensome assessment.

19 Accordingly, the Chamber finds that the Defence had sufficient time to consider and  
20 analyse the content of the annex.

21 Lastly, and as previously stated by the Chamber, the fact that the content of the annex  
22 contains corrections to the prior recorded testimony - whose introduction under Rule  
23 68(3) has already been granted - is a factor militating in favour of its introduction.

24 The Chamber notes that the Defence will be able to explore the reasons for the  
25 clarifications and additions contained in the preparation log while cross-examining the

1 witness in court.

2 In light of the above, the Chamber finds that the introduction of the annex of P-2478's  
3 preparation log does not unduly infringe upon the rights of the accused and does not  
4 prejudice the Defence. Accordingly, the Chamber authorises the introduction of the  
5 annex under Rule 68(3) of the Rules. The Prosecution is instructed, when satisfying the  
6 outstanding requirements of Rule 68(3), to also fulfil them in respect of the annex.

7 Now, this concludes the oral decision.

8 We note that the Prosecution is now calling P-2478 as its eighth witness. The Chamber  
9 understands that this witness will be testifying in French.

10 I would remind everyone once again of the importance of the need to speak slowly for  
11 the interpreters and to observe the five-second rule between questions and answers  
12 before we commence with the testimony of this witness. I would ask the court officer  
13 to bring the witness in to Court, please. Thank you very much.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE SAMBA: [10:08:49] A very good morning to you, Madam Witness.

16 Mr Court Officer, can you help with the headphones? Yes, thank you.

17 A very good morning to you, Madam Witness.

18 THE WITNESS: [10:09:10](Interpretation) Good morning.

19 PRESIDING JUDGE SAMBA: [10:09:12] Before commencing, we note briefly that

20 protective measures are confirmed to this witness by virtue of Decision No. 481. The  
21 Chamber also notes that the VWU does not recommend any further special measures.

22 You're going to testify before the International Criminal Court, Madam Witness. And  
23 on behalf of the Chamber, I'd like to welcome you to this courtroom.

24 You should have before you the solemn undertaking to tell the truth that any witness  
25 who appears before this Court is expected to agree to. Can I ask kindly that you read

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1 out loud what you have before you?

2 THE WITNESS: [10:10:22](Interpretation) Thank you. I solemnly declare that I shall  
3 tell the truth, the whole truth, and nothing but the truth.

4 WITNESS: CAR-OTP-P-2478

5 (The witness speaks French)

6 PRESIDING JUDGE SAMBA: [10:10:39] Thank you very much, Madam Witness. And  
7 do you understand and agree to what you have just read?

8 THE WITNESS: [10:10:56](Interpretation) Of course, yes.

9 PRESIDING JUDGE SAMBA: [10:11:04] Good. We will continue.

10 Let me now explain to you, Madam Witness, the protective measures that the Chamber  
11 has put in place for your testimony.

12 We have put in place voice and face distortion for you during the duration of your  
13 testimony. Now, this means that no one outside the courtroom can see your face or  
14 hear your real voice during your testimony.

15 We also have put in place the use of pseudonym. In accordance with that, we all will  
16 refer to you only as "Madam Witness" to make sure that the public does not know your  
17 name.

18 When you are asked questions that you have to answer that will give away who you  
19 are, we will do so in -- in open session. When you're asked questions that will not give  
20 away who you are, we will do so in open session, which means that the public can hear  
21 what is being said in the courtroom.

22 When you're asked to describe anything that is related specifically to you, or you are  
23 asked to mention facts that might reveal your identity, we will do so in private session.

24 And, lastly, Madam Witness, I have a few practical matters you should have in mind  
25 when giving your testimony. Everything we say here in the courtroom is written down

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1 and interpreted. It is, therefore, important to speak clearly and at a slow pace.

2 Please speak into the microphone and only start speaking when the person asking you  
3 the question has finished. You will be able to tell when the question is finished when  
4 the speakers turn off their microphone. After that, please wait for five more seconds to  
5 allow for the interpretation to finish.

6 If you yourself have any questions, or if you need something, including if you need a  
7 break, let us know by the show of your hand. You put your hand up so we know that  
8 you wish to say something.

9 Do you understand all that I've said, Madam Witness?

10 THE WITNESS: [10:14:27](Interpretation) Yes, of course.

11 PRESIDING JUDGE SAMBA: [10:14:28] Thank you very much. We're going to start  
12 with your testimony.

13 This witness is a Rule 68(3) witness, we note, and the Prosecution needs to fulfil the  
14 requirements of Rule 68(3) for the prior recorded testimony and the annex of the  
15 witness preparation log.

