

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 Wednesday, 16 November 2022  
9 (The hearing starts in open session at 9.31 a.m.)  
10 THE COURT USHER: [9:31:31] All rise. The International Criminal Court is now in  
11 session. Please be seated.  
12 PRESIDING JUDGE SAMBA: [9:31:56] Good morning, everyone.  
13 Madam Court Officer, can you please mention the case.  
14 THE COURT OFFICER: [9:32:12] Good morning, Madam President, your Honours.  
15 This is the situation in the Central African Republic II, in the case of The Prosecutor  
16 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21. And for the record,  
17 we're in open session.  
18 PRESIDING JUDGE SAMBA: [9:32:29] Thank you very much.  
19 May I ask the parties to introduce themselves, please.  
20 Starting with the Prosecution.  
21 MS MAKWAIA: [9:32:41](Interpretation) Good morning, your Honour. For the  
22 Prosecution, Holo Makwaia, senior trial counsel; Adeline Belle; and Ndagire, Sanyu.  
23 Thank you.  
24 PRESIDING JUDGE SAMBA: [9:33:03] Thank you, Ms Makwaia.  
25 Ms Pellet for the victims, please.

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1 MS PELLET: [9:33:07](Interpretation) Thank you, your Honour. The victims today are  
2 represented by myself, Sarah Pellet, counsel OPCV, and Adeline Bedoucha.

3 PRESIDING JUDGE SAMBA: [9:33:20] Thank you very much.  
4 For the Defence, Ms Naouri, please.

5 MS NAOURI: [9:33:25](Interpretation) Thank you very much. Beside me, Mr Jacobs  
6 and Capucine Banet, behind, Léa Allix. And myself, I am Jennifer Naouri, Defence  
7 counsel.

8 PRESIDING JUDGE SAMBA: [9:33:45] Thank you very much, Ms Naouri.  
9 And for the record, I note that Mr Said is here with us in court.  
10 A very good morning to you, Mr Said.

11 MR SAID: [9:34:00](Interpretation) Good morning, your Honour.

12 PRESIDING JUDGE SAMBA: [9:34:01] Before we call in the witness, the Chamber  
13 notes that the Prosecution submitted a request to introduce the annex to P-1429's  
14 witness preparation log pursuant to Rule 68(3) of the Rules of Procedure and Evidence.  
15 The Chamber also notes that the Prosecution has requested to add an additional item  
16 list of evidence whose document number is CAR-OTP-2135-3837.  
17 We wish to render an oral decision in respect of those requests.  
18 We received the Prosecution's request on Friday, the 11th day of November, 2022. And  
19 the Defence submitted a written response to the Prosecution's request on Monday, 14  
20 November 2022. The annex contains corrections and clarifications to P-1429's prior  
21 recorded testimony, whose introduction via Rule 68(3) the Chamber had already  
22 granted.  
23 The annex also contains additional information in that the witness was asked to  
24 comment on photographs shown to him during the witness preparation session.  
25 The Prosecution submits that the annex bears sufficient indicia of reliability and is

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1 relevant and probative and that its introduction will expedite the proceedings.

2 In its response to the Prosecution's request, the Defence objects to the introduction of

3 the annex pursuant to Rule 68(3) of the Rules of Procedure and Evidence. The Defence

4 submits that it is for the Prosecution, not the Defence, to clarify any inconsistencies that

5 may exist between a witness's prior recorded testimony and a witness's preparation

6 log.

7 On this point, the Defence adds that it is insufficient and contrary to procedure and

8 logic to argue that because the Defence is always free to question the witness, that the

9 introduction of such testimony under Rule 68(3) should simply be permitted.

10 The Defence also argues that such an approach reduces judicial oversight over the

11 manner in which a witness's testimony is taken. The Defence further submits that it

12 did not have sufficient time to respond appropriately to the Prosecution's request.

13 At the outset, the Chamber takes into account the content of the annex and does not

14 find that the Defence would suffer prejudice if the annex were to be introduced

15 pursuant to Rule 68(3). The information contained in the annex contains one page of

16 clarification made by the witness to his prior recorded testimony, which does not

17 significantly change the substance of his prior recorded testimony.

18 The annex further contains a number of short comments P-1429 made when shown

19 photographs by the Prosecution.

20 The Chamber notes that a number of the photos shown to the witness for additional

21 comments have been used during the questioning of previous witnesses and are well

22 known to the Defence.

23 Accordingly, the Chamber finds that the Defence does not suffer prejudice in this

24 regard.

25 Additionally, the Chamber recalls that the Defence will be afforded reasonable time to

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1 raise issues it considers relevant during its questioning of P-1429 including the reasons  
2 behind the clarifications and additions contained in the annex to the preparation log.

3 In light of the above, the Chamber finds that the introduction of the annex of P-1429's  
4 preparation log does not unduly infringe upon the rights of the accused and does not  
5 prejudice the Defence.

6 Accordingly, the Chamber authorises the introduction of the annex under Rule 68(3) of  
7 the Rules. The Prosecution is instructed when satisfying the outstanding requirements  
8 of Rule 68(3) to also fulfil them in respect of the annex.

9 As regards the Prosecution's request to add one item to its list of material, the Chamber  
10 regrets that the Prosecution left it until the 11th hour to finalise its list, but notes that  
11 the Defence does not oppose the request.

12 Under these circumstances, the Chamber authorises the addition of CAR-OTP-2135-  
13 3837. I'll go over that again: CAR-OTP-2135-3837, pages 3849 to 3850. But we expect  
14 the Prosecution to demonstrate more diligence in the future.

15 Now, that concludes our oral decision.

16 We note that the Prosecution is calling P-1429 as its 11th witness. Now at the outset, I  
17 wish to note the following for the parties.

18 It is the Chamber's understanding that this witness will be testifying in French. I'll,  
19 therefore, remind everyone of the importance of speaking slowly for the interpreters  
20 and to observe the five-second rule between questions and answers.

21 Before commencing, the Chamber notes, briefly, that protective measures are  
22 confirmed for this witness by virtue of Decision No. 481 and that the VWU  
23 recommends no further protective measures.

24 Now, before we bring in the witness also, we will issue a brief oral decision because we  
25 note that on 11 November, the common legal representative of victims sought leave of

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1 the Chamber to question P-1429.

2 The Chamber notes that P-1429 is a dual-status witness, and the common legal  
3 representative wishes to ask additional questions regarding the witness's alleged arrest  
4 by the Seleka and the conditions of his detention at the OCRB.

5 Furthermore, the Chamber also notes that the victims representative intends to cover  
6 aspects related to potential reparations and will take no more than 30 minutes to  
7 conduct her questioning.

8 The parties did not submit responses to the common legal representative's request.

9 The Chamber grants the common legal representative's request to question P-1429 for  
10 no more than 30 minutes following the completion of his direct examination by the  
11 Prosecution. However, the Chamber stresses that the common legal representative's  
12 questioning must not be repetitive of matters covered during direct examination and  
13 must be strictly limited to the personal interests of the victim as set out in the  
14 Directions on the Conduct of Proceedings and Article 68(3) of the Rome Statute.  
15 I'll ask the clerk kindly to bring in the witness. Thank you.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE SAMBA: [9:43:21] A very good morning to you, Mr Witness.

18 THE WITNESS: [9:43:31](Interpretation) Good morning.

19 PRESIDING JUDGE SAMBA: [9:43:33] You're going to testify before the International  
20 Criminal Court, and on behalf of the Chamber I welcome you to this courtroom.

21 Mr Witness, you have before you a solemn undertaking which every witness who  
22 appears before the Chamber of the Court is expected to take as to swear to the  
23 truthfulness of the testimony to be given before this Court.

24 Can you kindly read out what you have before you, the solemn undertaking.

25 THE WITNESS: [9:44:15](Interpretation) I solemnly declare that I shall tell the truth,

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1 the whole truth and nothing but the truth.

2 WITNESS: CAR-OTP-P-1429

3 (The witness speaks French)

4 PRESIDING JUDGE SAMBA: [9:44:27] Thank you very much, Mr Witness. And do

5 you understand and agree to what you just read out?

6 THE WITNESS: [9:44:35](Interpretation) Yes.

7 PRESIDING JUDGE SAMBA: [9:44:39] Thank you. We will continue.

8 So, Mr Witness, let me now explain to you the protective measures that the Chamber

9 has put in place for your testimony.

10 We have put in place voice and face distortion. This means that no one outside the

11 courtroom can see your face or hear your real voice during your testimony. There will

12 also be the use of pseudonym. In accordance with that, all of us will only refer to you

13 as "Mr Witness" to make sure that the public does not know your name.

14 When you answer questions that will not give away who you are, we will do so in

15 open session, which means that the public can hear what is being said in the

16 courtroom.

17 When you are asked to describe anything that relates specifically to you, or you are

18 asked to mention facts which might reveal your identity, we will do so in private

19 session. In private session, there is no broadcast and no one outside the courtroom can

20 hear you answer.

21 If ever anything gets said during public session which should have been said in private

22 session, we will do our best to protect that information. Your testimony will be

23 broadcast on a delay, so we can remove any such remarks from the public broadcast.

24 This means if anything does go wrong, we can try and stop the public from hearing it.

25 Now, the parties and legal officers of the Chamber are monitoring this at all times, so

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1 please be assured that you are protected.

2 Lastly, Mr Witness, I also have a few practical matters you should have in mind when

3 giving your testimony. Everything we say here is recorded and interpreted. It is

4 written down and interpreted. It is, therefore, important to speak slowly and clearly.

5 Speak into the microphone and only start speaking when the person asking you the

6 question has finished speaking. You will know that person has finished speaking if she

7 or he turn off their microphone, when their microphone is off.

8 To allow for the interpretation, everyone has to wait for a few seconds before starting

9 to speak.

10 If you yourself have any question during the proceedings - for example, if you want to

11 have a break or you want to make any clarification - please raise your hand up so that

12 we know that you want to say something.

13 Am I clear, Mr Witness?

14 THE WITNESS: [9:48:13](Interpretation) Yes.

15 PRESIDING JUDGE SAMBA: [9:48:19] Thank you very much. So we'll now start with

16 your testimony.

17 I'm going to invite the Prosecution to start with your testimony by the fulfilment of the

18 requirements of Rule 68(3).

19 Ms Makwaia, please.

20 MS NDAGIRE: [9:48:38] Good morning, Madam President. I will be conducting the

21 examination-in-chief on behalf of the Prosecution.

22 PRESIDING JUDGE SAMBA: [9:48:45] Okay. Thank you. My understanding is the

23 lead counsel shall introduce you, so I'll wait for Ms Makwaia to do that.

