

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-3056

- 1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 1
8 Wednesday, 12 October 2022
9 (The hearing starts in open session at 11.36 a.m.)
10 THE COURT USHER: [11:36:34] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [11:37:04] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [11:37:11] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [11:37:25] Thank you very much.
20 Can we get representation by counsel.
21 MS MAKWAIA: [11:37:33] Good morning, Madam President, your Honours. The
22 Prosecution counsel bar this morning, myself, Holo Makwaia, senior trial lawyer;
23 Leonie von Braun, trial lawyer; Le Bailly Brunhild, Sanyu Ndagire and Ramu Bittaye.
24 Thank you.
25 PRESIDING JUDGE SAMBA: [11:37:52] Thank you very much.

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1 Ms Pellet, for the victims, please.

2 MS PELLET: [11:37:59](Interpretation) Thank you, your Honour.

3 The victims are represented by Tars Van Litsenborgh and myself, Sarah Pellet,

4 counsel for the *Office of Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [11:38:14] Thank you very much, Ms Pellet.

6 Ms Naouri, for the Defence, please.

7 MS NAOURI: [11:38:22](Interpretation) Thank you, your Honour.

8 I have for -- Counsel François-Jacquemin, Simon Appriou. Behind me, there's

9 Counsel Jacobs and Léa Allix. To my side, I've got Capucine Banet and

10 Counsel Valduriez. And I am Jennifer Naouri, lead counsel.

11 PRESIDING JUDGE SAMBA: [11:38:46] Thank you very much, Ms Naouri.

12 I take note that the accused is in court.

13 Good morning, Mr Witness.

14 WITNESS: CAR-OTP-P-3056

15 (The witness speaks French)

16 THE WITNESS: [11:39:09](Interpretation) Good morning, your Honour.

17 PRESIDING JUDGE SAMBA: [11:39:11] Yes. It is noted that the Prosecution is

18 calling its third witness, P-3056. And the Chamber understands that -- it's our

19 understanding that the witness will be testifying in French.

20 Can I get a confirmation of that by the witness, please -- from the witness.

21 THE WITNESS: [11:39:47](Interpretation) I would rather speak in French.

22 PRESIDING JUDGE SAMBA: [11:39:54] Yes. Thank you very much.

23 I would remind everyone again of the importance of the need to speak slowly for the

24 interpreters and to observe the five-second rule between questions and answers.

25 We note that there is protective measures in place for this witness by virtue of

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1 decision 481. Moreover, the VWU recommends that a shield be placed to prevent
2 the accused from making eye contact with the accused, and the Chamber approves
3 this.

4 So before we bring -- the witness is already in.

5 In particular, the Chamber notes that P-3056 is a dual status witness, and the CLRV
6 would wish -- wishes to ask questions regarding the witness's alleged arrest by the
7 Seleka and the conditions of his detention at the OCRB. The CLRV intends to
8 question the witness for a maximum amount of 30 minutes.

9 Now, the parties did not provide responses to the CLRV's request, so the Chamber
10 grants the CLR's request to question this witness, P-3056, for a reduced allotted time
11 of 20 minutes, following the completion of the direct examination by the Prosecution.
12 That would be our oral decision.

13 Mr Witness, good morning.

14 THE WITNESS: [11:41:59](Interpretation) Good morning, your Honour.

15 PRESIDING JUDGE SAMBA: [11:42:04] Now, you are testifying before the
16 International Criminal Court. So on behalf of the Chamber, I would like to welcome
17 you to the courtroom.

18 Before we start, could you please confirm whether you are comfortable to testify in
19 French, as you just said. Would you confirm that.

20 THE WITNESS: [11:42:32](Interpretation) Yes, I can confirm that.

21 PRESIDING JUDGE SAMBA: [11:42:35] Thank you very much, Mr Witness. We
22 have taken note of that.

23 You should have in front of you, Mr Witness, the solemn undertaking to tell the truth
24 that every witness who appears before this Court must agree to. Can I ask that you
25 read that out loud now.

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1 THE WITNESS: [11:43:08](Interpretation) I solemnly undertake that I shall speak the
2 truth, the whole truth and nothing but the truth.

3 PRESIDING JUDGE SAMBA: [11:43:18] Thank you very much, Mr Witness.

4 And do you understand and agree to what you have just read, Mr Witness?

5 THE WITNESS: [11:43:35](Interpretation) I have understood the content of what I've
6 just read, and I understand this very well.

7 THE INTERPRETER: [11:43:46] Your Honour, this is the interpreter speaking.

8 Could the witness speak loudly because I'm having problems listening.

9 PRESIDING JUDGE SAMBA: [11:43:55] Mr Witness, can I ask that you raise your
10 voice a little bit so as to help the interpreters get what you are saying.

11 THE WITNESS: [11:44:10](Interpretation) All right.

12 PRESIDING JUDGE SAMBA: [11:44:10] Thank you. Very well. We will continue.

13 So, Mr Witness, let me now explain to you the protective measures that the Chamber
14 has put in place for your testimony. The following measures are put in place to
15 protect you:

16 Voice and face distortion has been put in place for the duration of your testimony.

17 This means that no one outside the courtroom can see your face or hear your real
18 voice during your testimony.

19 There will also be the use of pseudonym. In accordance with that, we will all refer to
20 you only as "Mr Witness" to make sure that the public does not know your name.

21 And when you answer questions that you will -- that will not give away who you are,
22 we will go in open session, which means that the public can hear what is being said in
23 the courtroom.

24 When you are asked to describe anything that is related specifically to you, or you are
25 asked to mention facts that might reveal your identity, we will do this in a private

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1 session. In private session, Mr Witness, there is no broadcast and no one outside the
2 courtroom is hear your answer.

3 If ever anything gets said during public session which should have been said in
4 private session, we will do our best to protect this information. Your testimony will
5 be broadcast on a delay so we can remove any such remarks from the public
6 broadcast.

7 Now, this means, if anything does go wrong, we can try and stop the public from
8 hearing it. The parties and the legal officers of the Chambers are monitoring this at
9 all times. So please be assured that you are protected.

10 And, lastly, Mr Witness, I have a few practical matters you should have in mind when
11 giving your testimony. Everything we say here in the courtroom is written down
12 and interpreted. It is, therefore, important to speak clearly and at a slow pace.

13 Please speak into the microphone and only start speaking when the person asking
14 you the question has finished.

15 You will be able to tell when the question is finished when the speaker turns off their
16 microphone. After that, please wait for five more seconds to allow the interpretation
17 to finish.

18 If you have any questions yourself, or if you need something, including -- if you need
19 a break, for example, just raise your hand so that we know that you wish to say
20 something.

21 Have you understood all I've said, Mr Witness?

22 THE WITNESS: [11:48:01](Interpretation) Yes, I have understood you very well.

23 PRESIDING JUDGE SAMBA: [11:48:05] Good. Thank you very much.

24 So, in case you need a break, just raise your hand, and we shall accommodate you.

25 That said, we thank you very much. We will then start your testimony.

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1 Madam Prosecutor, your witness, please.

2 MS MAKWAIA: [11:48:24] Thank you, Madam President.

3 And with the leave of the Court, I will start with a brief private session.

4 PRESIDING JUDGE SAMBA: [11:48:31] Madam Court Officer, can we go into

5 private session, please.

6 (Private session at 11.48 a.m.)

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20 (Redacted)

21 (Open session at 11.53 a.m.)