16 Madam Prosecutor.

17 MS LE BAILLY: [10:14:58](Interpretation) Thank you, your Honour.

18 QUESTIONED BY MS LE BAILLY: (Interpretation)

19 Q. [10:15:18] Good morning, Madam Witness.

20 A. [10:15:20] Good morning.

21 Q. [10:15:21] I am Brunhild Le Bailly, we have already met, and I am the one who  
22 will be putting some questions to you today on behalf of the OTP. If one of my  
23 questions is not clear to you, please don't hesitate to tell me so and I will rephrase my  
24 question. Is that all right with you?

25 A. [10:15:45] Yes, I agree.

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- 1 MS LE BAILLY: [10:15:48](Interpretation) Your Honour, could we go into private
- 2 session for identification of the witness.
- 3 PRESIDING JUDGE SAMBA: [10:16:00] Certainly.
- 4 Madam Court Officer, can we go into private session, please.
- 5 (Private session at 10.16 a.m.)
- 6 THE COURT OFFICER: [10:16:04] We're in private session, your Honours.
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Open session at 10.17 a.m.)
- 24 THE COURT OFFICER: [10:17:18] We are back to open session, your Honours.
- 25 PRESIDING JUDGE SAMBA: [10:17:20] Thank you.

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1 Madam Prosecutor, please carry on.

2 MS LE BAILLY: [10:17:23](Interpretation) Thank you.

3 Q. [10:17:25] Madam Witness, do you remember being questioned by some staff of  
4 the OTP?

5 A. [10:17:34] Yes, I remember.

6 Q. [10:17:35] And when were you questioned or interviewed?

7 A. [10:17:41] In my country, in the CAR, in Bangui.

8 Q. [10:17:56] Do you remember the date of the interviews?

9 A. [10:17:59] I've forgotten the dates.

10 Q. [10:18:13] Do you remember providing a written statement to the OTP after the  
11 questioning?

12 A. [10:18:20] Yes, I did provide written statements.

13 Q. [10:18:26] Madam Witness, I'd like to now show you a document and ask you if  
14 you recognise it.

15 MS LE BAILLY: [10:18:34](Interpretation) Court Officer, if you could bring up tab 1 for  
16 the witness. If that can be placed on the screen. This is a confidential CAR-OTP-2110-  
17 0745.

18 Q. [10:19:18] Can you see the document up on the screen before you, Madam  
19 Witness?

20 A. [10:19:21] Yes, I see it.

21 Q. [10:19:25] Do you recognise this document?

22 A. [10:19:28] Yes, I do.

23 Q. [10:19:37] Is this the statement you provided to the OTP?

24 PRESIDING JUDGE SAMBA: [10:19:47] Can I ask that -- thank you very much, Madam  
25 Court Officer.



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- 1 THE WITNESS: [10:19:52](Interpretation) Yes, that is my statement.
- 2 PRESIDING JUDGE SAMBA: [10:20:03] No, no, I wanted the court officer to push the  
3 statement so that the witness can see the signatures at the bottom. And it's done  
4 already, so that's fine.
- 5 MS LE BAILLY: [10:20:23](Interpretation) Thank you, your Honour.
- 6 Q. [10:20:24] Madam Witness, I'd like us to look at the bottom of this page. Do you  
7 see your name and signature at the bottom of the page?
- 8 A. [10:20:32] Yes, of course. That's my signature.
- 9 Q. [10:20:41] And where is your name and signature, which line? First, second, or  
10 third, at the bottom of the page?
- 11 A. [10:20:58] Yes, of course, that's my signature.
- 12 Q. [10:21:03] And which line, please, so that everyone knows where your signature  
13 is?
- 14 A. [10:21:10] First line.
- 15 Q. [10:21:25] Thank you.
- 16 MS LE BAILLY: [10:21:29](Interpretation) I'd now like to ask for page 0767 to the  
17 placed on the screen, the same document. 0767.
- 18 Q. [10:21:38] Madam Witness, could you look at the bottom of this page. Do you  
19 recognise this signature?
- 20 A. [10:21:42] Yes, that's my signature.
- 21 Q. [10:21:59] And do you recognise the date that is written below your signature?
- 22 A. [10:22:02] Yes, I do recognise the date. I wrote that date.
- 23 Q. [10:22:08] Is that the same date on which you provided your statement to the  
24 OTP?
- 25 A. [10:22:14] Yes, of course it's the same date.

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1 Q. [10:22:31] Madam Witness, do you remember also providing some documents as  
2 annexes to this statement?