24 MS MAKWAIA: [9:48:56] Thank you, Madam President, and your Honours. For the

25 Office of the Prosecutor this morning, Ms Sanyu Ndagire shall be leading the evidence

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- 1 of the witness with your leave.
- 2 PRESIDING JUDGE SAMBA: [9:49:03] Thank you very much.
- 3 Ms Ndagire, please.
- 4 QUESTIONED BY MS NDAGIRE:
- 5 Q. [9:49:12] Good morning, Mr Witness.
- 6 A. [9:49:13] Good morning.
- 7 Q. [9:49:14] We met last week, and I will be asking you some questions this morning  
8 on behalf of the Prosecution.
- 9 MS NDAGIRE: [9:49:29] Madam President, I request if we could go very briefly into  
10 private session for about two minutes for the witness to give his identifying  
11 information.
- 12 PRESIDING JUDGE SAMBA: [9:49:39] Madam Court Officer, can we briefly go into  
13 private session, please.
- 14 (Private session at 9.49 a.m.)
- 15 THE COURT OFFICER: [9:49:53] We're in private session, Madam President.
- 16 PRESIDING JUDGE SAMBA: [9:49:56] Thank you very much.
- 17 Ms Ndagire, you can continue, please.
- 18 MS NDAGIRE: [9:50:00] Thank you, Madam President.
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 MS NDAGIRE: [9:50:49] Madam President, we can now return to open session, please.



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- 1 PRESIDING JUDGE SAMBA: [9:50:51] Thank you.
- 2 Madam Court Officer, can we go back into open session please. Thank you.
- 3 (Open session at 9.51 a.m.)
- 4 THE COURT OFFICER: [9:51:05] We are back in open session, Madam President.
- 5 PRESIDING JUDGE SAMBA: [9:51:07] Thank you very much.
- 6 Madam Prosecutor, please carry on.
- 7 MS NDAGIRE: [9:51:11]
- 8 Q. [9:51:15] Mr Witness, in which year did you first meet investigators from the
- 9 Office of the Prosecutor?
- 10 A. [9:51:17] The first time was in 2016.
- 11 Q. [9:51:31] And why did you meet these investigators in 2016?
- 12 A. [9:51:37] I met them so as I could tell them what happened in 2016.
- 13 THE INTERPRETER: [9:51:56] Correction: In 2013.
- 14 MS NDAGIRE: [9:52:10]
- 15 Q. [9:52:11] And when was the next opportunity that you met the OTP investigators?
- 16 A. [9:52:13] I haven't understood.
- 17 Q. [9:52:29] Other than in 2013, did you meet the OTP investigators again?
- 18 PRESIDING JUDGE SAMBA: [9:52:34] Other than 2016.
- 19 MS NDAGIRE: [9:52:40] I'm sorry, I heard from the interpreter it was 2013.
- 20 PRESIDING JUDGE SAMBA: [9:52:46] The interpreter said they met in 2016, so that
- 21 when you asked the reason, he said so that he could explain to the investigators what
- 22 happened in 2013. That's the testimony.
- 23 MS NDAGIRE: [9:53:00]
- 24 Q. [9:53:00] Mr Witness, what happened at this meeting with the Prosecution
- 25 investigators?

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- 1 A. [9:53:07] They asked me what had happened and if I had any other information  
2 that they could provide to them.
- 3 Q. [9:53:29] And at the end of this meeting, was a statement taken from you?
- 4 A. [9:53:32] Yes.
- 5 Q. [9:53:42] In what language was this statement taken?
- 6 A. [9:53:44] The statement was taken in French.
- 7 Q. [9:53:52] And was this statement read back to you when it was completed?
- 8 A. [9:54:03] Yes.
- 9 Q. [9:54:08] Who read the statement back to you, Mr Witness?
- 10 A. [9:54:21] One of the investigators.
- 11 Q. [9:54:22] And did you sign the statement?
- 12 A. [9:54:35] Yes.
- 13 Q. [9:54:36] And, Mr Witness, since you arrived to The Hague, have you had an  
14 opportunity to look at your statement again?
- 15 A. [9:54:42] Yes.
- 16 Q. [9:54:48] When was this?
- 17 A. [9:54:49] Last week.
- 18 Q. [9:55:03] Mr Witness, I'll now ask you to look at a document that will appear on  
19 your screen shortly.
- 20 MS NDAGIRE: [9:55:08] And if I could kindly ask the Court Officer to display on  
21 evidence channel 1 tab 1 of the Prosecution's list of material. The ERN is CAR-OTP-  
22 2043-0317. And the document is confidential, please.
- 23 Q. [9:55:47] Mr Witness, do you see the document on the screen in front of you?
- 24 A. [9:55:50] Yes.
- 25 Q. [9:56:01] Do you recognise this document?

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- 1 A. [9:56:02] Yes, I do recognise it.
- 2 Q. [9:56:11] Please tell us what the document is?
- 3 A. [9:56:22] This is the statement that I gave.
- 4 Q. [9:56:34] And do you see your name and signature at the bottom of the page?
- 5 A. [9:56:37] Yes.
- 6 Q. [9:56:39] Now, I'm going to ask you, using the electronic pen next to you, to please
- 7 write the letter X where your signature appears on the screen. And you will be assisted
- 8 shortly.
- 9 Mr Witness, can I confirm that you've written the letter X next to your signature?
- 10 A. [9:57:36] (Witness complies)
- 11 Q. [9:57:52] Thank you very much. And below your name, we see a date there. Can
- 12 you confirm what the date is?
- 13 A. [9:57:57] 28 November 2016.
- 14 Q. [9:58:10] Thank you, Witness.
- 15 A. [9:58:13] Thank you.
- 16 MS NDAGIRE: [9:58:15] Could the court officer please turn to the last page of this
- 17 document. This is page 0330 of the same tab.
- 18 THE COURT OFFICER: [9:58:27] Could I just take this moment to inform counsel that
- 19 if we move the page, the marking will be lost. Just as information.
- 20 MS NDAGIRE: [9:58:34] Then could we kindly have an ERN for the page that has been
- 21 marked, please.
- 22 PRESIDING JUDGE SAMBA: [9:58:40] Can we do that, Madam Court Officer.
- 23 THE COURT OFFICER: [9:58:43] Certainly, Madam President. The image will bear the
- 24 ERN reference CAR-REG-0002-0096. Thank you.
- 25 MS NDAGIRE: [9:59:17] Thank you, Madam Court Officer. Thank you very much.

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1 Q. [10:00:26] Mr Witness, do you see the document that's now on your screen -- or  
2 the page?

3 A. [10:00:33] Yes, I do.

4 Q. [10:00:41] And do you see your signature on this page?

5 A. [10:00:43] Yes, I can.

6 Q. [10:00:54] Now I kindly ask again if, in the same manner, you would put an X  
7 with the electronic pen next to your signature, please.

8 A. [10:01:17] (Witness complies)

9 Q. [10:01:22] Thank you very much.

10 MS NDAGIRE: [10:01:23] And, Madam Court Officer, could we please have an ERN  
11 for this page as well.

12 PRESIDING JUDGE SAMBA: [10:01:27] Can we have an ERN number, please.

13 THE COURT OFFICER: [10:01:29] Yes, Madam President. The image shall bear the  
14 ERN reference CAR-REG-0002-0097.

15 MS NDAGIRE: [10:01:50]

16 Q. [10:01:50] Mr Witness, can you confirm that this is the statement you gave to the  
17 Office of the Prosecutor in 2016?

18 A. [10:01:57] Yes.

19 Q. [10:02:05] And did you tell the truth when you gave your statement to the Office  
20 of the Prosecutor in 2016?

21 A. [10:02:13] Yes, I did.

22 Q. [10:02:20] Did you provide the investigators of the Office of the Prosecutor with  
23 any annexes in relation to your statement?

24 A. [10:02:37] Yes, I did.

25 Q. [10:02:55] What type of annexes were these?

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- 1 A. [10:03:00] They were sketches.
- 2 MS NDAGIRE: [10:03:15] Could the court officer please now display -- I'm done with  
3 this document. Could the court officer please display tab 3 of the Prosecution's list of  
4 material, and the ERN of the document is CAR-OTP-2043-0331.
- 5 Q. [10:03:43] Mr Witness, do you see this document on your screen?
- 6 A. [10:03:46] Yes, I do.
- 7 Q. [10:03:56] Can you confirm what this document is?
- 8 A. [10:03:57] Yes, I can.
- 9 Q. [10:04:11] Could you kindly tell us what the document is.
- 10 A. [10:04:13] This is the layout of the neighbourhood where I live.
- 11 Q. [10:04:30] And do you --
- 12 A. [10:04:31] This is the layout of the fire brigade camp, in actual fact, where we were  
13 arrested. I was mistaken in my previous answer.
- 14 Q. [10:04:47] Thank you very much for that clarification. Mr Witness, do you see  
15 your signature on this document?
- 16 A. [10:04:56] Yes.
- 17 Q. [10:05:06] Now using the electronic pen again, would you please put an X next to  
18 where your signature appears?
- 19 A. [10:05:12] (Witness complies)
- 20 Q. [10:05:24] Thank you very much, Mr Witness.
- 21 MS NDAGIRE: [10:05:26] Court officer, could we please have an ERN for this page as  
22 well. Thank you.
- 23 PRESIDING JUDGE SAMBA: [10:05:35] Madam Court Officer, could we have an ERN  
24 number for that, please.
- 25 THE COURT OFFICER: [10:05:38] Yes, Madam President. The marked image shall

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- 1 bear the ERN reference CAR-REG-0002-0098.
- 2 MS NDAGIRE: [10:06:02] Thank you very much. Could the court officer please now
- 3 display tab 4 on the Prosecution's list of material. And the ERN, for the record, is CAR-
- 4 OTP-2043-0332.
- 5 Q. [10:06:33] Mr Witness, do you see the document that is now on your screen?
- 6 A. [10:06:36] Yes, I do.
- 7 Q. [10:06:45] Can you confirm what this document is, please?
- 8 A. [10:06:47] This was the centre where we were arrested.
- 9 Q. [10:07:01] And do you see your signature on this document?
- 10 A. [10:07:04] Yes.
- 11 Q. [10:07:12] Can you, once again, indicate with the electronic pen where your
- 12 signature appears on this document, please.
- 13 A. [10:07:19] (Witness complies)
- 14 Q. [10:07:28] Thank you.
- 15 MS NDAGIRE: [10:07:30] Madam President, could we please have an ERN for this
- 16 page as well.
- 17 PRESIDING JUDGE SAMBA: [10:07:33] Yes, Madam Court Officer, can you assist us,
- 18 please.
- 19 THE COURT OFFICER: [10:07:38] Yes, Madam President. The annotated image shall
- 20 bear the ERN reference CAR-REG-0002-0099.
- 21 MS NDAGIRE: [10:07:59] Thank you very much.
- 22 Your Honour, before submitting on the Prosecution's satisfaction of the Rule 68
- 23 procedural requirements, I would like to ask the witness about the annexes that you
- 24 ruled upon shortly before he came into the courtroom in relation to his preparation
- 25 session.