22 THE COURT OFFICER: [11:53:59] We are back to open session, your Honours.

23 PRESIDING JUDGE SAMBA: [11:54:02] Thank you.

24 Madam Prosecutor, carry on, please.

25 MS MAKWAIA: [11:54:06] Thank you, your Honours.

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1 Q. [11:54:08] Mr Witness, where were you living in 2013? The city.

2 A. [11:54:21] In 2013, I was living in the city of Bangui.

3 Q. [11:54:30] Did you remain in the city of Bangui throughout the year 2013?

4 A. [11:54:43] Yes, indeed. For the entire of 2013, I was in the city of Bangui.

5 Q. [11:54:54] Between -- can you tell us, who was the president of the Central
6 African Republic between January and mid-March 2013.

7 A. [11:55:21] Between January and mid-March 2013, the main figure who was
8 leading the country was His Excellency, the President Francois Bozizé.

9 Q. [11:55:42] Was there subsequently a change of president in your country?

10 A. [11:55:58] Yes. After mid-March and until 24 March 2013, there was a change.
11 President Francois Bozizé was deposed, and a new president was at the helm of the
12 country. And I will not speak his name. If you ask me to speak his name, I shall
13 tell you.

14 Q. [11:56:37] Thank you, Witness.

15 So who deposed President Bozizé? You can tell us the name, please.

16 A. [11:56:53] The -- Bozizé was deposed by Michel Djotodia.

17 Q. [11:57:07] You also referred to the date of 24 March 2013. Why do you recall
18 this date, Witness?

19 A. [11:57:24] I still remember this date because, during the events, I was in the city
20 of Bangui.

21 Q. [11:57:38] Which events are these, Mr Witness?

22 A. [11:57:50] This is actually a *coup d'état*.

23 Q. [11:58:01] Since you say you were in Bangui, Mr Witness, can you describe for
24 the Court what happened during the *coup d'état*.

25 A. [11:58:24] At that time I was in the city of Bangui. After -- a few days or a few

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1 weeks before the Seleka arrived and Djotodia was the main figure, before they
2 entered the city of Bangui, there were photos of Central African soldiers who
3 were -- who fell at the front. And these photos were being circulated in the city of
4 Bangui. And on 24 March, in the morning, we saw Seleka troops invading the city of
5 Bangui. They raised their weapons as a sign of victory, and they were comforting
6 the Central African Republicans by telling them that they should not be scared, they
7 have taken power, and the population should trust them. And --

8 Q. [12:00:16] Can I just stop you there for a minute, and then I will put more
9 questions to you.

10 So you've mentioned the Seleka. Can you tell the Court who -- what do you
11 characterise as the Seleka.

12 A. [12:00:40] The Seleka -- well, that was the name given to Djotodia's troops -- or,
13 rather, the name which they gave themselves. There were various rebel factions
14 who were united and together went by the name of Seleka. It was the name they
15 gave their movement.

16 Q. [12:01:15] So you also said the Seleka invaded Bangui. Can you tell us how this
17 occurred.

18 A. [12:01:34] Well, the Seleka troops invaded the city of Bangui at that time. They
19 entered the city of Bangui. Initially, they faced a little resistance, which did not last
20 long, and that's because those who were confronting them to fight them did not have
21 military training. This allowed them to get the upper hand and take control of the
22 city of Bangui, as well as the whole hinterland, which they had conquered prior to
23 Bangui.

24 Q. [12:02:35] Do you know names of the hinterlands where they had conquered
25 before arriving at Bangui, if you know?

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1 A. [12:02:53] Yes. They started by conquering Kaga-Bandoro, for instance, Sibut,
2 Damara, the city of Damara, and that's before arriving in the city of Bangui.

3 Q. [12:03:22] You said earlier that the Seleka found little resistance. From who
4 was this resistance, Witness?

5 A. [12:03:45] As I said a moment ago, when the Seleka were fighting the Central
6 African forces, from the time that they were in the hinterland through to Bangui, there
7 were bandits, if you like. * And upon arriving in Bangui, they were faced with
8 young volunteers -- you couldn't say they were militia -- young volunteers who
9 espoused the cause of their country. Those young people had received bladed
10 weapons from Levy Yakete, who was deceased at that time, or who's now deceased,
11 but they were untrained. And people who are untrained, when facing firearms, of
12 course, can offer little resistance, and so it is that they could not hold off the Seleka's
13 advance, and the Seleka, with little difficulty, took power.

14 Q. [12:05:17] So how do you know that Levy Yakete was the one who gave them
15 these bladed weapons?

16 A. [12:05:40] Well, it's no secret. In fact, meetings were heard in public, attended
17 by that individual, and that volunteers who wanted to take up arms received the
18 support of Mr Yakete in order to put up a fight in this war against the Seleka.

19 Q. [12:06:18] And do you know to which group or affiliation Levy Yakete belonged
20 to?

21 A. [12:06:44] Levy Yakete's ethnicity? I'm afraid I don't know. But what I do
22 know, he was married to the daughter of an important individual in our country.

23 Q. [12:07:14] Who was this?

24 A. [12:07:22] He was the husband of the daughter * of the late Douzima, who was
25 part of President David Dacko's government until he passed away.

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1 Q. [12:07:48] And the group of young volunteers that he supplied bladed weapons
2 with, to which group did they belong, do you know?

3 A. [12:08:07] Well, those groups were young people from the Central African
4 Republic, fellow countrymen. It was a mixed group. They didn't belong to a
5 particular political or ethnic group. They were just citizens of the country.

6 Q. [12:08:50] (Microphone not activated)

7 PRESIDING JUDGE SAMBA: [12:08:52] Your microphone, Madam Prosecutor. Put
8 the question again, please.

9 MS MAKWAIA: [12:08:57] Thank you, Madam President.

10 Q. [12:08:59] Mr Witness, after the Seleka entered Bangui, what happened to
11 President Bozizé?

12 A. [12:09:16] At daybreak, so in the morning of 24 March 2013, the Seleka had
13 arrived at the doors of Bangui. President Bozizé and his inner circle were obliged to
14 leave Bangui and to head for Cameroon, to Bertoua in Cameroon.

15 Q. [12:10:03] Thank you, Witness.

16 And did the arrival of the Seleka bring peace?

17 A. [12:10:19] The arrival of the Seleka did not bring any type of peace to my
18 country. Quite on the contrary. In fact, we went through a nightmare.

19 Q. [12:10:38] And without giving the name of your neighbourhood, what was the
20 situation there?

21 A. [12:11:01] In my district, there was some oppression, scenes of oppression, and
22 degrading treatment could be observed on a daily basis by all those living in the area.
23 We saw Seleka troops coming in by day or by night into the district. They would
24 arrest people who were allegedly their enemies. They would take them away to
25 unknown places. There were cases of forced disappearance. And that was a

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1 routine occurrence in my neighbourhood.

2 Q. [12:12:24] To your --

3 PRESIDING JUDGE SAMBA: [12:12:30] I had wanted to ask the witness whether or
4 not he needs a break, but if you want for us to carry on, just be reminded that when
5 you want a break, please let us know, Mr Witness.

6 THE WITNESS: [12:12:52](Interpretation) No. No, I feel fine. We can continue.

7 PRESIDING JUDGE SAMBA: [12:12:56] Thank you very much.

8 Yes, Madam Prosecutor, please carry on.

9 MS MAKWAIA: [12:13:00] Thank you, Madam President.

10 Q. [12:13:02] Mr Witness, to your knowledge, were other neighbourhoods in
11 Bangui suffering similar oppression or degrading treatment?