3 A. [10:22:35] Yes, yes, I provided some documents. I acknowledge that.

4 MS LE BAILLY: [10:22:52](Interpretation) Could page 0762 be put up on the screen, the  
5 same document, paragraph 73 in particular.

6 Q. [10:23:18] Could you read paragraph 73? Without giving any details. Just if you  
7 could read this to yourself, paragraph 73.

8 A. [10:23:45] Annex 1 - sketch of the OCRB premises.

9 Q. [10:23:52] Thank you.

10 MS LE BAILLY: [10:23:54](Interpretation) And now if a new document could be put up  
11 on the screen, tab 3 of our list, CAR-OTP-2110-0769.

12 Q. [10:24:16] Madam Witness, do you recognise this Annex 1?

13 A. [10:24:25] Yes, I recognise this Annex 1.

14 Q. [10:24:33] Do you recognise your signature on this document?

15 A. [10:24:36] Yes, I do recognise it. It's my signature.

16 MS LE BAILLY: [10:24:56](Interpretation) Court Officer, if you could please put tab 4  
17 up on the screen, CAR-OTP-2110-0770. If you could, please. Tab 4 on our list.

18 Q. [10:25:25] Madam Witness, do you recognise this document up on the screen?

19 A. [10:25:28] Yes, I do recognise this document.

20 Q. [10:25:42] Thank you.

21 MS LE BAILLY: [10:25:54](Interpretation) If tab 1 could be placed back up on the  
22 screen once again, this is CAR-OTP-2110-0745, the witness's statement at page 0763.

23 And, in particular, if we could look at paragraph 75.

24 Q. [10:26:20] Madam Witness, do you recognise this list of people that goes along  
25 with the photograph? Do you remember that you provided this annex in addition to

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1 your statement?

2 A. [10:26:36] Yes, I recognise Annex 2.

3 Q. [10:26:52] Thank you. Madam Witness, now, this statement that you have before  
4 you, you've had a look at several pages now, is this, indeed, the document -- or, rather,  
5 the statement that you provided to the OTP in May 2019?

6 A. [10:27:23] Yes, of course it's my statement. The statement I gave in May 2019.

7 MS LE BAILLY: [10:27:46](Interpretation) I'd now like to ask for page number 0764 of  
8 this same document, please. If it could be put up on the screen. If we could look at the  
9 beginning of this page and the title of paragraph 76.

10 Q. [10:28:35] Madam Witness, do you remember the OTP showing you several  
11 photographs during the interview in 2019?

12 A. [10:28:45] Yes, of course.

13 MS LE BAILLY: [10:29:06](Interpretation) Could we scroll down so that the witness  
14 can see the various reference numbers, the ERN numbers for the photographs. And  
15 then if we could move on to page 0765.

16 Q. [10:29:39] Madam Witness, now you can see that this is the second page with  
17 another series of photographs and ERN numbers that -- photographs that were shown  
18 to you during your interview.

19 MS LE BAILLY: [10:30:11](Interpretation) And once again, if we could move on to the  
20 following page, 0766.

21 Q. [10:30:25] Now, Witness, here you see a number of other reference numbers.  
22 These relate to photos which were shown to you by the Office of the Prosecutor in 2019.  
23 So you can see that list before you.

24 MS LE BAILLY: [10:31:02](Interpretation) Your Honour, before I put further questions,  
25 I would like to continue to meet the requirements of Rule 68(3) further to your decision

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1 on our urgent request with respect to the witness.

2 And I would like to use document CAR-OTP-0000461, 0000461.

3 Q. [10:31:49] Witness, did you have an opportunity to re-read this document during a  
4 preparatory session which you had with the Office of the Prosecutor before coming to  
5 Court today?

6 A. [10:31:58] Yes, I did have an opportunity to read my statements prior to coming to  
7 the courtroom today.

8 Q. [10:32:19] I'm now going to show a document to you, and you can tell me if you  
9 recognise it.

10 MS LE BAILLY: [10:32:23](Interpretation) So I would like to have displayed CAR-OTP-  
11 00000461. Court clerk, I also have a document here with me.

12 PRESIDING JUDGE SAMBA: [10:32:43] Is there a tab number or something?

13 MS LE BAILLY: [10:32:45](Interpretation) It's not on our list of evidence.

14 PRESIDING JUDGE SAMBA: [10:32:48] Okay. Carry on.

15 MS LE BAILLY: [10:32:52](Interpretation) Court clerk, if you would be so kind as to  
16 take this document to the Defence so that the Defence might inspect it, and then on to  
17 the witness, if you please.