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- 1 PRESIDING JUDGE SAMBA: [10:08:21] Carry on. Carry on, please.
- 2 MS NDAGIRE: [10:08:23] Thank you, your Honour.
- 3 Q. [10:08:24] Mr Witness, do you recall meeting members of the Office of the  
4 Prosecutor last week?
- 5 A. [10:08:28] Yes, I do.
- 6 Q. [10:08:38] And do you recall what the purpose of that meeting was?
- 7 A. [10:08:40] Yes, I do.
- 8 Q. [10:08:51] Was any information recorded by the members of the Office of the  
9 Prosecutor during that meeting?
- 10 A. [10:08:57] Yes.
- 11 Q. [10:09:10] Was anything written down or typed by the members of the Office of  
12 the Prosecutor?
- 13 A. [10:09:13] Yes, there was.
- 14 Q. [10:09:27] And at the end of that meeting, was anything read back to you?
- 15 A. [10:09:33] Yes.
- 16 Q. [10:09:40] In what language was -- first of all, what exactly was read back to you,  
17 Mr Witness?
- 18 A. [10:09:49] The summary of the questions, the additional questions that had been  
19 put to me.
- 20 Q. [10:10:06] And in what language was this summary read back to you?
- 21 A. [10:10:14] In French.
- 22 Q. [10:10:20] And was this summary truthful?
- 23 A. [10:10:25] Yes, it was.
- 24 Q. [10:10:31] Did you sign any documents at the end of this meeting?
- 25 A. [10:10:37] Yes.

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- 1 Q. [10:10:42] What documents did you sign?
- 2 A. [10:10:43] The record of our conversation.
- 3 MS NDAGIRE: [10:11:05] Court officer, could you please display tab 14 on the
- 4 Prosecution's list. And the ERN, for the record, is CAR-OTP-00000591.
- 5 I also have the original document with me, Madam President, if the witness would like
- 6 to look at it or if the Defence would like to peruse it as well.
- 7 PRESIDING JUDGE SAMBA: [10:11:40] Well, pass it on to the Defence first with the
- 8 help of the court clerk, and the witness will look at it.
- 9 MS NDAGIRE: [10:12:02] And, for the record, we have passed on the documents that
- 10 are at tab 14 and 15, the French and English version.
- 11 Q. [10:12:35] Mr Witness, I kindly ask you to look at the document that you've just
- 12 been given by our court clerk with the tab number 14, 14. Please take some minutes to
- 13 read through it. And once you're done, please alert us.
- 14 A. [10:14:04] Okay.
- 15 Q. [10:14:09] Thank you very much.
- 16 MS NDAGIRE: [10:14:14] Yes, thank you, Madam Court Officer, you've turned to the
- 17 right page that I wanted us to look at. It's the page 000003.
- 18 Q. [10:14:27] Mr Witness, would you look at the document that's on the screen, and
- 19 can you confirm if it mirrors the document that you've just been reading, please.
- 20 A. [10:14:38] Yes.
- 21 Q. [10:14:47] Thank you. Mr Witness, do you see your name and signature on this
- 22 page that's on your screen?
- 23 A. [10:14:55] Yes, I do.
- 24 Q. [10:15:04] And in this same manner, would you please indicate, with the electronic
- 25 pen, where your name appears with the letter X again.



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- 1 A. [10:15:12] (Witness complies)
- 2 Q. [10:15:23] Thank you very much.
- 3 MS NDAGIRE: [10:15:25] And, Madam President, could we please have an ERN for  
4 the marked page.
- 5 PRESIDING JUDGE SAMBA: [10:15:28] Madam Court Officer, can you assist us with  
6 an ERN number, please.
- 7 THE COURT OFFICER: [10:15:32] Yes, Madam President. The marked page shall bear  
8 the ERN reference CAR-REG-0002-0100. Thank you.
- 9 MS NDAGIRE: [10:16:00] Thank you very much.
- 10 Q. [10:16:01] Mr Witness, the Judges in this trial can use the statement and the  
11 documents that you have just looked at as part of the evidence in this trial in order to  
12 help them decide the truth, but they can only do so if you don't object them to using  
13 these documents. Do you have any objections to this procedure?
- 14 A. [10:16:22] No, I don't.
- 15 Q. [10:16:35] Thank you very much.
- 16 MS NDAGIRE: [10:16:36] Madam President, as the witness has no objections, the  
17 procedural requirements under Rule 68(3) are now satisfied, unless you otherwise  
18 instruct. And with your leave, I would like to ask a few more additional questions,  
19 please.
- 20 PRESIDING JUDGE SAMBA: [10:16:56] You having fulfilled the requirements, you can  
21 go on with further questions within the time limits that you should know you have.  
22 Thank you.
- 23 MS NDAGIRE: [10:17:14] Thank you, your Honour.
- 24 Q. [10:17:19] Mr Witness, when my colleagues and I met you last week --
- 25 MS NDAGIRE: [10:17:27] And, your Honours, here I'm referring to tab 14 on the

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- 1 Prosecution's list.
- 2 Q. [10:17:35] Do you recall having told us about a document regarding the dismissal  
3 of proceedings against you after you were detained?
- 4 MR JACOBS: [10:17:45](Interpretation) Your Honour.
- 5 PRESIDING JUDGE SAMBA: [10:17:50] Yes, Mr Jacobs.
- 6 MR JACOBS: [10:17:51](Interpretation) Well, we're no longer in the realm of  
7 requirements of 68(3), and so I think this is a leading question in light of that.
- 8 PRESIDING JUDGE SAMBA: [10:18:01] Objection upheld, please. That's leading, yes.  
9 Try again, Madam Prosecutor.
- 10 MS NDAGIRE: [10:18:21]
- 11 Q. [10:18:22] Mr Witness, when were you arrested?
- 12 A. [10:18:23] I don't have the exact date top of mind, but I believe it is in the record of  
13 the materials for throwing out our case, in the bundle of documents effecting our  
14 release.
- 15 Q. [10:19:09] And this bundle of documents effecting your release, did you have an  
16 opportunity to look at it?
- 17 A. [10:19:22] Well, I read it and I knew that the case had been thrown out and that all  
18 the charges were dropped.
- 19 Q. [10:19:43] Where did you get this document from, this bundle of documents?
- 20 A. [10:19:56] It was at the criminal court in Bangui.
- 21 MS NDAGIRE: [10:20:08] Madam Court Officer, I kindly request if we can display tab  
22 12 of the Prosecution's list of material. This is CAR-OTP-2135-3837. And can we go to  
23 page 3849, please.
- 24 Q. [10:20:39] Mr Witness, do you recognise the document on your screen?
- 25 A. [10:20:41] Yes, I do.

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- 1 Q. [10:20:51] What is this document?
- 2 A. [10:20:52] It was the order for bringing the proceedings to a close against us that I  
3 mentioned earlier on.
- 4 MS NDAGIRE: [10:21:12] And could the court officer please now turn to the last page  
5 of the document, that's page 3850.
- 6 Q. [10:21:25] Mr Witness, do you see the document on your screen now?
- 7 A. [10:21:27] Yes, I do.
- 8 Q. [10:21:31] And do you recognise it?
- 9 A. [10:21:38] Yes, I do.
- 10 Q. [10:21:42] What is the document?
- 11 A. [10:21:43] This was the document that was signed by the investigating magistrate  
12 during our release process.
- 13 Q. [10:22:07] Thank you very much, Mr Witness.
- 14 MS NDAGIRE: [10:22:09] Madam President, I have no further questions at this point.
- 15 Q. [10:22:13] And thank you, Mr Witness, for answering my questions.
- 16 PRESIDING JUDGE SAMBA: [10:22:20] Thank you very much, Ms Ndagire.  
17 Ms Pellet, your questions for this witness, please.
- 18 MS PELLET: [10:22:43](Interpretation) My thanks, your Honour.
- 19 QUESTIONED BY MS PELLET: (Interpretation)
- 20 Q. [10:22:56] Good morning, Mr Witness.
- 21 A. [10:22:57] Good morning.
- 22 MS PELLET: [10:22:58](Interpretation) \* Your Honour, I maintain my request. And to  
23 properly abide by your decision going to the Conduct of Proceedings, I will confine my  
24 questions to those going to ill-treatment observed by the witness as well as harm that  
25 he himself suffered during the 2013 events and the impact of these described by the

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1 witness on his life and that of his family, and this in conformity with the notification  
2 that was sent to you last Friday to which you made reference this morning in your oral  
3 decision.

4 Q. [10:23:42] \* So, Mr Witness, we know each other, but for the purposes of the  
5 transcription, I clarify that I am your legal representative because you were admitted to  
6 participate in these proceedings on 27 May last on the basis of a form that we filled out  
7 together with Mr Dibert-Bekoy on 14 March 2022. Would you confirm having filled  
8 out that form with me?

9 A. [10:24:12] Yes.

10 Q. [10:24:19] So, Mr Witness, how long did your OCRB detention last?

11 A. [10:24:25] Three and a half weeks.

12 Q. [10:24:36] And during that detention period, how do you feel that you were  
13 treated?

14 A. [10:24:48] I haven't understood your question.

15 Q. [10:25:01] Now, during your detention, do you feel that you were treated properly  
16 by your jailers?

17 A. [10:25:05] Yes.

18 Q. [10:25:12] And during your detention period, were you able to observe treatment  
19 reserved for co-detainees at the OCRB?

20 A. [10:25:25] Yes, one or two.

21 Q. [10:25:31] And do you think that the treatment that they received was similar to  
22 that which you received during your detention?

23 A. [10:25:40] No.

24 MS PELLET: [10:25:48](Interpretation) Your Honour, for the purposes of my next  
25 question, I would like to move into private session, with your leave.

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- 1 PRESIDING JUDGE SAMBA: [10:25:56] Madam Court Officer, could we go briefly into  
2 private session, please.  
3 (Private session at 10.26 a.m.)  
4 THE COURT OFFICER: [10:26:11] We're in private session, Madam President.  
5 PRESIDING JUDGE SAMBA: [10:26:15] Thank you very much.  
6 Ms Pellet, you may go ahead, please.  
7 MS PELLET: [10:26:22](Interpretation) I'm grateful, your Honour.  
8 Q. [10:26:27] Mr Witness, you've just mentioned -- in answer to my question, you just  
9 said that you (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 MR JACOBS: [10:28:08](Interpretation) Your Honour.  
24 PRESIDING JUDGE SAMBA: [10:28:10] Yes, Mr Jacobs.  
25 MR JACOBS: [10:28:11] (Interpretation) The witness is being requested to

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1 speculate.

2 MS PELLET: [10:28:18](Interpretation) This is not speculation. I'm simply asking his  
3 view, his opinion about (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SAMBA: [10:28:39] Ms Pellet, please put another question and  
6 leave out that question.

7 MS PELLET: [10:28:53](Interpretation) Very well, your Honour.

8 I can move back into open session, with your leave.

9 PRESIDING JUDGE SAMBA: [10:28:57] Thank you.

10 Madam Court Officer, can we go back into open session, please.

11 (Open session at 10.29 a.m.)

12 THE COURT OFFICER: [10:29:13] We're back in open session, Madam President.

13 PRESIDING JUDGE SAMBA: [10:29:15] Thank you very much.

14 Ms Pellet, carry on, please.

15 MS PELLET: [10:29:24](Interpretation) Thank you, your Honour.

16 Q. [10:29:25] Mr Witness, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:29:58] Mr Witness, do you still think back to the events that led to your  
24 victimisation in 2013?

25 A. [10:30:06] Not so much.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:31:26] Mr. Witness, what do you expect from this trial against Mr Said?