12 A. [12:13:32] Well, I would say that the entire city of Bangui and certain other
13 provinces had the same experience because the Seleka went pretty much everywhere
14 and took the place of the local authorities, in Bangui and in the provinces. And those
15 scenes which I have described were recurrent. Mistreatment, forced disappearances,
16 random arrests, that was part of daily life in the Central African Republic.

17 Q. [12:14:26] Mr Witness, in your particular instance, for example, how did you
18 identify Seleka?

19 A. [12:14:45] Well, in my own case, I witnessed a great deal of violence perpetrated
20 by the Seleka on my fellow countrymen in various places; in the Miskine
21 neighbourhood, which was also a Seleka stronghold; at Kilometre 5, in other words,
22 in the 3rd and 5th arrondissements. Fellow countrymen living there suffered the
23 same type of violence. In the 7th arrondissement, in the Kassai, Ngaraba, Ouango
24 area, there were Central Africans living there, and they were subjected to the same
25 treatment.

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1 Q. [12:15:54] Were the Seleka wearing any uniforms?

2 A. [12:16:13] The Seleka was made up of rebels of all sorts. Some wore military
3 uniforms, others wore civilian clothing, but you could recognise them by their
4 barbarism.

5 MS MAKWAIA: [12:16:42] Madam President, for the next set of questions, I would
6 need a brief private session so that we can lay the foundation for subsequent
7 questions, with your leave, your Honours.

8 PRESIDING JUDGE SAMBA: [12:16:53] Madam Court Officer, can we kindly go
9 back -- go to private session.

10 (Private session at 12.17 p.m.)

11 (Redacted)

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4 (Open session at 12.23 p.m.)

5 THE COURT OFFICER: [12:23:40] We are in open session, your Honours.

6 PRESIDING JUDGE SAMBA: [12:23:41] Thank you.

7 Madam Prosecutor, carry on, please.

8 MS MAKWAIA: [12:23:45] Thank you, your Honours.

9 Q. [12:23:48] Mr Witness, how do you know it was the Seleka who arrested you?

10 A. [12:24:03] I knew it was the Seleka who had arrested us because we were put in
11 a vehicle and taken to the OCRB in the Ngouciment district, and those premises were
12 occupied by the Seleka.

13 Q. [12:24:37] Who put you in the vehicle?

14 A. [12:24:43] The person who put me in the vehicle and the three people who were
15 with me, well, that individual was a Seleka lieutenant, * I do not know his name.

16 And he is the one who put us in the vehicle and took us to the OCRB in Ngouciment.

17 Q. [12:25:17] Did he tell you why he was arresting you and the other persons who
18 were arrested with you?

19 A. [12:25:38] When we arrived at the OCRB in Ngouciment, the commander of that
20 unit, in other words, the lieutenant I referred to, he searched us, and while searching
21 me, my phone was stolen. But he didn't explain why we had been arrested.

22 Q. [12:26:20] And how long did you remain at the OCRB Ngouciment?

23 A. [12:26:36] We spent only one night at the OCRB Ngouciment. We were
24 crowded in a little cell in which there were about 20 other detainees who had been
25 arrested the day before.

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1 Q. [12:27:08] Do you know why these other persons were arrested?

2 A. [12:27:27] The reason why the others were arrested was because they had been
3 using drugs and because of thefts perpetrated.

4 Q. [12:27:48] Mr Witness, apart from losing your telephone, did you lose anything
5 else?

6 A. [12:28:11] Yes. I lost a considerable sum of money, but that wasn't at the OCRB
7 Ngouciment. That was at the OCRB, the central one.

8 Q. [12:28:25] Okay. Let's for now focus on this OCRB Ngouciment. We will
9 speak about the OCRB central in a few moments.

10 When you were there, how were you treated by the Seleka, at the OCRB Ngouciment?

11 A. [12:28:58] At the OCRB Ngouciment, I was not tortured as such or subjected to
12 degrading treatment, but being crowded with a large number of people in a little cell,
13 being detained there caused me a lot of psychological trouble. We had to remain
14 standing throughout the night till the beginning of the next day.

15 Q. [12:29:48] When you were arrested, Mr Witness, since you testified you were at
16 your funeral -- at a funeral, did your family know where you were taken?

17 A. [12:30:13] When the Seleka troops arrived at the funeral location, my relatives
18 were present. And when we were taken away to the OCRB Ngouciment, everybody
19 who was present at the funeral could see that and were aware of that.

20 Q. [12:30:50] Did any member of your family come to see you at the OCRB
21 Ngouciment?

22 A. [12:31:11] The day after our arrest at OCRB Ngouciment, even though it was the
23 day (Redacted) was buried, many relatives followed us to the OCRB in Ngouciment,
24 namely, my mother and my (Redacted).

25 Q. [12:31:50] Sorry, Mr Witness, can you refrain from giving names, please - thank

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1 you - of your family, in particular.

2 So when these relatives came, what happened?

3 A. [12:32:14] Thank you for having made that comment. I think I will not make
4 that mistake again.

5 At the OCRB in Ngouciment, as I was just saying, most of the family was there. In
6 fact, people from the funeral home followed us to the OCRB in Ngouciment. My
7 aunt, who was emotionally down, she was Muslim, and she got in touch with the
8 commander of the unit, so the person who arrested us, and there was a private
9 session held. And then she left the office of the lieutenant and comforted all the
10 family members who were at the OCRB by saying that -- and the thing that the
11 commander of the unit would free us in a few minutes, but this was not the case.

12 Q. [12:33:29] So what happened to you, if you were not freed that day?

13 A. [12:33:50] So we could not be freed, but at the OCRB in Ngouciment, we were
14 transferred to a police station.

15 Q. [12:34:12] Which police station?

16 A. [12:34:20] I am referring to the Central African office for the combat against
17 banditry and crime, and the office was in the city centre of Bangui.

18 Q. [12:34:41] And why were you taken there, Witness?

19 A. [12:34:55] I have absolutely no clue why we were transferred from the
20 Ngouciment OCRB to the main OCRB.

21 Q. [12:35:12] Before being transferred to the main OCRB, Witness, did any other
22 Seleka leaders come to the OCRB Ngouciment?

23 A. [12:35:35] As I just said, after my aunt told us that we were going to be
24 freed -- now, this was about at 9 in the morning. Now, to everyone's surprise, to the
25 surprise of all the family members who were at the OCRB in Ngouciment, the accused

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1 * -- or persecutor -- arrived at the OCRB in Ngouciment in his pick-up. He contacted
2 his counterpart at the OCRB in Ngouciment, and he asked for us to be transferred to
3 the Central African office for the repression of banditry and crime in the city centre.

4 Q. [12:37:10] What was the name of this person you've referred to as the accused,
5 Madam Witness?

6 A. [12:37:24] Can I speak his name?

7 Q. [12:37:27] Yes, Witness.

8 A. [12:37:35] His name is Mahamat Said Kani.

9 Q. [12:37:47] How do you know that it was Said who asked for you to be
10 transferred?

11 A. [12:38:12] Mr Said was the main figure at the main OCRB. He was not
12 someone who was unknown for the -- in the Central African population. He was
13 rather -- he could be rather recognised. The family members who were with us told
14 us that it was Said, even though at that point of time I did not know him.