18 \*Q. [10:33:49] So, Madam Witness, on your screen you will see the same document as  
19 the one you have before you, the hard copy. Could you read the title for us

20 PRESIDING JUDGE SAMBA: [10:33:58] Sorry, the interpreter, we didn't get what the  
21 Prosecutor said before the witness's answer, please.

22 MS LE BAILLY: [10:34:06](Interpretation)

23 Q. [10:34:06] Witness, on the screen you see the same document as the document that you  
24 have in paper format in your hands. Could you read the title of that document for us?

25 So, Witness, Annex A, could you just read the title below that, please? Do you

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1 recognise this document?

2 A. [10:34:34] Yes, I recognise it.

3 PRESIDING JUDGE SAMBA: [10:34:39] Did the witness read the title as the Prosecutor  
4 asked her to do? We didn't get any English interpretation of the answer, if she did at  
5 all.

6 MS LE BAILLY: [10:34:55](Interpretation) Thank you, your Honour.

7 Q. [10:34:57] Witness, could you read the title of the document under the words  
8 "ANNEXE A", please.

9 A. [10:35:11] "Annex A to the witness preparation log for the preparation of P-2478."

10 Q. [10:35:26] Thank you. And you said that you recognised this document?

11 A. [10:35:29] Yes, I recognise this document.

12 MS LE BAILLY: [10:35:40](Interpretation) Could we display page ERN 00005 of this  
13 document, please. I would like us to zoom in the on the bottom of the page, on the  
14 signature, please.

15 Q. [10:36:19] Witness, do you recognise the signature?

16 A. [10:36:21] Yes, I recognise the signature. It is my signature.

17 Q. [10:36:42] Witness, I'm going to ask you to read this document. Just read it to  
18 yourself, because I would remind you we are still in open session, so we need to avoid  
19 reading out any information that might be on this document. You could read the paper  
20 version, if you like. So take a moment to do that before confirming to us whether you  
21 agree with the corrections and the clarifications that you gave with respect to this  
22 document. Now when you've finished reading, perhaps you could let me know.

23 A. [10:37:36] Corrections or clarifications provided.

24 Q. [10:37:38] Witness, we're in open court right now, so I would suggest you don't  
25 read the document out loud but just simply read it to yourself, to apprise yourself of

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1 the content of the document and to check whether the amendments and clarifications  
2 contained in it are, indeed, correct.

3 Have you re-read your notes?

4 A. [10:44:29] Yes, I've re-read them. I re-read my notes. It's perfectly clear.

5 Q. [10:44:38] Could you confirm that these corrections and clarifications are correct?

6 A. [10:44:42] The corrections and clarifications are, indeed, correct.

7 Q. [10:44:56] Are these, indeed, the corrections and clarifications which you provided  
8 to the Office of the Prosecutor during your preparation session?

9 A. [10:45:05] Yes, that's right.

10 Q. [10:45:18] Did you tell the truth when you provided those corrections and  
11 clarifications?

12 A. [10:45:22] Yes, there is nothing but the truth here.

13 Q. [10:45:38] And did you provide those corrections and clarifications to the best of  
14 your knowledge and to the best of your recollection?

15 A. [10:45:46] Yes, this is, indeed, what I recall.

16 MS LE BAILLY: [10:46:00](Interpretation) Your Honour, at this point in time the Office  
17 of the Prosecutor does not consider it necessary to show each and every photograph  
18 which was presented to the witness during her interview.

19 Having read Annex A, we think that we have met the requirements of Rule 68(3).

20 PRESIDING JUDGE SAMBA: [10:46:29] Yes, thank you very much. We observed the  
21 witness going through the list of photos. So you, having complied with the  
22 requirements of Rule 68(3), can carry on, please. Thank you.

23 MS LE BAILLY: [10:46:47](Interpretation) Thank you, your Honour.

24 Q. [10:46:49] Now, Witness, we have carefully noted your statement and we have  
25 taken note of your corrections and clarifications. I would now like to ask you whether

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1 you agree that the Judges use your written statement, together with the corrections and  
2 clarifications, as evidence in this case?

3 A. [10:47:18] Yes, of course.

4 Q. [10:47:32] Do you have any objection to us using these documents?

5 A. [10:47:35] No, I have no objections.

6 Q. [10:47:59] Thank you, Witness.

7 MS LE BAILLY: [10:48:00](Interpretation) Your Honours, I think that this now means  
8 that we have met the procedural requirements of Rule 68(3), unless your Honour feels  
9 otherwise.

10 PRESIDING JUDGE SAMBA: [10:48:17] No, that's okay. Thank you very much,  
11 Madam Prosecutor. You may sit down.

12 Madam Witness, the Prosecution has tendered your statements and the preparatory log  
13 Annex A to the Chamber. So now what we're going to do is to allow counsel for the  
14 Defence to put questions to you in cross-examination. So I'm going to ask Ms Naouri  
15 to start her questions to you.