11 A. [10:31:30] I came to tell the truth. If it turns out that he is involved, maybe he can  
12 be punished based on my testimony.

13 Q. [10:31:57](Interpretation) Thank you, Witness.

14 MS PELLET: [10:32:02](Interpretation) No further questions, your Honour.

15 PRESIDING JUDGE SAMBA: [10:32:13] Thank you very much, Ms Pellet.

16 And thank you very much, Mr Witness.

17 What we're going to do now, Mr Witness, is to ask counsel for Mr Said to put questions  
18 to you in cross-examination. I wish to thank you very much for your cooperation so  
19 far.

20 Ms Naouri, I don't know whether it's you or Mr Jacobs who will be doing the cross-  
21 examination, but the floor is yours, please.

22 MS NAOURI: [10:32:45](Interpretation) Thank you, your Honour.

23 Actually, Maître Jacobs will be conducting the cross-examination.

24 PRESIDING JUDGE SAMBA: [10:32:56] Thank you very much.

25 Mr Jacobs, the floor is yours, please. Thank you.

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- 1 QUESTIONED BY MR JACOBS: (Interpretation)
- 2 Q. [10:33:29] Good morning.
- 3 A. [10:33:30] Good morning.
- 4 Q. [10:33:30] My name is Dov Jacobs and I'll be asking you some questions today on
- 5 behalf of the Said Defence team. As the Presiding Judge has explained, we're both
- 6 speaking French and our words are being interpreted into English. So at the end of
- 7 your replies, I'll try to wait five seconds before I resume, and we'll have to work
- 8 together on this. If you could pause after my questions, that will ensure that the
- 9 interpretation is provided smoothly.
- 10 A. [10:34:05] Yes.
- 11 MR JACOBS: [10:34:14](Interpretation) Your Honour, for the next few questions could
- 12 we go into private session, please.
- 13 PRESIDING JUDGE SAMBA: [10:34:19] Certainly.
- 14 Madam Court Officer, can we go briefly into private session, please.
- 15 (Private session at 10.34 a.m.)
- 16 THE COURT OFFICER: [10:34:33] We are in private session, Madam President.
- 17 PRESIDING JUDGE SAMBA: [10:34:34] Thank you very much.
- 18 Mr Jacobs, please.
- 19 MR JACOBS: [10:34:46](Interpretation) Thank you, your Honour.
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)



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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:36:18] Thank you. Now, you said that you did a (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:37:04] Thank you. Do you remember which years during which (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:38:02] Very well. Could you explain exactly what you mean about these white  
20 years, in French.

21 A. [10:38:11] During the events, during the Patassé years, there were some times  
22 when it was not possible to be schooling. So there were two or three years like that  
23 where it was not possible to receive an education, so they were lost years.

24 Q. [10:38:35] Thank you for those explanations. So could you tell us (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [10:39:36] Thank you. And if we wanted to have a look at (Redacted), would you  
8 be in a position to provide it to the Court?

9 A. [10:39:58] Yes, but I don't have it here with me.

10 Q. [10:40:00] Thank you, Mr Witness. Now, in your statement -- that (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:40:31] Is that correct?

15 A. [10:40:32] Yes.

16 (Redacted)

17 \*A. [10:40:45] (Redacted)

18 (Redacted). It was remotely.

19 Q. [10:41:08] Thank you, Mr Witness. Just to be -- for the sake of the record, you said  
20 that it was remote learning?

21 A. [10:41:29] Yes.

22 Q. [10:41:36] Thank you. Now, when you said it was on a -- sort of a -- well, an  
23 alternating basis, what did you mean by that?

24 A. [10:41:52] I beg your pardon?

25 Q. [10:41:56] Let me be more specific. Now, when I understand this expression, what

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1 I understand is that you were studying and doing something else. What was the other  
2 activity, the something else you were doing?

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:43:51] Very well. (Redacted)

13 (Redacted)

14 A. [10:44:03] Yes.

15 Q. [10:44:19] If I've understood correctly, (Redacted)

16 (Redacted)

17 THE INTERPRETER: [10:44:30] Overlapping. Then the witness says: Yes.

18 Interpreter correction: (Redacted)

19 MR JACOBS: [10:44:47](Interpretation)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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3 (Redacted)

4 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR JACOBS: [10:47:43](Interpretation)

15 Q. [10:47:43] Thank you. We are in private session. So if you remember any names -

16 the (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:48:58] Thank you, Mr Witness. Just to make sure I've correctly understood,

23 you said (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:53:03] So I asked the question because, if I've understood the previous  
2 statement correctly, Mr Witness, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:53:43] Thank you, Mr Witness. I'll move on to another question now. Could  
7 you tell us when you did your military service?

8 A. [10:54:07] I did not do military service.

9 Q. [10:54:16] Thank you.

10 MR JACOBS: [10:54:19](Interpretation) Court officer, if the following document could  
11 be put on the screen: (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:55:30] Alright. So there's a mistake in the document?

19 A. [10:55:55] Yes, it must be a mistake.

20 Q. [10:56:09] Thank you, Mr Witness. I did have some questions for you about your  
21 family situation. We're in private session, so you can respond openly.

22 Mr Witness, do you have brothers and sisters?

23 (Redacted)

24 (Redacted)

25 (Redacted)

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8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 THE INTERPRETER: [10:59:10] Could the witness be encouraged to pause and to  
20 speak clearly into the microphone. Many thanks.

21 PRESIDING JUDGE SAMBA: [10:59:19] Mr Witness, the interpreters are having a little  
22 bit of difficulty. I'm going to ask that you watch counsel. When he puts his question,  
23 he must turn off his microphone, and allow a little bit of time, you yourself, before you  
24 give your answer. If not, you're going to be overlapping question and answer, and  
25 we're not going to get your testimony in full. Thank you very much. Yes, Mr Jacobs.

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- 1 THE WITNESS: [10:59:59](Interpretation) Thank you.
- 2 MR JACOBS: [11:00:07](Interpretation)
- 3 Q. [11:00:07] Thank you, Mr Witness. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 MR JACOBS: [11:00:30](Interpretation) I see the time, your Honour.
- 7 PRESIDING JUDGE SAMBA: [11:00:32] Yes, I think, Mr Witness, we'll go away a little
- 8 bit for a short break and come back after 30 minutes. So I'm going to rise the Court
- 9 now and ask that we come at 11.30, please.
- 10 THE COURT USHER: [11:00:48] All rise.
- 11 (Recess taken at 11.00 a.m.)
- 12 (Upon resuming in private session at 11.31 a.m.)
- 13 THE COURT USHER: [11:31:23] All rise. Please be seated.
- 14 PRESIDING JUDGE SAMBA: [11:31:42] Good morning again, everyone.
- 15 Now, Mr Jacobs, you're going to continue with your cross-examination, and we're in
- 16 private session.
- 17 MR JACOBS: [11:32:00](Interpretation) Thank you very much, your Honour.
- 18 Q. [11:32:03] Good morning, Witness.
- 19 A. [11:32:05] Good morning.
- 20 Q. [11:32:15] As indicated by the Presiding Judge before the break, please wait. Even
- 21 if it's just to say "yes" or "no," just wait for me to finish, I will turn off my mic, and that
- 22 will avoid any overlapping and that will make sure that everything is properly
- 23 consigned and properly interpreted.
- 24 A. [11:32:36] Yes.
- 25 Q. [11:32:43] My thanks, Mr Witness. All right, then. I'd just like to resume with



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1 what we were speaking about before our break. And if I followed your evidence then,  
2 you told us that (Redacted)

3 (Redacted)

4 Q. [11:33:08] Very well. Thank you very much, Mr Witness. And so another  
5 question. (Redacted)

6 (Redacted); is that correct?

7 A. [11:33:30] Yes.

8 THE INTERPRETER: [11:33:31] Inaudible.

9 MR JACOBS: [11:33:35](Interpretation)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [11:34:26] Thank you very much, Mr Witness. So if I've understood, (Redacted)

17 (Redacted)

18 (Redacted); is that right?

19 A. [11:34:42] Yes, that's right.

20 Q. [11:34:53] Thank you, Mr Witness. And so when you (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [11:47:35] No, I don't exactly know.

4 Q. [11:47:52] Thank you. \* So I'm not going to ask you to go into more detail than  
5 you can, but when you said "not exactly," (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [11:49:24] Thank you, Mr Witness. Now I move on to another area.

18 MR JACOBS: [11:49:35](Interpretation) And for this particular area, I think we need to  
19 remain in private session. I'll endeavour to move back into open session as quickly as  
20 possible, but for the time being we'll stay in private session.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:07:11] Thank you, Mr Witness. Did you know the lady's husband?

20 A. [12:07:15] No.

21 Q. [12:07:28] But you knew that this person had been a general in the time of Bozizé?

22 \*A. [12:07:35] No, but in that context, I hadn't, I didn't know, I hadn't referred to that.

23 Q. [12:08:03] Very well. I'm just trying to understand your answer. \*You said : « in that  
24 context, I didn't know. I hadn't referred to that. ». So just so we're clear, in 2013,

25 (Redacted)

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1 A. [12:08:22] (Redacted), but I didn't know that he was  
2 her husband.

3 Q. [12:08:43] In your previous statement --

4 MR JACOBS: [12:08:46](Interpretation) And I'll provide the references once again:  
5 CAR-OTP-2043-0317, tab 1 for the French, tab 2 for the English, paragraph -- and if we  
6 could look at paragraph 33.

7 Q. [12:09:04] We see that you said in your statement that General (Redacted) was a  
8 former general under Bozizé. Now, if you didn't know that in 2013, when did you  
9 learn this?

10 A. [12:09:18] I learned this when (Redacted)

11 (Redacted). And at that time I found out

12 about this general, this man who had been a general under Bozizé and who was the  
13 husband of Ms (Redacted).

14 Q. [12:09:57] And did you also learn that General (Redacted) had been confirmed as a  
15 general under the reign of Mr Djotodia?

16 A. [12:10:11] Yes, I did hear about that.

17 Q. [12:10:20] Thank you.

18 MR JACOBS: [12:10:21](Interpretation) Could we bring up another document: CAR-  
19 OTP-2004-1305, tab 19 on our list of materials. CAR-OTP-2004-1305. If we could move  
20 to page 1360. Thank you.

21 \*Q. [12:11:22] This is a decree from July 9 2013. Do you see the second name on this page?