15 Q. [12:38:52] Where were you placed when he was speaking to the lieutenant?

16 A. [12:39:07] When he arrived at the OCRB in Ngouciment, he entered the office of
17 the commander of this unit. And it's in the office of the commander that the
18 conversation was held in private, and we did not know what transpired.

19 Q. [12:39:35] So when did you come to know what transpired in that office,
20 Witness?

21 A. [12:39:58] The content of what they said, I did not know what was exactly said.
22 But when he came out of the office, he said in front of everybody that we should get
23 into the cars and he is going to take us to the main OCRB office. This was in
24 the -- this was in presence of the commander of the unit, the lieutenant.

25 Q. [12:40:37] When you saw Said, how was he dressed? Do you remember?

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1 A. [12:40:59] It's nine years, not nine months or nine weeks. I have no recollection.

2 I do not know how he was dressed. I don't remember the colours or what type of
3 attire he was wearing.

4 Q. [12:41:18] And what was his relationship with the commander of the OCRB in
5 Ngouciment? Who was the superior person vis-à-vis the two? Do you know?

6 A. [12:41:42] The relationship between my torturer and the lieutenant was
7 professional. Before, it was my torturer who was the chief.

8 Q. [12:42:04] And why would you say that he was the chief?

9 A. [12:42:22] I say he is the chief because when he came to the OCRB, he was
10 recognised by most of my family members. My family members told me that he was
11 the chief. I have family members who are Muslims as well, and they told me that he
12 was the chief.

13 Q. [12:42:57] And he was the chief of what, Mr Witness?

14 A. [12:43:13] By virtue of his rank, he was one of the heads of the Seleka formation.

15 Q. [12:43:28] So did you enter the car with the others who were arrested with you
16 for the OCRB central?

17 A. [12:43:48] Yes. My torturer ordered us to get into the car in the back seat. It
18 was a pick-up. And we were heading to the main OCRB.

19 Q. [12:44:11] And why do you say he ordered you?

20 A. [12:44:34] When we were to get into the back of the vehicle, we do not see the
21 involvement of the lieutenant of the OCRB in Ngouciment. The -- my torturer told
22 me, "Get into the back of my car, of my vehicle."

23 Q. [12:45:03] So who drove the car that you were ordered by Said to get into with
24 others to the OCRB central?

25 PRESIDING JUDGE SAMBA: [12:45:13] Madam Prosecutor, I don't think -- we were

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1 waiting for that, for the witness to tell us who the torturer was. I don't think he has
2 mentioned Said as the torturer. You may want to ask him who his torturer was,
3 please.

4 MS MAKWAIA: [12:45:31] Thank you, Madam President.

5 Q. [12:45:32] Mr Witness, you have mentioned at least three times and referenced
6 the person as your torturer. Who would this be?

7 A. [12:45:53] Can I mention his name? His name is Mahamat Said Kani.

8 Q. [12:46:10] And why do you keep referring to him as your torturer, Witness?

9 A. [12:46:30] Well, I continue to refer to him as my torturer because, once I arrived
10 at the OCRB central, it was that individual who subjected us, and me, in particular, to
11 horrendous violence.

12 Q. [12:47:13] I'll come to that in a minute, Witness.

13 Could you tell the Court how you arrived at the OCRB central with the others.

14 A. [12:47:37] We were put into the back of a pick-up, which my torturer used, and
15 taken to the OCRB, the central OCRB in Bangui. So it was in his vehicle.

16 Q. [12:48:03] Did anything happen to you as you were in the vehicle being driven
17 to the OCRB central? Did your torturer say anything to you?

18 A. [12:48:32] Over the course of the journey from the -- the OCRB in Ngouciment
19 and the OCRB that was the central one, my torturer said nothing to me.

20 Q. [12:48:53] So when you arrived at the OCRB, can you describe to the Court what
21 happened to you.

22 A. [12:49:10] Well, once we got to the Ngouciment OCRB, in the courtyard of the
23 OCRB, opposite the main building --

24 Q. [12:49:25] Sorry. Which OCRB are you talking about? We got Ngouciment
25 OCRB. Can you clarify that.

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1 A. [12:49:37] I'm referring to the central OCRB.

2 So once we arrived at the central OCRB, in the courtyard of the OCRB, opposite the
3 main building of the OCRB, the central OCRB, we alighted from the pick-up. We
4 were registered by two or three Seleka troops who were there, and then we were
5 thrown in an underground cell which had a small opening through which no daylight
6 came. Day and night, during the entire period that we spent in that cell, we were in
7 the dark. The inside of the cell was filthy because of the huge amount of the human
8 excrement that was there. Nonetheless, it was there that we had to eat. It was in
9 that same cell that we had to sleep. Day and night, we were fighting off lizards,
10 mosquitoes, cockroaches who had infested the place.

11 In the cell, there was a distance of 3 to 3.6 metres between the back wall and the front.
12 So when we had to leave the cell, we had to do gymnastics to get out. In other
13 words, we had to climb on the shoulders of another to get out. So this was the
14 height between the bottom of the cell and the exit of the cell. It was at least 3 metres.
15 We did not have any visitors because my torturer had given the instruction that we
16 should be isolated from our relatives for a period of seven days.

17 Q. [12:53:28] Do you know why he gave these instructions?

18 A. [12:53:48] At no time in the hours after our arrest and our transfer to the central
19 OCRB, he never said a word about the reason why we had been arrested. However,
20 the commander of Ngouciment's unit told us right at the outset, when we were
21 arrested at the funeral, that a well-known individual, a dangerous -- a well-known
22 dangerous person in our group was in cahoots with the president who had been
23 overthrown, and that that individual was armed.

24 Mahamat Said, my torturer -- my torturer, later told me why I had been arrested.

25 Q. [12:55:30] Okay, Witness.

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- 1 MS MAKWAIA: [12:55:32] It's almost time, Madam President, I can ask a few more
2 questions on this part, in the five remaining minutes, if the witness is fine with that?
- 3 PRESIDING JUDGE SAMBA: [12:55:42] Yes. Well, you have five remaining
4 minutes. If the witness is okay, if he doesn't need a break, you can put one or two
5 more questions.
- 6 Shall we continue, Mr Witness, for five minutes?
- 7 THE WITNESS: [12:56:11](Interpretation) Well, I can continue.
- 8 PRESIDING JUDGE SAMBA: [12:56:13] Thank you very much.
9 Madam Prosecutor, please put the questions.
- 10 MS MAKWAIA: [12:56:18]
- 11 Q. [12:56:18] Witness, you told the Court when you arrived at the OCRB, you were
12 thrown under the underground cell. Do you know who said you should be thrown
13 there?
- 14 A. [12:56:47] My torturer.
- 15 Q. [12:56:51] And that would be? Can you say the name, please.
- 16 A. [12:57:01] Well, the name of my torturer is Mahamat Said Kani.
- 17 Q. [12:57:11] And when you were taken to the OCRB central, if you know, who was
18 in charge of it?
- 19 A. [12:57:27] The person who was in charge was the selfsame torturer, the person
20 whose name I've just given you.
- 21 Q. [12:57:48] And who was the president who was being spoken about when you
22 were told by the Ngouciment commander that a dangerous person was among you in
23 your group and was in cahoots with the former president? Who was this?
- 24 A. [12:58:23] I was referring to His Excellency Francois Bozizé.
- 25 MS MAKWAIA: [12:58:37] Madam President, your Honours, I think this is an

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1 appropriate moment to take the break.