16 Ms Naouri, please.

17 MS NAOURI: [10:48:53](Interpretation) Thank you, your Honour.

18 As regards this witness, it will be Mr Jacobs who conducts the cross-examination.

19 PRESIDING JUDGE SAMBA: [10:49:06] That's okay. Thank you very much.

20 Mr Jacobs, your witness, please.

21 MR JACOBS: [10:49:48](Interpretation) Thank you, your Honour.

22 QUESTIONED BY MR JACOBS: (Interpretation)

23 Q. [10:49:51] Good morning, Witness.

24 A. [10:49:53] Good morning.

25 Q. [10:49:54] My name is Dov Jacobs and it is I who will be putting some questions to

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1 you today as a member of Mr Said's Defence team. Now, I'm going to try and speak  
2 slowly, because, as the Presiding Judge was explaining earlier, that's important so that  
3 our words can be translated into other languages. So I'm going to put my question and  
4 then you can take a moment before answering my question. That way that everything  
5 that you and I say will be noted in the record of this case also.

6 Does that suit you, Witness?

7 A. [10:50:30] Yes.

8 Q. [10:50:37] Also, as the Presiding Judge explained, I will try and put my questions  
9 in quite general terms because we are currently in open court, and I would encourage  
10 you not to provide any information which might tend to identify you. If we have to  
11 deal with any information that might identify you, we will first move into private  
12 session so that those outside the courtroom cannot hear what you say. Do we agree on  
13 that?

14 A. [10:51:08] Yes, agreed.

15 MR JACOBS: [10:51:26](Interpretation) In fact, Court Officer, if we might go directly  
16 into private session for the first questions, please.

17 PRESIDING JUDGE SAMBA: [10:51:31] Yes, Madam Court Officer, if we can go into  
18 private session briefly, please. Thank you.

19 (Private session at 10.51 a.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)



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11 (Recess taken at 11.01 a.m.)

12 (Upon resuming in open session at 11.30 a.m.)

13 THE COURT USHER: [11:30:46] All rise. Please be seated.

14 PRESIDING JUDGE SAMBA: [11:31:12] Good morning again, everyone.

15 Mr Jacobs, you can continue your cross-examination, please. Thank you.

16 MR JACOBS: [11:31:30](Interpretation) Thank you, your Honour. I see that we're in

17 open session. To continue with my questions, I think it would be better for us to go

18 into private session. Thank you.

19 PRESIDING JUDGE SAMBA: [11:31:40] Certainly.

20 Madam Court Officer, can we please go into private session? Thank you.

21 (Private session at 11.31 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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8 (Open session at 12.31 p.m.)

9 THE COURT OFFICER: [12:31:29] We're in open session, Madam President.

10 PRESIDING JUDGE SAMBA: [12:31:35] Thank you very much.

11 Mr Jacobs, please.

12 MR JACOBS: [12:31:42](Interpretation) Thank you, your Honour.

13 Q. [12:31:46] Madam Witness, could you tell us who the director of the OCRB was in  
14 2012?

15 A. [12:31:55] In 2012, the director of the OCRB -- the name of the director in 2012, I've  
16 forgotten. If I remember it later, I'll tell you. Oh, yes. Now I remember. Gantalas, Mr  
17 Gantalas, in 2012. Mr Gantalas.

18 Q. [12:32:51] Thank you. Now, was Mr Gantalas the director of the OCRB for the  
19 entire year of 2012?

20 A. [12:32:58] (Redacted). And then

21 later on, after him I can't remember. Someone else came, another director.

22 Q. [12:33:55] Thank you, Madam Witness. If I put it to you that it was Benjamin  
23 Mallo, would that refresh your memory?

24 A. [12:34:02] Yes, of course. After Gantalas we had Director Mallo. After the director  
25 Mr Gantalas we had the Director Mallo. Director Mallo.

1 Q. [12:34:32] Thank you, Madam Witness. And Louie Mazangue, does that ring a  
2 bell?

3 A. [12:34:47] Mazangue? When he was the director of the OCRB, (Redacted)  
4 (Redacted). He's a former director of the OCRB. (Redacted).

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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10 (Redacted)

11 (Redacted)

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5 Q. [12:40:30] Thank you. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Madam Court Officer, can we go briefly into private session, please.

15 (Private session at 12.42 p.m.)