22 A. [12:11:30] Yes.

23 (Redacted)

24 A. [12:11:50] Yes.

25 Q. [12:12:01] Thank you, Mr Witness.

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- 1 MR JACOBS: [12:12:04](Interpretation) I've finished with this document.
- 2 Q. [12:12:05] Now, afterwards did you also learn whether General (Redacted) had a  
3 role to play with the Anti-Balaka?
- 4 A. [12:12:12] No.
- 5 Q. [12:12:33] I'd like to read out something that a witness has told us.
- 6 MR JACOBS: [12:12:38](Interpretation) This is CAR-OTP-2045-1231, CAR-OTP-2045-  
7 1231. It mustn't be displayed to the witness. This is tab 20 on our list of items. And if  
8 we could go to page 1240.
- 9 Q. [12:13:09] This is a witness who was talking about the attack of 5 December 2013,  
10 and he said -- well, he was asked:  
11 "Who prepared the attack plan?"
- 12 MR JACOBS: [12:13:27](Interpretation) 3031, please -- line 331. I'll keep on reading.
- 13 Q. [12:13:51] "Who prepared the attack plan?"
- 14 Answer from the interviewee:  
15 "The plan was drawn up by the generals who were already present in Bangui."  
16 And on the following page:  
17 "Interviewee: There was General (Redacted). First name:  
18 François."
- 19 MR JACOBS: [12:14:32](Interpretation) So the document is up on the screen, but it  
20 mustn't be shown to the witness.
- 21 THE COURT OFFICER: [12:14:36] We have turned off the screen for the witness, but  
22 we do display the document for the sake of the interpreters.
- 23 MR JACOBS: [12:14:48](Interpretation) Thank you. I just wanted to make sure about  
24 this particular point. Let me resume.
- 25 Q. [12:14:51] "So the plans were drawn up because this was already in the site made

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1 safe \* by the MISCA, the African force that was already within the camp that we've  
2 been talking about."

3 And I'll quote another passage to you.

4 MR JACOBS: [12:15:53](Interpretation) This is CAR-OTP-2099-0165, paragraph 62, tab  
5 21 on our list. CAR-OTP-2099-0165. And as was the case a few moments ago, please  
6 do not put this document up on the screen for the witness to see.

7 Q. [12:16:06] At paragraph 62, I didn't jot down the actual page number, but in any  
8 event, paragraph 62:

9 "I know that Rambo had a lot of support from General Yagongo in December 2013. In  
10 Cattin, I saw several elements from General Yagongo's security detail around Rambo.  
11 General Mobebou also provided logistical support to the Anti-Balaka. He was one of  
12 the chiefs of staff and for a long time he had been responsible for managing the  
13 armouries in the CAR, ever since the time of Bokassa. He then fled to the DRC, and he  
14 told Rambo where the weapons were hidden." And I'll stop at this point.

15 \* Mr Witness, does this passage refresh your memory with regard to the role of  
16 General Mobebou with the Anti-Balaka?

17 A. [12:17:27] No, I don't know anything.

18 MS MAKWAIA: [12:17:29] Objection, Madam President. First of all, counsel has read  
19 three paragraphs of a statement of another person who is not here before you, and now  
20 he's putting a question about refreshing the memory of this person with respect to the  
21 statement of another individual. We object to this way of proceeding, Madam  
22 President, your Honours.

23 PRESIDING JUDGE SAMBA: [12:17:48] Yes, Mr Jacobs. Any response, please?

24 MR JACOBS: [12:17:59](Interpretation) Thank you, your Honour. So we are operating  
25 in respect of the Decision on the Conduct of Proceedings, which allows us to confront a

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- 1 witness with a statement of another witness. We've been doing this for several weeks.
- 2 Now, secondly, the idea of a cross-examination is to confront a witness with the rest of
- 3 the evidence on the case record, because he is here, so that we can corroborate, analyse,
- 4 \* and the witness just answered saying he doesn't know, so I think that's it.
- 5 PRESIDING JUDGE SAMBA: [12:18:35] Are you suggesting that the witness has
- 6 answered your question?
- 7 MR JACOBS: [12:18:43](Interpretation) The witness has just said, "I have no idea," so I
- 8 think he's answered. He had an opportunity to say something, and he did so. Thank
- 9 you, your Honour.
- 10 PRESIDING JUDGE SAMBA: [12:19:09] Thank you.
- 11 Continue, please.
- 12 MR JACOBS: [12:19:11](Interpretation) Thank you, your Honour.
- 13 Q. [12:19:32] I'd like to move on to something else now, Mr Witness. Could you be so
- 14 kind as to confirm the telephone number you used in 2013?
- 15 PRESIDING JUDGE SAMBA: [12:19:49] By who?
- 16 THE WITNESS: [12:19:54](Interpretation) Yes.
- 17 MR JACOBS: [12:20:01](Interpretation) I beg your pardon?
- 18 PRESIDING JUDGE SAMBA: [12:20:06] Okay. I see the question. You want his
- 19 telephone number he used in 2013.
- 20 Yes, Mr Witness, please.
- 21 MR JACOBS: [12:20:17](Interpretation)
- 22 Q. [12:20:19] Go ahead, Mr Witness.
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [12:21:12] Mr Witness, now we've heard --

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1 THE INTERPRETER: [12:21:34] Correction.

2 MR JACOBS: [12:21:36](Interpretation)

3 Q. [12:21:36] We've received information from the OTP. Unfortunately, I can't show  
4 you the actual document because the Prosecution refused to disclose despite our  
5 request. \* So one of your numbers would be the (Redacted).

6 A. [12:21:58] Yes that's it, that's it. Maybe I made a mistake.

7 MR JACOBS: [12:22:03](Interpretation)

8 \* Q. [12:22:03] Very well. So just to be clear, (Redacted) is the correct number?

9 \* A. [12:22:08] Yes.

10 Q. [12:22:13] Thank you, Mr Witness. Did you -- I beg your pardon. \* Did you also  
11 use the number (Redacted), Mr Witness?

12 (Redacted)

13 Q. [12:22:44] Very well. And did you use it yourself at that time?

14 A. [12:22:48] Not really.

15 Q. [12:22:57] Once again, also in this document which the OTP did not want to  
16 provide, apparently this was your number.

17 A. [12:23:08] No.

18 MS MAKWAIA: [12:23:08] Your Honours, my apologies for interrupting, but I have  
19 been informed that, in fact, the Prosecution has disclosed this information that counsel  
20 is referring to, a trial package disclosed to you on 11 November via e-mail. So you  
21 actually have this information within your possession, and the OTP has not refused to  
22 provide it. Thank you.

23 PRESIDING JUDGE SAMBA: [12:23:35] Thank you, Ms Makwaia.

24 MR JACOBS: [12:23:36](Interpretation) If you could provide the ERN number of the  
25 document. We are talking about the BSQ, the security BSQ, and I think you're referring

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1 to call data records. And so far, the Prosecution has continued to refuse to disclose the  
2 BSQs to the Defence.

3 MS MAKWAIA: [12:24:01] Your Honours, we do not disclose BSQs, and counsel  
4 knows that. We've given them the information they require from the BSQ. These BSQs  
5 are specific documents that deal with the security of individuals.

6 The telephone numbers contained in those BSQ, with respect to this witness, have  
7 already been disclosed to the Defence, your Honours.

8 PRESIDING JUDGE SAMBA: [12:24:25] Thank you.

9 Yes, Mr Jacobs, we note that you have the numbers. It was sent to you via e-mail, as  
10 the Prosecutor said, except you tell us that you did not receive that. If you did, please  
11 continue your line of questioning. I'm sure that the Prosecutor just wants for the record  
12 to note that they did not hide anything from you. They disclosed it. They sent it to you  
13 one way or the other. Thank you.

14 MR JACOBS: [12:25:00](Interpretation) Absolutely, your Honour. I never said that we  
15 didn't have the information about the telephone numbers, but we don't have the  
16 documents for our own cross-checking. \* That was the idea, that the Defence could  
17 verify on its own, as we saw with a previous witness who came here, whether the  
18 source is credible and reliable. I was just saying that the source of the number was not  
19 disclosed to the Defence. That's all I was saying. That is why I need to check this point  
20 with the witness.

21 \*Q. [12:25:43] So, Mr Witness, did you also use this number: (Redacted)?

22 A. [12:25:55] Yes, that's my number for (Redacted).

23 Q. [12:26:13] Thank you, Mr Witness. Do you know Maxime Bondjo?

24 A. [12:26:38] Maxime.

25 \*Q. [12:26:40] Bondjo. B-o-n-d-j-o, this is the spelling I have here.



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- 1 A. [12:26:52] No.
- 2 MR JACOBS: [12:27:35](Interpretation) Just one moment. My apologies. I'd like to call  
3 up a document, Court Officer. This is an Excel spreadsheet. If we could have control,  
4 and I will provide the information. Tab 22 on our list of materials. CAR-OTP-  
5 00000603, 00000603. This exhibit does not have an ERN number. We only have a  
6 courtesy copy that was sent to us from the OTP. We are awaiting disclosure and the  
7 attribution of an ERN number.
- 8 THE COURT OFFICER: [12:29:06] Counsel, evidence channel 2 is on your position, so  
9 you should be able to drag the document into evidence channel 2. Thank you.
- 10 MR JACOBS: [12:29:25](Interpretation) Thank you, ma'am.
- 11 Q. [12:29:32] Can you see the document?
- 12 A. [12:29:33] Yes.
- 13 \*Q. [12:29:34] Very well. Here we see that on 1 May 2013 at 18:57 from this number  
14 here, (Redacted)  
15 (Redacted)  
16 (Redacted)
- 17 A. [12:30:14] No.
- 18 Q. [12:30:38] Thanks, Mr Witness. Bernard Banda, does that name ring a bell?
- 19 A. [12:30:53] Bernard? No.
- 20 Q. [12:31:13] So we remain with this document, but I can't show you this because  
21 there are other confidential information on it. But we see from this, on 17 April 2013,  
22 allegedly, (Redacted)  
23 (Redacted)  
24 (Redacted)
- 25 PRESIDING JUDGE SAMBA: [12:31:51] Mr Jacobs, can we -- so that at least we can see

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1 what you are talking about, can we maybe ask the court clerk to turn off the witness's  
2 screen, and I'm going to ask that you get that document on the screen for us so that the  
3 Judges can see.

4 MR JACOBS: [12:32:15](Interpretation) Absolutely, your Honour.

5 THE COURT OFFICER: [12:32:22] Madam President, counsel, I can confirm that the  
6 screen has been turned off for the witness.

7 MR JACOBS: [12:32:37](Interpretation)

8 Q. [12:32:42] I will resume, Mr Witness.

9 A. [12:32:46] Yes.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:33:31] On your evidence now, you say that you don't know who Bernard  
16 Banda is; is that right?

17 A. [12:33:35] No.

18 Q. [12:33:54] You have no knowledge of the role of Mr Banda under Bozizé or within  
19 the Anti-Balaka subsequently?

20 A. [12:34:00] No.

21 Q. [12:34:11] My thanks, Mr Witness. So let's remain with this document. According  
22 to our information, (Redacted) a certain Crépin Mboli-  
23 Goumba. Does that name mean anything to you?

24 A. [12:34:42] Yes, it's the name of a politician, but I don't know him personally. The  
25 name does ring a bell, indeed.

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1 Q. [12:34:52] All right. So you had no contact with that individual in July 2013,  
2 according to you; is that right?

3 A. [12:34:58] No.

4 Q. [12:35:21] Thank you, Mr Witness. All right. A little earlier on, you told us or you  
5 confirmed that your (Redacted) telephone number in 2013 was that one, but did you  
6 continue using that in 2018?

7 A. [12:35:32] That telephone number was closed. I can't remember the date, but it's  
8 been a while now that I no longer use it.