2 PRESIDING JUDGE SAMBA: [12:58:42] Yes.

3 Mr Witness, we are breaking off here for lunch, and we will come back for 2.40 in the
4 afternoon.

5 Before I rise the Court, may I ask that when we are --

6 THE WITNESS: [12:58:58](Interpretation) Thank you.

7 PRESIDING JUDGE SAMBA: [12:58:59] Okay. When we are gone, you allow the
8 witness first to exit, for obvious reasons, and all of us can exit. Thank you.

9 THE COURT USHER: [12:59:13] All rise.

10 (Recess taken at 12.59 p.m.)

11 (Upon resuming in open session at 2.30 p.m.)

12 THE COURT USHER: [14:30:50] All rise.

13 Please be seated.

14 PRESIDING JUDGE SAMBA: [14:31:33] Good afternoon, everyone.

15 Mr Witness, we're going to continue with your examination by the Prosecutor.

16 Madam Prosecutor, your witness, please.

17 MS MAKWAIA: [14:31:48] Thank you, Madam President, your Honours.

18 Q. [14:31:52] Good afternoon, Witness. We're going to continue with your
19 testimony, all right?

20 A. [14:32:15] Okay.

21 Q. [14:32:20] Before the break, Witness, you were describing the condition of the
22 cell, the way -- where you were thrown in, and can you also tell us, what did you do
23 for food?

24 A. [14:32:47] Very well. Now, in terms of our food during our period of detention,
25 more often than not, it was my cousin. I can name her, if you see fit, but it was -- it

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1 was my cousin who generally brought food.

2 Q. [14:33:18] And can you describe for the Court, if you're able, how did the Seleka
3 ensure -- no, I'm going to take that back.

4 Why didn't you leave the OCRB when you were taken there, Witness?

5 A. [14:33:49] I wasn't able to leave the central OCRB on the day that I was
6 transferred to that place. I was unable to do so because my torturer had given the
7 firm instruction to the effect that we should be kept isolated from the external world
8 for a period of seven days.

9 Q. [14:34:25] Can you tell the Court if you subsequently came out from the place
10 where you were thrown in or detained.

11 A. [14:34:42] All right. Now, the cell which I occupied with the others was almost
12 under the desk of my torturer. When you went into the building by their main
13 entrance, his office was on the right-hand side and the cell that we occupied was
14 under the floorboards on the left.

15 Q. [14:35:35] How do you know it was almost under the office of your torturer,
16 Mr Witness?

17 PRESIDING JUDGE SAMBA: [14:35:42] Madam Prosecutor, let's do this: The
18 witness, I'm sure he named Mr Said as his torturer.

19 Mr Witness, you can call his name, Mr Said. You can call him, you know.

20 But at this stage, these are allegations, especially for you, Madam Prosecutor, so ...

21 MS MAKWAIA: [14:36:10] I stand guided, Madam President.

22 PRESIDING JUDGE SAMBA: [14:36:13] Thank you very much.

23 MS MAKWAIA: [14:36:15]

24 Q. [14:36:15] How do you know where you were detained was under the office of
25 Mr Said?

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1 A. [14:36:35] I don't want to contradict myself. I was saying that when you use
2 the main OCRB staircase, in the main entrance you would see my torturer's office on
3 the right-hand side, and on the left-hand side, there was another entrance, but which
4 led on to a corridor, and it was under that corridor that the underground cell was to
5 be found. Of course, above it was the planks, but then when you move those planks,
6 you would go inside the cell.

7 Q. [14:37:20] Can you tell us, please, Mr Witness, how many of you were detained
8 in this cell.

9 A. [14:37:35] Initially, there were four of us. There was me and the other three;
10 namely, the group that was arrested at the funeral. On the Tuesday, on the night of
11 Tuesday, there was an additional person who came into the cell, which made us a
12 total of five people.

13 Q. [14:38:05] Do you know the name of this additional person, Mr Witness?

14 A. [14:38:15] Yes, I do.

15 MS MAKWAIA: [14:38:27] Excuse me a moment, Madam President.

16 (Counsel confers)

17 MS MAKWAIA: [14:38:40]

18 Q. [14:38:41] You can give us the name in private session, Mr Witness. We'll hold
19 that.

20 A. [14:38:47] The name of the person --

21 MS MAKWAIA: [14:38:53] Madam President, perhaps we should just go into
22 private session so I can elicit this evidence.

23 PRESIDING JUDGE SAMBA: [14:39:02] Madam Court Officer, can we go quickly
24 into private session.

25 (Private session at 2.39 p.m.)

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(Private Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Open session at 2.40 p.m.)

15 THE COURT OFFICER: [14:40:16] We are back to open session, your Honours.

16 PRESIDING JUDGE SAMBA: [14:40:19] Thank you very much.

17 Madam Prosecutor, continue, please.

18 MS MAKWAIA: [14:40:23]

19 Q. [14:40:24] Mr Witness, while you were held in the cell at the OCRB central, did
20 you see Mr Said again?

21 A. [14:40:48] When I was transferred from the Ngouciment OCRB to the central
22 OCRB, on that very same day, the very same day of that transfer to the central OCRB,
23 at around midnight, in other words, in the night of Tuesday -- of the night of Monday
24 into Tuesday, at midnight, it was at that point that I saw Mr Said again.

25 Q. [14:41:44] Can you tell us -- or can you tell the Court, rather, in what

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1 circumstances did you see him again on this night.

2 A. [14:42:04] So, the same day as our transfer, it was the Monday, towards
3 midnight on that Monday, there was a military escort. Mr Said was dropped off at
4 the central OCRB, and at that point, we were still in the underground cell. Once he
5 had entered the central OCRB compound, Said requested that we be taken out of the
6 underground cell.

7 And once in the central OCRB courtyard, once we had arrived at that point, he
8 inspected us and he asked us to introduce ourselves. And I did so last. And then
9 he said, "Right, you, you come with me." And he handcuffed me and he put a black
10 plastic hood over my head.

11 And I told him, "Please, I am -- I suffer from asthma. I'm asthmatic. I find it
12 difficult to breathe. Can you remove this plastic bag?" And he said, "That's not my
13 problem."

14 And then he ordered me to get in his vehicle. And it was a V8 Land Cruiser. And I
15 got into the front seat alongside him. He was at the wheel. And the convoy started
16 moving.

17 When it had started moving, he asked me a question, and he asked me -- he said that
18 he had received information, according to which an individual who was reputed to be
19 dangerous with a member of our group. And Said wanted to know more. He
20 wanted me to give him details going to that information he had received. So I
21 answered him that I didn't have any information about that.

22 Apparently, that person was in league with the toppled president, the overthrown
23 president. And I can give you the name, if you see fit.