16 THE COURT OFFICER: [12:41:59] We are in private session, Madam President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 Q. [13:00:36] Thank you, Madam Witness.
- 4 MR JACOBS: [13:00:49](Interpretation) Your Honour, I see the time of day.
- 5 PRESIDING JUDGE SAMBA: [13:00:51] Yes.
- 6 Madam Witness, we're going to stop here for now and go away for lunch, then we'll
- 7 come back at 2.30 to continue with your cross-examination.
- 8 So I'm going to rise the Court now and ask that we come back at 2.30, please.
- 9 THE COURT USHER: [13:01:01] All rise.
- 10 (Recess taken at 1.01 p.m.)
- 11 (Upon resuming in open session at 2.31 p.m.)
- 12 THE COURT USHER: [14:31:45] All rise. Please be seated.
- 13 PRESIDING JUDGE SAMBA: [14:32:05] Good afternoon, everyone.
- 14 Mr Jacobs, you continue with your cross-examination. Just to inform you that we're in
- 15 open session.
- 16 MR JACOBS: [14:32:21](Interpretation) Thank you, your Honour. Yes, I think -- for
- 17 prudence, I think it's better to go into private session.
- 18 PRESIDING JUDGE SAMBA: [14:32:40] Madam Court Officer, can we go into private
- 19 session, please.
- 20 (Private session at 2.32 p.m.)
- 21 THE COURT OFFICER: [14:32:54] We are in private session, your Honours.
- 22 PRESIDING JUDGE SAMBA: [14:32:56] Thank you very much.
- 23 Mr Jacobs, please.
- 24 MR JACOBS: [14:33:09](Interpretation) Thank you, your Honour.
- 25 Q. [14:33:10] Good day again, Ms Witness.

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1 A. [14:33:12] Good day.

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24 THE WITNESS: [15:23:11](Interpretation) thank you.

25 PRESIDING JUDGE SAMBA: [15:23:11] Mr Jacobs, please.



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WITNESS: CAR-OTP-P-2478

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- 1 MR JACOBS: [15:23:23](Interpretation) Thank you, your Honour.
- 2 Q. [15:23:24] I'd like to move on to another topic. All right?
- 3 A. [15:23:26] Okay.
- 4 Q. [15:23:38] You confirmed earlier that the director -- the director-general of the  
5 police was Linguissara; correct?
- 6 A. [3:23:56] Yes, that's right.
- 7 Q. [15:23:56] So he was the one who coordinated the various activities of the OCRB at  
8 the time.
- 9 A. [15:24:05] In which year?
- 10 Q. [15:24:18] In 2012, 2012, (Redacted).
- 11 A. [15:24:27] Yes, of course. He was the DG, Linguissara.
- 12 Q. [15:24:49] So the OCRB was under his authority. He coordinated the activities of  
13 the OCRB?
- 14 A. [15:24:55] Yes, of course. It was him.
- 15 Q. [15:25:07] Then in 2013, once the Seleka arrived in Bangui, Linguissara remained  
16 director-general of the police; isn't that so?
- 17 A. [15:25:17] Yes, of course. He still is the director-general of the police. He's still the  
18 director-general of the police.
- 19 Q. [15:25:35] Thank you. And he still coordinates the activities of the OCRB, and  
20 then he became the director-general of the gendarmerie in 2016; isn't that the case?
- 21 THE INTERPRETER: [15:25:54] Correction: In September 2013.
- 22 THE WITNESS: [15:25:57](Interpretation) Yes, of course.
- 23 MR JACOBS: [15:26:18](Interpretation)
- 24 Q. [15:26:19] Madam Witness, to your knowledge where was Linguissara's office at  
25 that time? In 2013, to be specific.

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(Private Session)

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1 A. [15:26:37] The office of the director-general, Mr Linguissara, was in the  
2 directorate-general of the police.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [15:27:54] (Redacted). Thank you. And

8 could you tell us where Linguissara's office was in relation to the OCRB when he was  
9 still part of the directorate-general of the police?

10 A. [15:28:05] The office? His office was within the compound of the directorate-  
11 general of police. There are various buildings there. Two buildings. Before he was  
12 there, there were two buildings. One building and then another one. And now yet  
13 another building has been built beside those. But at the time, it was not -- that was not  
14 the case during the time of Director-General Linguissara.

15 Q. [15:28:59] Very well. And the building of the directorate-general of the police, is it  
16 close to the OCRB or far away?

17 A. [15:29:08] The building of the OCRB is opposite. The two are face-to-face. It was  
18 opposite the OCRB. You'd cross the OCRB, and then you'd go into the compound of  
19 the directorate-general. They're opposite.