9 Q. [12:35:47] Thank you. Have you ever had telephone contact with Patrice  
10 Ngaïssona?

11 A. [12:36:13] No.

12 Q. [12:36:14] Thank you, Mr Witness. Now, my next line of questioning, flowing on  
13 from what the Prosecution said this morning --

14 MR JACOBS: [12:36:44](Interpretation) This won't involve any individual information,  
15 so perhaps we can move into open session.

16 PRESIDING JUDGE SAMBA: [12:36:49] Madam Court Officer, can we go into open  
17 session, please. Thank you.

18 (Open session at 12.37 p.m.)

19 THE COURT OFFICER: [12:37:04] We're back in open session, Madam President.

20 PRESIDING JUDGE SAMBA: [12:37:06] Thank you very much.

21 Mr Jacobs, please.

22 MR JACOBS: [12:37:18](Interpretation) I'm grateful, your Honour.

23 Q. [12:37:20] Now, this morning on the stand you told us, in this morning's session,  
24 that you when you were asked in what year did you meet the OTP representative for  
25 the first time, you told us that that was in 2016.

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1 MR JACOBS: [12:37:41](Interpretation) T40, page 9, lines 16 through to 20. That's the  
2 transcript reference.

3 Q. [12:37:58] Is that right, Mr Witness?

4 A. [12:38:00] Yes, that's right.

5 Q. [12:38:01] Now, the first time that the OTP investigators contacted you was by e-  
6 mail or by telephone? How did they contact you initially?

7 A. [12:38:11] I think there were two teams that arrived. One that came beforehand  
8 and established contact with me, and the second team came to take my statement.

9 Q. [12:38:32] Thank you, Mr Witness. All right, then. Just to place things in their  
10 context, you said that there was a team that came before. So how much time before the  
11 time when you had your statement taken?

12 A. [12:38:45] I would put it at two or three months. About that. If my memory  
13 serves.

14 Q. [12:39:07] Thank you, Mr Witness. It's very useful. Just tell us what you  
15 remember. All right, then. Two or three months before November 2013 there was an  
16 initial team from the OTP that came to meet you. That's what you're telling us?

17 A. [12:39:22] Yes.

18 Q. [12:39:34] And how did they establish contact with you to organise the meeting?

19 PRESIDING JUDGE SAMBA: [12:39:37] Mr Jacobs, we have 2013 on the -- is that the  
20 year you want? "Two or three months before November 2013."

21 MR JACOBS: [12:39:55](Interpretation) Oh, sorry. I think I said 2016. But if I made a  
22 mistake, please forgive me. But I can see on the French transcript, "Two or three  
23 months before November" -- oh, there's -- we don't have November, but 2016 is the  
24 year that we see on the French transcript.

25 PRESIDING JUDGE SAMBA: [12:40:14] I duly correct it on the record, but we have

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- 1 2013 in the English version.
- 2 MR JACOBS: [12:40:27](Interpretation) Thanks very much, your Honour.
- 3 Q. [12:40:30] So let me put my question to you again, Mr Witness. So when this first  
4 team came to meet you in Bangui, how did they establish contact with you in order to  
5 organise that first meeting?
- 6 A. [12:40:40] I had received a telephone call, and I was asked to meet them in a  
7 particular location. It was in a Catholic clergyman's place.
- 8 Q. [12:41:18] Thank you. All right, then. So to make it clear, you received a  
9 telephone call, you say. Was that from somebody from the OTP staff?
- 10 A. [12:41:27] Yes.
- 11 Q. [12:41:37] And that investigator, did he tell you how he had obtained your  
12 telephone number?
- 13 A. [12:41:41] No.
- 14 Q. [12:41:56] And you didn't ask them?
- 15 A. [12:41:57] No.
- 16 Q. [12:42:13] Sorry, please forgive me. When the investigators established contact  
17 with you by telephone, did they tell you why they wanted to speak to you?
- 18 A. [12:42:26] No, they didn't provide any explanation. They simply asked me  
19 whether we could meet, and I said yes. And they had received information about my  
20 arrest and all that. "Could we meet and talk about that?" And I replied, "Yes, we  
21 could."
- 22 Q. [12:42:58] Very well. So at that particular point in time, they already had  
23 information about what happened to you?
- 24 A. [12:43:02] Yes.
- 25 Q. [12:43:12] All right. So let's just stay with this first meeting a few months before

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1 your written statement was ultimately taken. Do you know whether that initial  
2 meeting was recorded?

3 A. [12:43:23] No.

4 Q. [12:43:32] Sorry, just bear with me. No, you don't know that it was recorded; or,  
5 no, it wasn't recorded?

6 A. [12:43:39] No, I didn't know whether it was recorded.

7 Q. [12:43:48] Thank you very much, Mr Witness. And the investigators -- well, I  
8 didn't even ask you, in fact. Were there one or several investigators at that meeting?

9 A. [12:43:55] The first time there was just one. And then the second time, there were  
10 two, a man and a woman.

11 Q. [12:44:11] All right. So the first time, when there was just one single investigator,  
12 did he take any notes?

13 A. [12:44:15] Yes, he did.

14 Q. [12:44:25] And during that initial encounter, were you asked to re-read a  
15 document?

16 A. [12:44:30] No.

17 Q. [12:44:38] Was there an interpreter there at that particular time?

18 A. [12:44:43] No.

19 Q. [12:44:48] Thank you, Mr Witness. So after that first encounter, a few months  
20 before your statement was taken, how much time went by to establish whether you  
21 were ready to provide a written statement?

22 A. [12:45:10] They always used the telephone to contact me. And then we met, I  
23 believe, in the same place when we met the second time.

24 THE INTERPRETER: [12:45:27] Correction: When there was the second meeting.

25 MR JACOBS: [12:45:39](Interpretation)

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1 Q. [12:45:39] All right. Do you have any idea, however approximate, of how much  
2 time went by? You did your -- well, it's 26 November 2016. That was when your  
3 statement was taken. Was a few days, a few weeks beforehand that the investigators  
4 contacted you?

5 A. [12:45:54] I don't have any clear idea.

6 Q. [12:46:10] Thank you, Mr Witness. So let me just return to your written statement.  
7 The first meeting, if we believe your statement, that was on 26 November 2016. On  
8 that particular day, were you asked to provide any identity card?

9 A. [12:46:27] No.

10 Q. [12:46:38] All right. So could we once again bring up your written statement,  
11 please, on our screens.

12 MR JACOBS: [12:46:45](Interpretation) This is CAR-OTP-2043-0317, tab 1 for the  
13 French version, tab 2 for the English version. If we can go to the first page, so 0317.

14 Q. [12:47:41] Have you sight of the document, Mr Witness?

15 A. [12:47:43] Yes.

16 MR JACOBS: [12:47:53](Interpretation) So if you would be good enough to -- Court  
17 Officer, to zoom in to the top section.

18 Q. [12:48:03] Can you see --

19 MR JACOBS: [12:48:05](Interpretation) That's lovely. Thank you very much.

20 Q. [12:48:07] So you can see personal details of the witness which I do not read out  
21 publicly. And on the right-hand side, we see the passport number/identity document,  
22 something that's been expurgated, and then driving licence, which seems to suggest  
23 that you showed your driving licence to the Prosecution. What can you tell us about  
24 that, Mr Witness?

25 A. [12:48:35] The first or the second?

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1 Q. [12:48:43] No, here we're talking about the meeting that you had where your  
2 written statement was taken.

3 MR JACOBS: [12:48:49](Interpretation) Perhaps we can scroll down on that same page,  
4 and then we can help the witness understand what we're talking about here. If you  
5 wouldn't mind scrolling further down, just slightly further down. That's it. Thank  
6 you.

7 Q. [12:49:07] So can you see, Mr Witness, we see here the dates and the times of the  
8 meetings?

9 A. [12:49:13] Yes.

10 Q. [12:49:13] This is the first page of your written statement.

11 A. [12:49:16] Yes.

12 Q. [12:49:16] And here we have a list of what the Prosecution say the -- when the  
13 meetings took place, the 26th, 27th, and 28th November. So this is 26 November. This  
14 is the first day of the taking of your written statement.

15 A. [12:49:27] Yes.

16 Q. [12:49:27] So what we understand from this document -- well, what I understand,  
17 at least, but I was, of course, waiting for clarification on your side, on that first day, you  
18 possibly presented to the investigators your driving licence, hence my question.

19 A. [12:49:41] Yes, on the -- it was when I did the written statement.

20 Q. [12:49:54] All right. So if I've understood what you're saying, when you made  
21 your statement --

22 A. [12:49:57] Yes.

23 Q. [12:49:57] -- you showed your driving licence to the Prosecution?

24 A. [12:50:00] Yes.

25 Q. [12:50:01] Do you still have that particular driving licence?



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- 1 A. [12:50:18] I don't think so. I've already changed it.
- 2 Q. [12:50:32] And the Prosecution, at that particular time, did they make a copy of  
3 your driving licence?
- 4 A. [12:50:36] I don't know. I can't remember.
- 5 Q. [12:50:54] Thank you, Mr Witness. So tell us more. How did that meeting go with  
6 the investigators? You told us that two investigators were present. In which language  
7 did you speak?
- 8 A. [12:51:21] In French.
- 9 Q. [12:51:48] Thank you, Mr Witness. So you told us this morning -- this is transcript  
10 T40, page 10, line 15. The question that was put was:  
11 "This statement, was it read back to you once it was finished?"  
12 And you answer:  
13 "Yes."  
14 And then you tell us -- well, the question was put:  
15 "Who read it back to you?"  
16 And you say:  
17 "It was one of the investigators who arrived."  
18 Now, we're in open session, so I'm not going to ask you to give any name, but on the  
19 screen you can see the name of one of the investigators who was present. Would you  
20 be kind enough to tell us, with your electronic pen, let's say, who read back the  
21 statement to you?
- 22 A. [12:52:34] I think it was the first one.
- 23 Q. [12:52:46] All right. So let's make that clear. Would you be kind enough to take  
24 your pen, your electronic pen, and to underline the name of the investigator.
- 25 A. [12:53:35] (Witness complies)

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- 1 Q. [12:53:37] My thanks.
- 2 MR JACOBS: [12:53:38](Interpretation) Court Officer, if this could be possible, could  
3 this document receive an exhibit number. Thank you.
- 4 THE COURT OFFICER: [12:53:44] The marked image shall bear the ERN reference  
5 CAR-REG-0002-0101.
- 6 MR JACOBS: [12:54:04](Interpretation) Thank you, Court Officer.
- 7 Q. [12:54:06] All right, then. So once again we see here that you had three meetings,  
8 three interviews with the Office of the Prosecutor. Now, at the end of each meeting,  
9 was a document read back to you?
- 10 A. [12:54:22] Yes.
- 11 Q. [12:54:37] So each day. On 26 November, you were shown the document, and the  
12 same thing for 27 November, and on 28 November you were shown the document?
- 13 A. [12:54:46] Yes.
- 14 THE INTERPRETER: [12:54:48] Correction from the interpreter: You are asked to re-  
15 read the document.
- 16 MR JACOBS: [12:55:06](Interpretation)
- 17 Q. [12:55:06] Thank you very much, Mr Witness. And it was the same people in  
18 attendance for the three days, Mr Witness?
- 19 A. [12:55:11] Yes.
- 20 Q. [12:55:30] And the investigators, did they take notes while you were speaking?
- 21 A. [12:55:34] Yes.
- 22 Q. [12:55:41] They took notes by hand or on the computer?
- 23 A. [12:55:43] I think both.
- 24 Q. [12:55:58] Thank you, Mr Witness. So for the avoidance of doubt, the process  
25 remained exactly the same over the three days: Hand-taken notes and computer-taken