24 Q. [14:45:43] Please do.

25 A. [14:45:46] And that that particular individual, as I said, was in league with the

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- 1 overthrown president and his right-hand man Eugene Ngaikouesse. And I
2 answered that I didn't know Ngaikouesse. I didn't know him. I didn't know
3 Bozize. And I was a member of no organisation with political affiliations, and I had
4 no -- it was not in my interest to get involved in politics. I'd just come back after
5 studying. I'd just come back from abroad and I was jobless, I was unemployed.
- 6 Q. [14:46:38] Witness, as Mr Said was asking you these questions, who was driving
7 the vehicle?
- 8 A. [14:47:02] He was driving the car. It was Mr Said who was at the wheel, and
9 I was just next to him in the front passenger's seat.
- 10 Q. [14:47:19] And when he was driving the car with you inside it, where was the
11 escort, the military escort you spoke about initially?
- 12 A. [14:47:40] The military escort was behind the car that he was driving.
- 13 Q. [14:47:46] And this would be the military escort of which army or military; do
14 you know?
- 15 A. [14:48:06] I'm referring to Seleka elements.
- 16 Q. [14:48:15] Were these elements carrying any weapons?
- 17 A. [14:48:25] Of course. Of course they were. They were armed to the teeth.
- 18 Q. [14:48:34] With what kind of weapons? Could you identify any?
- 19 A. [14:48:56] Kalashnikovs. I can identify them more easily.
- 20 Q. [14:49:06] And when you told Mr Said that you were asthmatic when he asked
21 you to put on the hood, did he then allow you not to wear it?
- 22 A. [14:49:24] When I told him that I suffered from that breathing disorder and I
23 begged him to not put that hood over my head, he answered very straightforwardly
24 that it wasn't his problem. And so the hood remained on my head. I got on -- I got
25 inside the vehicle with the same plastic bag over my head.

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1 Q. [14:50:04] So how could you see with a hood over your eyes, Mr Witness?

2 A. [14:50:20] The hood --

3 PRESIDING JUDGE SAMBA: [14:50:25] Well, I was going to ask whether the

4 witness has told you that he saw anything. I don't know what --

5 MS MAKWAIA: [14:50:32] I can rephrase, madam.

6 PRESIDING JUDGE SAMBA: [14:50:35] And that's leading, yes, to comment

7 on -- yes?

8 MR FRANÇOIS-JACQUEMIN: [14:50:40](Interpretation) Those are the two very

9 comments I was going to make, your Honour.

10 PRESIDING JUDGE SAMBA: [14:50:44] Thank you very much.

11 Yes, Madam Prosecutor, can you avoid leading questions also, please.

12 MS MAKWAIA: [14:50:52]

13 Q. [14:50:53] Mr Witness, how did you know they were armed with Kalashnikovs

14 if you had a hood?

15 A. [14:51:10] The hood that I had over my head had two holes in it, and the hood

16 had been pierced with holes to enable the person wearing it, I think, to breathe. But I

17 moved those holes in front of my right eye, which enabled me, more or less, to have

18 some form of vision to see what was going on around me.

19 Q. [14:52:04] For how long did the driving take, Mr Witness?

20 A. [14:52:25] I think from the central OCRB, we went down a number of avenues

21 which crisscross the city of Bangui. And before reaching a particular place where I

22 suffered a -- some torture, I suppose, between the departure and that particular point

23 in time, it must have taken about two or three hours.

24 Q. [14:53:12] Were you able to identify some of the route that you took?

25 A. [14:53:34] Yes, I was able to identify the route, pretty much the entire route. So

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1 we left the central OCRB. And some of those who have already been to Bangui, you
2 will know that -- that we have then the Boganda avenue, which we took. When we
3 reached the tourist ministry, we turned into the Avenue des Martyrs. And then once
4 we'd reached the crossroads where the Martyrs monument is located, we entered
5 down the Avenue de France. And then we reached a crossroads, a junction, which
6 connects with Avenue de France and the Avenue Benz-VI. We took Benz-VI avenue
7 therefore. And so we took that avenue, and then we arrived at another junction
8 which connects the Benz-VI avenue and the Koudoukou avenue. So we took this
9 latter, moving in the direction of -- I think it was -- I think there's an Omar Bongo
10 statue, actually, which is located at a certain point along that avenue. It's the
11 *Maradona junction. When we reached that point, we then went down, once again,
12 Avenue des Martyrs, before reaching opposite the Primature. And then the entire
13 convoy came to a halt at this particular point.

14 Q. [14:55:37] And then what happened?

15 A. [14:55:43] When we reached -- when we arrived just in front of the Primature
16 next to a construction site, a building that was being built, which in theory was to
17 become the future Libyan embassy, once the vehicles had come to a halt and had
18 parked, my torturer got out of the car. He went up to me. He opened my
19 passenger door and he told me, "Get out, please, and move forward."
20 Now, I still had the hood over my head and my two hands were still cuffed. And so
21 he repeated, "I told you, move forward." But I saw him in the meantime, him
22 bringing out a pistol to put a silencer on it, to fit a silencer on it and load bullets, load
23 bullets into the gun. So I was in a terrible state. I was absolutely convinced that at
24 any point in time, at any second I was going to be shot dead by my torturer. And
25 at -- at that very point, I received a massive blow to the nape of my neck which sent

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1 me straight to the ground. And so I was sprawled on the ground and I was in a state
2 of semiconsciousness.

3 Q. [14:57:49] Mr Witness, for how long did you remain on the ground?

4 A. [14:58:22] As I was saying a moment ago, I was half conscious. I mean, I don't
5 know. I couldn't tell you. My body clock had been totally set into turmoil. I don't
6 know how long I spent on the ground, but what's absolutely certain is it could have
7 been between half an hour, even up to an hour.

8 Q. [14:59:05] At this point in time, what was Mr Said doing?

9 PRESIDING JUDGE SAMBA: [14:59:14] At which point in time?

10 THE WITNESS: [14:59:17](Interpretation) When --

11 PRESIDING JUDGE SAMBA: [14:59:19] Sorry.

12 At which point in time?

13 MS MAKWAIA: [14:59:20] When he was on the ground. I can take it --

14 THE WITNESS: [14:59:29](Interpretation) When I was sprawled out on the ground,
15 Mr Said withdrew with his men. They had a discussion, and they were speaking in
16 Arabic and I don't understand Arabic. And once they had finished talking, he came
17 back up to me. And he said to me in Sango, and I can quote him, (Speaks Sango) in
18 Sango. In other words, "Stupid bloody fool, get up." And I was perfectly incapable
19 of getting up. And with the help of two or three of his elements, they came up to me
20 to put me back up on my feet.

21 Q. [15:00:43] Did Mr Said say anything to his -- his elements?

22 PRESIDING JUDGE SAMBA: [15:00:59] Yes, Counsel.

23 MR FRANÇOIS-JACQUEMIN: [15:01:00](Interpretation) Thank you, your Honour.

24 I think that the question is a leading question, to my mind.

25 PRESIDING JUDGE SAMBA: [15:01:13] Madam Prosecutor.

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1 MS MAKWAIA: [15:01:16]

2 Q. [15:01:16] What, if anything, did Mr Said say?

3 A. [15:01:29] Well, when I was put back on my feet, he said to his elements that
4 they should take me to the police station of the 2nd arrondissement, that they should
5 kill me, put my body in a bag and throw me into the Oubangui-Chari river.

6 Q. [15:02:04] As he said this, Mr Witness, what was going through your mind?

7 A. [15:02:23] I think that as a human being, when you hear such things being said
8 to you, it terrifies you. And I knew that that day I could die at any moment. I was
9 terrified.

10 Q. [15:02:54] And then what happened to you?

11 A. [15:03:15] He told me to get back on board the Land Cruiser V8 vehicle, but this
12 time he was not at the wheel. I was with two or three of his elements on board that
13 vehicle, and the third one was behind the steering wheel.

14 Q. [15:03:43] Where did they take you?

15 A. [15:04:05] To the place where they had beaten me -- sorry. We left from there
16 and went directly back to the central OCRB. But in the meantime, when we arrived
17 at the entrance of the police station in the 2nd arrondissement, I thought that
18 everything was in place for me to die on that day. But to my immense surprise, the
19 driver did not stop, but, rather, he drove straight on to the central OCRB.