20 Q. [15:29:37] Thank you, Madam Witness. So Linguissara went to the OCRB in 2012;  
21 isn't that the case?

22 A. [15:29:44] Yes.

23 MR JACOBS: [15:30:12](Interpretation) Court Officer, I'd like to show a photograph.

24 CAR-OTP- -- this is 2064-0794, tab 19 on our list of materials. Tab 19.

25 Q. [15:30:53] Can you see the photo, Madam Witness?

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- 1 A. [15:30:55] Yes, I see it.
- 2 Q. [15:31:07] Have you ever seen this photo before?
- 3 A. [15:31:09] Yes, I have. I have already seen this photo.
- 4 Q. [15:31:17] Do you recognise the location where this photo was taken?
- 5 A. [15:31:20] This is within the courtyard of the OCRB.
- 6 Q. [15:31:46] Thank you. Do you recognise anyone in the photo?
- 7 A. [15:31:48] Yes, I do recognise some. I do recognise some individuals.
- 8 Q. [15:32:03] Let us know.
- 9 MR JACOBS: [15:32:05](Interpretation) Perhaps we could ask the witness to take the  
10 pen and put a number against the persons that she recognises. Court Officer, could  
11 you assist, please.
- 12 Q. [15:32:46] Madam Witness, could you put a number one, for example, alongside  
13 an individual, and then tell us who that person is?
- 14 A. [15:32:54] That is DG Linguissara. That is number 1.
- 15 Q. [15:33:13] Could you maybe make that slightly bigger so that we can see it when  
16 we record the evidence.
- 17 A. [15:33:19] And number 2.
- 18 Q. [15:33:39] Do proceed.
- 19 A. [15:33:53] 3 and 4, I recognise them, too.
- 20 Q. [15:34:17] Thank you, Madam Witness. So you said number 1 is Linguissara; is  
21 that correct?
- 22 A. [15:34:29] Yes, that's correct.
- 23 Q. [15:34:32] And so number 2?
- 24 A. [15:34:34] Is S'en Fou La Mort.
- 25 Q. [15:34:54] Thank you. Number 3?

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1 A. [15:34:56] 3 is a minister at that time, but I can't remember his name. He's also a  
2 gendarme, but he's a minister. He was also minister of security, number 3.

3 Q. [15:35:22] Thank you. And number 4?

4 A. [15:35:24] Number 4, Dhaffane Mangabas, the chief of operations.

5 Q. [15:35:44] Thank you, Madam Witness.

6 MR JACOBS: [15:35:48](Interpretation) Could I give you a number for this piece of  
7 evidence?

8 PRESIDING JUDGE SAMBA: [15:35:51] Madam Court Officer, could we have an ERN  
9 mark, please.

10 THE COURT OFFICER: [15:35:54] Yes, Madam President. This item will bear the  
11 following reference: CAR-REG-0002-0075. 0075. I just heard the interpretation in  
12 English. Correction. Thank you.

13 PRESIDING JUDGE SAMBA: [15:36:32] Thank you.

14 Carry on, Mr Jacobs.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [15:37:17] Okay. Thank you very much. To go back to Linguissara, he was  
20 appointed minister of public security between 2017 and 2021; is that correct?

21 A. [15:37:41] Yes, of course.

22 Q. [15:37:58] And Linguissara is head of information; is that correct? Of intelligence.

23 A. [15:38:09] I have no idea about Mr Linguissara at the moment. I have no idea.

24 Q. [15:38:21] No worries, Madam Witness. Josué Binoua is (Redacted) minister in  
25 2012, minister of security; is that correct?

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1 A. [15:38:49] Yes, of course. He was minister for security, he was.

2 Q. [15:38:57] And he remained in the Djotodia government on religious affairs after  
3 the Seleka?

4 A. [15:39:03] Yes, of course.

5 Q. [15:39:20] And after that, he replaced Nouradine Adam as the minister for  
6 security; is that correct?

7 A. [15:39:29] Yes, that is correct.

8 Q. [15:39:41] Do you remember the date? The date when Minister Binoua replaced  
9 Nouradine Adam as minister of security. Just for the sake of the clarity?

10 A. [15:39:58] I'll have to think about that. I don't really recall the precise date  
11 anymore.

12 Q. [15:40:06] No worries, Madam Witness. Do you recall what were the positions of  
13 Josué Binoua after 2013? If you can remember.

14 A. [15:40:33] I can't remember that anymore.

15 Q. [15:40:49] Thank you. Well, Madam Witness, on several times, in your previous  
16 occasion, you mentioned the prosecutor Tolmo; for example, paragraph 48 or 60.