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- 1 notes, and then you're asked to re-read the document; is that right?
- 2 A. [12:56:26] Yes.
- 3 Q. [12:56:28] Thank you, Mr Witness. Now, the document that you have before you
- 4 is your written statement. When the investigator read the document back to you, did
- 5 you make any amendments while he was re-reading it back to you?
- 6 A. [12:56:58] I can't recall.
- 7 Q. [12:57:02] So you don't remember whether while he was reading the document
- 8 back to you, whether you interrupted him to say, "Look, you need to change this, that,
- 9 or the other"? Just for the avoidance of doubt?
- 10 A. [12:57:29] I said I don't remember.
- 11 Q. [12:57:35] Thank you, Mr Witness. Thank you. And what about the way the
- 12 investigators -- well, I'll put it this way: How did it go? The investigators put very
- 13 precise questions to you, and you simply answered yes or no? Or how did it go?
- 14 A. [12:58:19] They put questions to me. And if I was able to answer, then I would.
- 15 Q. [12:58:31] Thank you very much. Did the investigators explain this -- or tell you,
- 16 rather, of the specific areas that they are interested in?
- 17 A. [12:58:43] No.
- 18 Q. [12:58:55] Thank you. Did you sign any other documents on that particular day or
- 19 one of the days over which your written statement was taken?
- 20 A. [12:59:04] Yes, I think so. I think it was the sketches that I signed.
- 21 Q. [12:59:20] Thank you. And did you sign any other documents on that particular
- 22 day, if you recall?
- 23 A. [12:59:30] Yes, I signed the sketches. Yes.
- 24 Q. [12:59:37] So over and beyond the sketches, you don't recall having signed any
- 25 other document, lest there be any doubt?

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- 1 A. [12:59:45] No, I don't remember.
- 2 MR JACOBS: [12:59:57](Interpretation) Your Honour, I can see the time. I wonder  
3 whether this is an appropriate time.
- 4 PRESIDING JUDGE SAMBA: [13:00:06] Well, yes, it is.
- 5 Mr Witness, we're going to break off here for lunch so that we come again in the  
6 afternoon at 2.30 so that -- at 2.00, I'm sorry. I can feel the eyes. We'll come again at  
7 2.00 so that Mr Jacobs will continue his cross-examination of you. Thank you very  
8 much for your cooperation.
- 9 Mr Jacobs, I'm going to ask, though -- I'm following your cross-examination very well.  
10 But I think -- you know, could I ask how much more you want with this witness?
- 11 MR JACOBS: [13:00:52](Interpretation) Yes, your Honour. I'll certainly be done today.  
12 I can guarantee that. Depending on how things go after the break, it might be 30  
13 minutes, maybe more.
- 14 PRESIDING JUDGE SAMBA: [13:01:10] I appreciate it. So I'll rise the Court and ask  
15 that we meet for 2.00. Thank you very much.
- 16 THE COURT USHER: [13:01:17] All rise.
- 17 (Recess taken at 1.01 p.m.)
- 18 (Upon resuming in open session at 2.02 p.m.)
- 19 THE COURT USHER: [14:02:19] All rise. Please be seated.
- 20 PRESIDING JUDGE SAMBA: [14:02:52] Good afternoon again, everyone.
- 21 Mr Witness, we're going to continue with your cross-examination.
- 22 And I'm going to ask Mr Jacobs to be on his legs and put the questions to the witness.
- 23 We're in open session, just for the record. Thank you.
- 24 MR JACOBS: [14:03:25](Interpretation) I'm grateful, your Honour.
- 25 Q. [14:03:27] Hello again, Mr Witness.

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1 A. [14:03:29] Hello.

2 Q. [14:03:30] Now, before the lunch adjournment we were talking about documents  
3 that you signed when your statement was taken.

4 MR JACOBS: [14:03:44](Interpretation) And, Court Officer, if you would be good  
5 enough to bring up on the screen document CAR-OTP-2043-0333. And that's at tab 37  
6 on our list of materials, if you'd be so kind.

7 Q. [14:04:55] Can you see the document, Mr Witness?

8 A. [14:04:57] Yes.

9 Q. [14:04:58] So if we look at the top of the document, we see that it's authorisation  
10 for disclosing information. And we see here -- there's nothing confidential here, so I  
11 read:

12 "I consent that the following information be disclosed to the OTP of the ICC: Any  
13 document held by the telephone operators going to the following telephone number,"  
14 which has been blackened out, "going to the period running from 1 January 2013 to 31  
15 December 2013."

16 MR JACOBS: [14:05:50](Interpretation) And if we go to the bottom of this document,  
17 please.

18 Q. [14:05:52] And, here, well, the box has been ticked: "I have read and understood  
19 the content of this document."

20 And then we see a name and a date. Do you recognise your signature, Mr Witness?

21 A. [14:06:09] Yes.

22 Q. [14:06:10] So if we believe the date here, then it looks like you would have signed  
23 the document on the last day of the taking of your statement, 28 November 2016; is that  
24 right?

25 A. [14:06:20] Yes.

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1 Q. [14:06:27] Did you sign this document on the -- at the time when you took the --  
2 when the written statement was taken or at a later time during the day?

3 A. [14:06:39] I believe it was on the 28th.

4 Q. [14:06:51] Very well. And the OTP, did it ever contact you subsequent to that to  
5 tell you how things were going to proceed to receive telephone data?

6 A. [14:07:09] From time to time I received telephone calls, yes.

7 Q. [14:07:18] So after 28 November 2016, the OTP continued to call you from time to  
8 time; is that right?

9 A. [14:07:27] Yes.

10 Q. [14:07:36] Can you tell us, how frequent were these calls?

11 A. [14:07:38] Well, as I was saying, from time to time. I can't -- I can't give a number.  
12 I would say from time to time.

13 Q. [14:08:03] Thank you, Mr Witness. And the OTP, in respect of this document, did  
14 they ever contact you to say, "Look, this is what we found," with a view to prompt an  
15 exchange with you?

16 A. [14:08:23] No.

17 Q. [14:08:29] Thank you. Right. This is 2016. Did the investigators tell you that your  
18 written statement would be used in the instant case for the 2021 Confirmation of  
19 Charges?

20 A. [14:08:40] Yes.

21 Q. [14:08:52] And did they ask for your authorisation that your statement should be  
22 used to that end?

23 A. [14:08:57] Yes.

24 Q. [14:09:06] And how did they contact you for that, Mr Witness?

25 A. [14:09:10] As I was saying, from time to time I would receive telephone calls.

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1 Q. [14:09:23] Thank you. And did they have you sign a document where you stated  
2 that you were in agreement that your written statement should be used?

3 A. [14:09:31] Sign a document? No.

4 Q. [14:09:46] Thank you. And the representatives of the Prosecutor, when did they  
5 contact you to inform you that you would be a witness today?

6 A. [14:09:52] I can't remember the date, but I was also contacted by a lawyer who  
7 operates in Bangui.

8 Q. [14:10:05] Can you give us the name of that lawyer, please?

9 A. [14:10:34] Dibert-Bekoy, counsel.

10 Q. [14:10:53] Lest there be any doubt, Mr Witness, when I asked you a moment ago  
11 when the OTP contacted you to say that you would be a witness today, you said that  
12 you didn't remember the date, but you were also contacted by a lawyer who operates  
13 in Bangui. So if I've just -- just to make sure I've understood. You were, indeed,  
14 contacted by the OTP and also by Counsel Bekoy; is that right?

15 A. [14:11:22] Yes.

16 Q. [14:11:38] And who contacted you first to tell you that you would be a witness?

17 A. [14:11:41] I can't remember the name, but I know that I was contacted to ask me  
18 whether I would accept to be a witness.

19 Q. [14:12:00] Perhaps I'll clarify my question to make it clearer. You're telling us that  
20 the Prosecutor and Counsel Bekoy contacted you, but who contacted you first? Was it  
21 the Prosecutor or was it Counsel Bekoy?

22 A. [14:12:19] It was Counsel Bekoy.

23 Q. [14:12:30] By telephone?

24 A. [14:12:31] Yes.

25 Q. [14:12:47] Thank you, Mr Witness. So you knew that you were going to come

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1 here, but who helped you organising the travel formalities?

2 A. [14:12:59] I don't know exactly. There were a number of people who called me for  
3 organising things. There was a team.

4 Q. [14:13:15] All right. And before you came here, did you hold a passport?

5 A. [14:13:26] Yes. Yes, I did.

6 Q. [14:13:34] Sorry, I'm pausing for the interpretation. That's why I'm observing such  
7 a long pause.

8 Thank you, Witness. Now, during your interactions with the Office of the Prosecutor,  
9 did you receive any reimbursement for certain costs; travel, medical costs, by way of  
10 example?

11 A. [14:14:23] Yes.

12 Q. [14:14:24] Can you tell us more? Can you expand on that?

13 A. [14:14:26] No.

14 Q. [14:14:44] Now, you stated in your request to participate and in answer to a  
15 question put by the legal representative, you said that you had high blood pressure.  
16 Did you receive any reimbursement for the treatment that you have been following for  
17 treating high blood pressure?

18 A. [14:15:09] No.

19 Q. [14:15:20] And when you made your written statement, did you receive any  
20 reimbursement for the costs involved in giving your statement, for example?

21 A. [14:15:38] No.

22 Q. [14:15:45] Thank you.

23 MR JACOBS: [14:15:47](Interpretation) Your Honour, my next question will require a  
24 brief move into private session, with your leave.