20 Q. [15:04:54] And how did Said leave the place where he had hit you on your nape,
21 Mr Witness?

22 A. [15:05:19] From the place where I was subjected to that degrading treatment, I
23 didn't see him after that. He left in a different direction, and I left with three of his
24 elements, one of whom was driving the vehicle. And I was with them until we
25 arrived at the central OCRB.

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1 Q. [15:05:54] As these three elements were driving you, did they speak to you?

2 A. [15:06:17] Yes. The one who was driving tried to say some things to me. He
3 said, "Why were you arrested?" I told him that I didn't know. He continued to
4 push me and said, "Tell me the truth and I'll save you." But I didn't say anything to
5 him until we arrived at the central OCRB.

6 Q. [15:07:09] So when you arrived at the OCRB, Mr Witness, where did you go?

7 A. [15:07:24] When we arrived at the central OCRB, in the courtyard of the OCRB,
8 the handcuffs and ties were removed from me and I was put back in the cell with the
9 others and the bag was taken from my head. And when I got back to my cell, my
10 fellow prisoners in the cell started to cry.
11 I said to them, "There's no point in crying because if my torturer comes to kill me, as
12 you're in the same cell as me, when he comes to get me here, you will see that he takes
13 me away, and you will be considered to be witnesses and you in turn will be done
14 away with. You will suffer the same fate as I will."

15 Q. [15:08:39] Where did you spend that night?

16 A. [15:08:49] I was in the same cell as the others and I spent the night in that same
17 cell.

18 Q. [15:09:00] Were you hurt as a result of the violence you suffered at the hands of
19 Mr Said, Mr Witness?

20 A. [15:09:28] I didn't have injuries as such, but I am still scarred. I still have scars
21 in me. I have a wound that is far from healed, in psychological terms. I continue to
22 see those scenes again in my head, the scenes of the day when I was beaten by Said.

23 Q. [15:10:19] When you were at the OCRB, Mr Witness, were you visited by any
24 judicial official?

25 A. [15:10:53] When we were transferred to the central OCRB, the prosecutor,

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1 Prosecutor Tolmo, conducted a kind of inquiry, a commission rogatory conducted by
2 two individuals. They came to visit us on the Tuesday of our arrest and on the
3 Wednesday. The two people were two policemen, a man and a woman.

4 Q. [15:11:44] And after they conducted this inquiry, what happened to you?

5 A. [15:12:15] After that rogatory commission, on Thursday, 22 August 2013, I
6 believe on the order of Prosecutor Tolmo, the lieutenant, who was the commander of
7 the unit at the OCRB and who had arrested us at the funeral, and Mr Mahamat Said,
8 well, the prosecutor ordered them to bring us to his office, which was in the law
9 courts.

10 Q. [15:13:01] How did they take you to his office?

11 A. [15:13:20] My torturer, the accused, put all four of us in his vehicle and we
12 travelled directly to Prosecutor Tolmo.

13 Q. [15:13:47] When you were at Prosecutor Tolmo's, did he ask you any questions?

14 A. [15:14:08] When we were in Prosecutor Tolmo's office, he asked us to introduce
15 ourselves. We did that. He then said that * myself, (Redacted)
16 (Redacted), that we were free to go. But he said (Redacted) had to be brought back
17 to his cell.

18 Q. [15:14:55] Witness, can you refrain from giving names.

19 So did you then leave?

20 A. [15:15:16] That same day, the four us went back to the central OCRB once again
21 in the accused's vehicle. When we arrived back there, myself, (Redacted)
22 (Redacted) were released. We were given a release order.

23 PRESIDING JUDGE SAMBA: [15:15:53] Mr Witness, we are in open session, so
24 please watch it when you name names.

25 MS MAKWAIA: [15:16:03] Madam President, with your leave, please, can we just

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1 go into private session.

2 PRESIDING JUDGE SAMBA: [15:16:14] Madam Court Officer, can we kindly go

3 into private session.

4 (Private session at 3.16 p.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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12 (Redacted)

13 (Redacted)

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25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [15:20:05] So how did your release come about? Did you acquire any specific
5 documentation for it?

6 PRESIDING JUDGE SAMBA: [15:20:27] Madam ...

7 Sorry, Defence counsel, I know what --

8 MR FRANÇOIS-JACQUEMIN: [15:20:31](Interpretation) And perhaps you've read
9 my mind, your Honour. I think that this question is a leading question, but I would
10 give the floor, of course, to you, your Honour. This is the objection that I am
11 making.

12 PRESIDING JUDGE SAMBA: [15:20:46] Thank you very much. I take note of that,
13 and you are right.

14 Madam Prosecutor, can you rephrase your question, please. And can we avoid
15 leading questions, please.

16 MS MAKWAIA: [15:20:59] Yes, Madam President, I'll rephrase that.

17 Q. [15:21:04] Mr Witness, before you left the OCRB, what procedure did you have
18 to go through?

19 A. [15:21:27] Before leaving the OCRB to go home, the procedure which was
20 carried out simply involved writing a release note, and that release note was then
21 handed to me.

22 Q. [15:21:56] Did you get to see this release note yourself, Mr Witness?

23 PRESIDING JUDGE SAMBA: [15:22:06] I thought he said it was handed over to
24 him.

25 MS MAKWAIA: [15:22:15]

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1 Q. [15:22:15] Mr Witness, during the course of your interview, your
2 statement-taking with the investigators of the Office of the Prosecutor of the
3 International Criminal Court, did you give them a copy of this document?

4 A. [15:22:47] Yes, I did. I provided them with a copy of it, a copy of that
5 document, which I still have with me.

6 MS MAKWAIA: [15:22:55] With your leave, your Honours, I would like displayed
7 this document. A copy of it is found at tab 5, CAR-OTP-2130-6657.

8 PRESIDING JUDGE SAMBA: [15:23:28] While we get to that, can I ask the witness.
9 Mr Witness, shall we continue, or do you want a little break?

10 THE WITNESS: [15:23:46](Interpretation) We can continue.

11 PRESIDING JUDGE SAMBA: [15:23:47] Thank you very much.

12 MS MAKWAIA: [15:24:03]

13 Q. [15:24:03] Mr Witness, and do you still have the original of this document
14 yourself?

15 A. [15:24:09] Yes, I have the original of the document here now with me.

16 Q. [15:24:16] Okay. I think for the moment this will suffice.

17 Can you -- can you read? Can you? Can you read what's written on this document
18 displayed before us?

19 A. [15:24:47] "Release. Upon the instruction of Colonel Mahamat Said, (Redacted)
20 (Redacted) is released due to an absence of evidence and assistance from the
21 complaining party. Dated (Redacted) 2013." And there are two signatures at the
22 bottom. The first of the signatures, which is to the left, says OPJ, so that
23 is -- (Redacted), so that's police officer -- senior law enforcement officer (Redacted)
24 (Redacted). And then on the other side you have (Redacted), a lieutenant.

25 Q. [15:25:52] And, to your knowledge, this release document which states here was

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1 under the instruction of Colonel Mahamat Said, who would that be?