17 Tolmo was already the prosecutor in 2012; is that correct?

18 A. [15:41:10] Yes, that's correct. He was already the prosecutor of the republic, the  
19 public prosecutor.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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2 (Redacted)

3 (Redacted)

4 Q. [15:42:36] Tolmo is now a prosecutor at the special court in Bangui; is that correct?

5 A. [15:42:50] That is correct.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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5 Q. [15:51:17] (Redacted)

6 (Redacted). Mangabas. I have a question, when you

7 mentioned Mangabas, you said he became the director of the OCRB during the

8 transition of Samba-Panza. Can you give us some indication of year?

9 A. [15:51:52] I'll have to think about that. I have to think about the date and the year.

10 Perhaps the year, but not the date. It is the point in time when Madam Samba-Panza

11 was the president. During that time, he became the director of the OCRB. After the

12 transition. After the transition. When the transition took place, he became director of

13 the OCRB.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [15:53:22] Thank you, Madam Witness. You then mention Koutilinga who you

18 said he was the deputy of Mangabas and is now detached or seconded to the FAO.

19 (Redacted)

20 A. [15:53:41] Of course. (Redacted). He was in the

21 OCRB. Afterwards, he was seconded for the FAO.

22 Q. [15:54:08] Do you have any idea of the year where Koutilinga stopped working at

23 the OCRB?

24 A. [15:54:14] No, I don't remember that.

25 Q. [15:54:29] It's not serious. Do you know what he's doing today?



1 A. [15:54:31] Koutilinga? I don't know. Perhaps he's still at the FAO or he might be  
2 seconded elsewhere. I don't really know about his -- anything about his activities.

3 Q. [15:54:53] And just for the record, do you have his full name? Of Koutilinga.

4 A. [15:55:10] Koutilinga. Koutilinga is his name. I don't know his first name. I didn't  
5 know his first name.

6 Q. [15:55:20] Thank you. You also mention Captain Abel after that who still works at  
7 the OCRB and who has become a commander. (Redacted)

8 (Redacted)

9 A. [15:55:57] (Redacted)

10 (Redacted). He's become a colonel, and he is still at the OCRB.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SAMBA: [16:04:36] Madam Witness, we're going to go on for  
23 some 25 more minutes. Are you okay?

24 THE WITNESS: [16:04:49](Interpretation) Yes, of course.

25 PRESIDING JUDGE SAMBA: [16:04:58] Thank you very much.

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- 1 Yes, Mr Jacobs. Please go on.
- 2 MR JACOBS: [16:05:06](Interpretation) Thank you, your Honour.
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
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- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 Thank you.
- 23 THE INTERPRETER: [16:07:22] Correction, line 1. Correction, line 1.
- 24 MR JACOBS: [16:07:35](Interpretation) Thank you, Court Officer.
- 25 (Redacted)

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- 7 (Redacted)
- 8 Q. [16:08:56] All right. Mazangue, does that name ring a bell? I'm sorry, you
- 9 explained earlier that Mazangue was the director of the OCRB (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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5 MR JACOBS: [16:28:56](Interpretation) Your Honour, I believe this may be a good time  
6 to end for the day, because I still have some questions about 2013. I'm in your hands.

7 PRESIDING JUDGE SAMBA: [16:29:10] So do I understand that all the questions  
8 you've asked in respect of this sketch is for 2012?

9 MR JACOBS: [16:29:23](Interpretation) Yes, your Honour. And I'd like to take the  
10 opportunity to request a reference number for this particular sketch before it  
11 disappears.

12 Thank you, Court Officer.

13 PRESIDING JUDGE SAMBA: [16:29:36] Madam Court Officer, can we kindly have an  
14 ERN number, please.

15 THE COURT OFFICER: [16:29:40] Yes, Madam President. The annotated sketch will  
16 bear the following reference: CAR-REG-0002-0076.

17 PRESIDING JUDGE SAMBA: [16:29:51] Thank you.

18 Mr Jacobs, can I ask how much more time you have with this witness, please?

19 MR JACOBS: [16:30:21](Interpretation) Your Honour, I think I'll need at least one  
20 session. At this stage, it's very difficult for me to say exactly, but probably between one  
21 and two sessions.

22 PRESIDING JUDGE SAMBA: [16:30:37] Madam Witness, we're going to stop here for  
23 today. And tomorrow when we come, we'll continue with your testimony. I'm going  
24 to ask that you do not discuss your testimony with anybody when you leave this  
25 courtroom.

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- 1 I'm going to rise the Court and ask that we come tomorrow for 9.30. This matter stands
- 2 adjourned.
- 3 THE COURT USHER: [16:31:11] All rise.
- 4 (The hearing adjourned in private session at 4.31 p.m.)