25 PRESIDING JUDGE SAMBA: [14:15:53] Certainly.



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- 1 Madam Court Officer, can we go briefly into private session, please.
- 2 (Private session at 2.16 p.m.)
- 3 THE COURT OFFICER: [14:16:09] We are in private session, Madam President.
- 4 PRESIDING JUDGE SAMBA: [14:16:11] Thank you very much.
- 5 Mr Jacobs, please.
- 6 MR JACOBS: [14:16:15](Interpretation) Thank you, your Honour.
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 THE INTERPRETER: [14:18:52] Clarification from the interpretation: You no longer  
2 have contact.
- 3 MR JACOBS: [14:18:55](Interpretation)
- 4 Q. [14:18:56] Thank you. And do you know whether the OTP sought to reach  
5 Madam Mobebou?
- 6 A. [14:19:26] I don't know.
- 7 Q. [14:19:33] Thank you very much, Mr Witness.
- 8 MR JACOBS: [14:19:34](Interpretation) We can now move back into open session, your  
9 Honour.
- 10 PRESIDING JUDGE SAMBA: [14:19:41] Madam Court Officer, can we move back into  
11 open session, please.  
12 (Open session at 2.19 p.m.)
- 13 THE COURT OFFICER: [14:19:50] We are back in open session, Madam President.
- 14 PRESIDING JUDGE SAMBA: [14:19:53] Thank you.  
15 Mr Jacobs, please.
- 16 MR JACOBS: [14:19:55](Interpretation) Thank you, your Honour.
- 17 Q. [14:20:18] So, Mr Witness, this morning you confirmed - this is transcript page 21,  
18 lines 16 through to 23 - at that point you said that you had filled out your request for  
19 participation in the proceedings with Counsel Bekoy and the legal representative of  
20 victims; is that right?
- 21 A. [14:20:43] Yes.
- 22 MR JACOBS: [14:21:01](Interpretation) All right. If we could bring up the request, or,  
23 rather, the written statement, Court Officer, on our screens. This is tab 1 for the French  
24 version, tab 2 for the English version. CAR-OTP-2043-0317, page 0319. Page 0319, if  
25 you wouldn't mind. Thank you. Let me repeat the page number so it's clear: 0329, not

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1 19. Thanks very much.

2 Q. [14:22:04] So paragraph 86 in your statement we see:

3 "It was explained to me that the people to whom the Judges would be giving the status  
4 of victim would be authorised to attend the proceedings and potentially receive  
5 indemnity. I was told about the role of the participation of victims in reparations as  
6 well as the procedure that had to be abided by" --

7 \*Sorry, I said 86. It's paragraph 84. I just stop here because I see that, by my error, we  
8 see on the screen the wrong paragraph. So I will continue, so:

9 "I was informed of the existence and the role of this section of victims participation and  
10 reparations as well as the procedure that had to be abided by to submit a request to  
11 receive victim status, and I consent that my personal data be disclosed for that  
12 purpose."

13 So if I followed this and understood your statement here, this was in 2016 that you  
14 learn the procedure by which one participates in the proceedings as a victim; is that  
15 right?

16 A. [14:23:23] Yes.

17 Q. [14:23:36] And at that particular point in time, did you tell the investigators that  
18 you wished to avail yourself of that procedure?

19 A. [14:23:43] I didn't understand your question.

20 Q. [14:23:44] I'll make it clearer. In November 2016, you were told this is the  
21 procedure that needs to be followed to become a victim, to have victim status in these  
22 proceedings. In November 2016, you're told this. And in response to that, do you say,  
23 "Yes, this is interesting. I would like to follow that procedure to become, ultimately, a  
24 victim in the proceedings"? This is November 2016, Mr Witness. Just to situate you.

25 A. [14:24:08] Yes.

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1 Q. [14:24:21] Thank you. So at that particular point in time, November 2016, when  
2 you reply that, do they get you in touch with somebody?

3 A. [14:24:27] No.

4 Q. [14:24:51] All right. So November 2016, nothing happens. Is that what you're  
5 telling the Court?

6 A. [14:24:54] Yes.

7 Q. [14:24:55] All right. Can you tell us at what point in time you started this  
8 procedure to become a participating victim in these instant proceedings?

9 A. [14:25:07] It was when Counsel Bekoy contacted me for the preparation, and he  
10 told me that I would be called upon to testify at the Court.

11 Q. [14:25:45] Very well. We just want to understand the chronology. So you tell us  
12 that you had followed the procedure to become a victim participating in the  
13 proceedings at the same time as you were told that you would be a witness to come  
14 here and provide oral testimony?

15 A. [14:26:09] I didn't understand what you said.

16 Q. [14:26:11] Perhaps I'll put the question differently. In your request for  
17 participation, this dates back to 24 March 2002, that's the date. So what was the  
18 procedure for fulfilling this process? Who contacted you first?

19 A. [14:26:30] I told you that it was Mr Bekoy that contacted me, and then I also had  
20 contact with the OTP to do the preparation interviews.

21 THE INTERPRETER: [14:26:50] Interpreter correction: It wasn't 2002 but 2022.

22 MR JACOBS: [14:26:56](Interpretation)

23 Q. [14:26:56] Very well. So before March 2022, which is the date at which you filled  
24 out this particular document, you tell us that Counsel Bekoy contacted you?

25 A. [14:27:06] Yes.

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- 1 Q. [14:27:06] Did you know Mr Bekoy beforehand?
- 2 A. [14:27:08] No.
- 3 Q. [14:27:27] So when Counsel Bekoy contacted you before March 2022, he already
- 4 knew that you were a witness and that you'd already worked in conjunction with the
- 5 OTP?
- 6 A. [14:27:36] I don't know.
- 7 Q. [14:27:47] And did he tell you how he got your telephone number?
- 8 A. [14:27:50] Yes, he contacted me and he told me, "Look, here. The OTP had asked
- 9 me to get in touch with you," based on the written declaration -- written statement that
- 10 I'd made.
- 11 Q. [14:28:13] All right. So it was after that telephone conversation with Counsel
- 12 Bekoy that you decided to fill out your form to participate in the proceedings. Have I
- 13 got that right?
- 14 A. [14:28:27] Yes.
- 15 Q. [14:28:30] Thank you, Mr Witness. So after that particular telephone call, was a
- 16 meeting arranged to meet to fill out that participating form? How did that go?
- 17 A. [14:28:42] It was in his office. In his legal practice.
- 18 Q. [14:29:04] All right. So you met Counsel Bekoy at his legal practice. Who else was
- 19 present at that meeting?
- 20 A. [14:29:08] There was just the two of us.
- 21 Q. [14:29:30] Now, just to make sure that it's clear for the record, when you say that
- 22 there were just two of you, is that you and Counsel Bekoy; is that right?
- 23 A. [14:29:39] Yes.
- 24 Q. [14:30:03] Thank you, Mr Witness. So the practice of Counsel Bekoy is also the
- 25 one of Counsel Tiangaye; is that correct?

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1 A. [14:30:09] I don't know.

2 Q. [14:30:17] Thank you, Mr Witness. You told us that you filled the participation  
3 form with Counsel Bekoy. How did it happen? Did you fill in the form, or did he,  
4 Counsel Bekoy, fill in the form?

5 A. [14:30:35] It was Counsel Bekoy.

6 Q. [14:30:49] Thank you, Mr Witness.

7 MR JACOBS: [14:30:53](Interpretation) I would like to display the request for  
8 participation, CAR-OTP-2135-3837, tab 12 on our list.

9 Q. [14:31:30] Can you see the document, Mr Witness?

10 A. [14:31:31] Yes.

11 MR JACOBS: [14:31:50](Interpretation) Would you be so kind to go through the pages  
12 so that he gets a general idea of what it is. So can we move on to the next page, please.  
13 Thank you. And the next page, please. Next page, please. Perhaps can we go to the  
14 page 3842?

15 Q. [14:32:44] Can you see the page, Mr Witness?

16 A. [14:32:46] Yes.

17 Q. [14:32:47] So there you've seen the first pages in a light blue colour done by the  
18 computer, and here we have a page that is more faded, which isn't blue in colour. And  
19 if you go to the bottom of the page, do you recognise your signature, Mr Witness?

20 A. [14:33:18] Yes.

21 Q. [14:33:19] My question to you, Mr Witness, if I understand this document  
22 correctly, they gave you this page to sign; is that correct?

23 A. [14:33:33] Yes.

24 Q. [14:33:44] Fine. Did they show you the document in its entirety, or did they just  
25 give this page?

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1 A. [14:33:53] I can't remember anymore.

2 Q. [14:33:59] Thank you, Mr Witness. You told us that you filled this document with  
3 Counsel Bekoy.

4 MR JACOBS: [14:34:13](Interpretation) I would like to go to page 3845, please. Page  
5 3845.

6 Q. [14:34:39] Do you see the page, Mr Witness?

7 A. [14:34:40] Yes.

8 Q. [14:34:48] You can see contacts of the person in the court to help the victim fulfil  
9 this form. And there we see it's blank. Can you explain to us why it's blank?

10 A. [14:35:00] I don't know.

11 MS PELLET: [14:35:02](Interpretation) Your Honour.

12 PRESIDING JUDGE SAMBA: [14:35:07] Ms Pellet.

13 MS PELLET: [14:35:10](Interpretation) Excuse me, but I am wondering about the  
14 relevance of the questions, because on 28 October, following repeated requests from  
15 my colleagues of the Defence, we submitted a complete 14-page written filing in order  
16 to avoid this kind of questions and to provide a clear answer. The document is ICC-  
17 01/14-01/21-518.

18 PRESIDING JUDGE SAMBA: [14:35:52] Mr Jacobs. Mr Jacobs, please.

19 MR JACOBS: [14:35:56](Interpretation) Thank you, your Honour.

20 We have taken note of the information given to us by the LRV in its written  
21 submissions, but it is our duty to expand and explore this with the witness, and that is  
22 precisely what we're doing. The witness is here in person, and so we're going to ask  
23 him the process that was followed.

24 And in any case, I have terminated. They were very quick questions. It's completely  
25 normal that we can test together with the witness and cross-check the information with

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1 the witness directly. Particularly, all these questions are linked with the case of  
2 participation and questions the credibility of the witness.

3 PRESIDING JUDGE SAMBA: [14:36:47] And, well, besides the witness has answered,  
4 and aside that, really, Ms Pellet, I mean, whatever communication or exchanges you  
5 would have had with the Defence would be between yourself and the Defence, or your  
6 office and the Defence. You cannot testify for the witness. If he doesn't know, he'll say  
7 so. Just like he's answering. He's a responsible person enough.

8 Yes, Mr Jacobs, please.

9 MR JACOBS: [14:37:29](Interpretation) That was my last question, your Honour. I  
10 have no further questions. Thank you.

11 PRESIDING JUDGE SAMBA: [14:37:38] Thank you very much, Mr Jacobs.

12 Madam Prosecutor, do you have any question in re-examination?

13 MS NDAGIRE: [14:37:49] No further questions, your Honour.

14 PRESIDING JUDGE SAMBA: [14:37:54] Thank you very much.

15 There are no questions from us.

16 Mr Witness, I wish to thank you very much for your cooperation with the Court. We  
17 wish you well and safe traveling mercies. This brings us to the end of your testimony  
18 for this Court. We're very grateful. Thank you.

19 I note that the next Prosecution witness will be P-0435, Madam Prosecutor.

20 MS MAKWAIA: [14:38:33] That's correct, your Honours.

21 PRESIDING JUDGE SAMBA: [14:38:35] Yes. So we shall start with that witness  
22 tomorrow, and I'm going to ask that we meet here tomorrow to start at 9.30 in the  
23 morning.

24 Mr Witness, thank you very much and safe journey back home.

25 THE WITNESS: [14:38:51](Interpretation) Thank you very much, your Honour.



Trial Hearing  
WITNESS: CAR-OTP-P-1429

(Open Session)

ICC-01/14-01/21

- 1 (The witness is excused)
- 2 THE COURT USHER: [14:38:54] All rise.
- 3 (The hearing adjourned in open session at 2.38 p.m.)