2 A. [15:26:19] Colonel Mahamat Said was the person who was in charge of the
3 central OCRB of Bangui.

4 Q. [15:26:38] And was it explained to you what the "*faute absence de preuve*" meant?

5 A. [15:27:03] I was given no explanations regarding this document. The
6 document was written up and handed to me.

7 Q. [15:27:20] Did your family in any way -- I'll phrase that again.

8 To your knowledge, what, if any, role did your family play in your release,
9 Mr Witness?

10 A. [15:27:48] Yes, of course. My parents played a central role throughout my
11 arrest. I think it was thanks to their actions that I had the fortune to be released.

12 Q. [15:28:08] Can you tell the Court, please, what kind of action did they
13 undertake?

14 A. [15:28:37] (Redacted)

15 (Redacted), they contacted the public prosecutor and informed him

16 that I was being held at the central OCRB of Bangui. And another approach was

17 made by the prosecutor. He also took -- or made contact with a Seleka general called

18 Tahir. The purpose of that contact was to explore, to inquire as to how I could be

19 released. Then in parallel to this approach to Tolmo, (Redacted)

20 (Redacted)

21 (Redacted). So various

22 avenues were taken in the hope that one or the other would lead to my release.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 Q. [15:32:38] And when you were held at the OCRB, did you see any of these
11 persons you've mentioned, Mahamat or General Tahir?

12 A. [15:32:58] Yes. When I was held at the OCRB, with the exception of the day
13 where I was taken out of my cell, with that exception aside, throughout the entire
14 time we were in the underground cell, from the back of the cell we could hear
15 Mr Mahamat Said's voice. It was the person who had killed -- who had given orders
16 and who was speaking aloud. And in terms of General Tahir, I only saw him once,
17 and I didn't see him again until my release.

18 Q. [15:34:10] Can you describe the circumstances in which you saw him there at the
19 OCRB.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 Q. [15:43:59] Mr Witness, can you describe for the Court the condition in which

11 (Redacted) was when he arrived into the basement cell?

12 A. [15:44:30] This was two days after our transfer to the Bangui central OCRB.

13 (Redacted), he had been arrested by the

14 elements of the central OCRB and driven to the premises of his commissariat. He

15 was thrown into the same underground cell that we were in, but he didn't stay long

16 with us in the underground cell because at dawn the next day, in other words, in the

17 night from Tuesday to Wednesday, he was taken out of that underground cell. And

18 I have no idea, I have no idea what was his fate after that.

19 But what I can tell you is that before my cousin (Redacted) died, he told me that (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [15:46:08] On the night (Redacted) was brought into your cell at the basement,

23 are you aware if other arrests -- arrestees were brought to the OCRB?

24 A. [15:46:52] During that night that (Redacted) was transferred to the central OCRB,

25 in parallel with that, a group of young girls had been arrested and had been taken to

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1 the central OCRB. These girls were not thrown into the cell with us. They were in
2 the OCRB courtyard. They received blows from the elements at the central OCRB,
3 and we knew that because the girls were screaming and weeping while the central
4 OCRB elements were insulting them. Please forgive the words. They were saying,
5 "Whores that you are." Forgive me for putting it that way.

6 Q. [15:48:04] Thank you, Witness.

7 MS MAKWAIA: [15:48:06] Madam President, we can revert to a public session.

8 PRESIDING JUDGE SAMBA: [15:48:14] Madam Court Officer, can we revert to
9 open session, please.

10 (Open session at 3.48 p.m.)

11 THE COURT OFFICER: [15:48:32] We are back to open session, Madam President.

12 PRESIDING JUDGE SAMBA: [15:48:34] Thank you very much.

13 Madam Prosecutor, carry on, please.

14 MS MAKWAIA: [15:48:40] Thank you, Madam President.

15 Q. [15:48:45] The witness has his hand up.

16 Yes, Witness?

17 A. [15:48:55] Can I speak to you? Can I do that? I have a certain need.

18 PRESIDING JUDGE SAMBA: [15:49:03] Okay. Do you need a break?

19 THE WITNESS: [15:49:08](Interpretation) I need a pause. Just a very brief pause.

20 PRESIDING JUDGE SAMBA: [15:49:13] Okay. We'll rise for two minutes and
21 come right back. Thank you.

22 THE COURT USHER: [15:49:18] All rise.

23 (Recess taken at 3.49 p.m.)

24 (Upon resuming in private session at 3.55 p.m.)

25 THE COURT USHER: [15:55:05] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SAMBA: [15:55:24] Yes, we'll continue with
3 examination-in-chief. And for the record, we are in private session.

4 Madam Prosecutor, please carry on.

5 MS MAKWAIA: [15:55:37] Thank you, Madam President.

6 We can revert to the public session, Madam President, your Honours.

7 PRESIDING JUDGE SAMBA: [15:55:55] Thank you very much.

8 Madam Court Officer, can we go back to open session, please.

9 (Open session at 3.56 p.m.)

10 THE COURT OFFICER: [15:56:06] We're in open session, your Honours.

11 PRESIDING JUDGE SAMBA: [15:56:10] Thank you.

12 Madam Prosecutor, your witness, please.

13 MS MAKWAIA: [15:56:14]

14 Q. [15:56:19] Mr Witness, during the course of your interview with the
15 investigators of the Office of the Prosecutor of the International Criminal Court, you
16 made a sketch, you made a sketch of what you describe to them was used by Mr Said
17 against you.

18 PRESIDING JUDGE SAMBA: [15:56:55] Yes, Mr --

19 MR FRANÇOIS-JACQUEMIN: [15:57:00](Interpretation) My thanks, your Honour.

20 This question has no basis, as far as I can see. And it is also leading.

21 PRESIDING JUDGE SAMBA: [15:57:11] Madam Prosecutor, in response, please, to
22 the objection.

23 MS MAKWAIA: [15:57:17] It's not leading, Madam President. This forms part of
24 the statement of the witness. He's already testified to this event. But in the
25 efficiency of time, I'm going to rephrase my question.

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1 Q. [15:57:34] Mr Witness, do you recall making any sketches when you met
2 investigators of the Office of the Prosecutor as you were interviewed for your
3 statement?

4 A. [15:57:51] Yes, I do. I remember having made a small drawing during my
5 interview with the investigators working for the Court in CAR, my country.

6 Q. [15:58:25] Do you remember what kind of drawing this was?

7 A. [15:58:38] Of course I do.

8 Q. [15:58:39] What was it?

9 A. [15:58:44] I drew them a pistol fitted with a silencer.

10 Q. [15:58:58] And why did you do that?

11 A. [15:59:13] Because the investigator on that day, he wanted to know more. He
12 wanted to know the type of weapon that had been used by my torturer to strike me at
13 the nape of my neck.

14 MS MAKWAIA: [15:59:37] I am mindful of the time, your Honours, but --

15 PRESIDING JUDGE SAMBA: [15:59:46] I'd ask how much more time do you need
16 on your legs, please, for this witness? Do you think you need more than 10 minutes?
17 I mean, as in direct examination. And if you really do need more time, you can say
18 so.

19 MS MAKWAIA: [16:00:02] I do, Madam President. I estimate I may need another
20 half hour tomorrow morning.

21 PRESIDING JUDGE SAMBA: [16:00:11] Very well then. We'll end today's session
22 here then.

23 And tomorrow when we come, Mr Witness, you will continue taking questions from
24 the Prosecution. And I'm going to ask you not to discuss your testimony with
25 anyone when you leave here.

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- 1 So with that, I would ask that we adjourn today's session, and I will rise the Court
- 2 and ask that we come tomorrow at 9.30, please.
- 3 THE COURT USHER: [16:00:48] All rise.
- 4 (The hearing ends in open session at 4.00 p.m.)