

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 Thursday, 3 November 2022  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:32] All rise. The International Criminal Court is now in  
11 session. Please be seated.  
12 PRESIDING JUDGE SAMBA: [9:32:47] Good morning, everyone.  
13 Madam Court Officer, can you kindly mention the case.  
14 THE COURT OFFICER: [9:32:56] 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 we are in open  
17 session.  
18 PRESIDING JUDGE SAMBA: [9:33:08] Thank you very much.  
19 Can I ask the parties to introduce themselves, please, starting with the Prosecution.  
20 MS MAKWAIA: [9:33:17] Good morning, Madam President, your Honours. For the  
21 Prosecutor this morning myself, Holo Makwaia, senior trial lawyer; and Sanyu  
22 Ndagire, associate trial lawyer. Thank you.  
23 PRESIDING JUDGE SAMBA: [9:33:28] Thank you, Ms Makwaia.  
24 Ms Pellet for the victims, please.  
25 MS PELLET: [9:33:33](Interpretation) Thank you, your Honour. The victims are

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1 represented by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at the Office of  
2 Public Counsel for Victims.

3 PRESIDING JUDGE SAMBA: [9:33:46] Thank you very much, Ms Pellet.

4 The Defence. Ms Naouri, for the Defence, please.

5 MS NAOURI: [9:33:53](Interpretation) Thank you, your Honour. Beside me there is  
6 Sarah Valduriez and Léa Allix, and behind me, Dov Jacobs and Capucine Banet. I, of  
7 course, am Jennifer Naouri.

8 PRESIDING JUDGE SAMBA: [9:34:11] Thank you, Ms Naouri.

9 And, Mr Said, for the record, you're in court. Good morning.

10 MR SAID: [9:34:21](Interpretation) Good morning, your Honour.

11 PRESIDING JUDGE SAMBA: [9:34:30] And, Mr Witness, a very good morning to you.  
12 I hope you rested well.

13 THE WITNESS: [9:34:44](Interpretation) Good morning, your Honour.

14 PRESIDING JUDGE SAMBA: [9:34:46] Thank you. Mr Witness, we're going to  
15 continue with your cross-examination by counsel for the Defence. You know we  
16 started yesterday.

17 I just want to remind you that you are still under oath to speak the truth and nothing  
18 but the truth.

19 WITNESS: CAR-OTP-P-2400 (On former oath)

20 (The witness speaks Sango)

21 PRESIDING JUDGE SAMBA: [9:35:10] So I'm going to ask counsel for the Defence to  
22 start her cross-examination of you this morning. Thank you.

23 Counsel, please.

24 MS VALDURIEZ: [9:35:19](Interpretation) Thank you, your Honour.

25 Could we move into private session, please.

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1 PRESIDING JUDGE SAMBA: [9:35:28] Madam Court Officer, could we go briefly into  
2 private session, please.

3 (Private session at 9.35 a.m.)

4 THE COURT OFFICER: [9:35:42] We're in private session, Madam President, your  
5 Honours.

6 PRESIDING JUDGE SAMBA: [9:35:43] Thank you very much.

7 Counsel, please continue.

8 MS VALDURIEZ: [9:35:50](Interpretation) Thank you.

9 QUESTIONED BY MS VALDURIEZ: (Interpretation)(Continuing)

10 Q. [9:35:59] Good morning, Witness.

11 A. [9:36:00] Good morning.

12 Q. [9:36:04] I'd like to return to what we were discussing yesterday in court, and I  
13 refer to the transcript of 2 November 2022. So this is transcript 30, page 71, lines 6 to  
14 28.

15 Now, a question is put to you:

16 "Witness, you describe in your written statement that it was (Redacted) who put you in  
17 contact with the representatives of the Office of the Prosecutor. Did (Redacted) tell you  
18 back in (Redacted), when he contacted you for the first time, why the  
19 representatives of the Office of the Prosecutor wanted to contact you?"

20 And now I'll read your answer:

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 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted); am I right about that, Witness?

12 A. [9:38:51] No, it wasn't in (Redacted)

13 (Redacted)

14 Q. [9:39:03] Thank you, Witness. And it was at that period of time that (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 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted). That's how it went.

9 Q. [9:41:05] Thank you, Witness. When did you ask (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 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MS VALDURIEZ: [9:44:24](Interpretation) \* In your written statement, tab 2, French  
12 version, tab 1, English version, CAR-OTP-2130-4712, at page 4715, paragraph 11, you  
13 state the following:

14 (Redacted)

15 (Redacted)

16 Can you confirm that, Witness?

17 A. [9:45:06] Yes, I confirm it.

18 Q. [9:45:08] And you met with the investigators in (Redacted); is that correct?

19 A. [9:45:15] Yes, that's right.

20 Q. [9:45:28] Witness, yesterday in court you told us that you went back to work \* at  
21 (Redacted) in 2018. Do you recall?

22 A. [9:45:35] In 2018 I went to (Redacted)  
23 (Redacted). But it was from 2020 onwards that I really settled here to continue  
24 working in (Redacted). I never worked anywhere else.

25 Q. [9:46:10] Where do you live today, in (Redacted)?

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1 A. [9:46:14] (Redacted)

2 Q. [9:46:26] In your request to participate, dated 22 March 2022 - this at tab 16, CAR-  
3 OTP-2135-3882, page 3888 - in response to the question: "Please specify your  
4 profession, if you have one," you state: "(Redacted)." Now, do  
5 you have anything to comment on that?

6 A. [9:47:17] (Redacted)

7 (Redacted)

8 Q. [9:47:43] Which year was this, Witness?

9 A. [9:47:45] It was during this year, 2022.

10 Q. [9:48:00] Thank you for that clarification. I'd now like to go back to the matter of  
11 your contact with the representatives of the Office of the Prosecutor.

12 THE INTERPRETER: [9:48:15] The interpreter corrects: The gentleman worked as a  
13 (Redacted).

14 MS VALDURIEZ: [9:48:24](Interpretation) Now, at tab 2, tab 1 in the English version,  
15 CAR-OTP-2130-4712, at page 4715, paragraph 13 and 14.

16 Q. [9:48:40] You state that:

17 (Redacted)

18 (Redacted)

19 (Redacted)

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 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [9:52:04] So you say that you stayed -- well, let me rephrase that. Why did you  
14 wait so long for the investigators of the Office of the Prosecutor?

15 A. [9:52:16] Well, no, it was him who asked me to stay and to wait and be a witness.  
16 It wasn't my choice. And as I've said before, because you've already asked me before, if  
17 he was here, he could have explained to you how he had met them, in what conditions  
18 or context he had met them. But this all came about when they were with him, so  
19 perhaps he was following up on that. I didn't inquire as to how he had contacted them  
20 or how he had been put in contact with these people. I know that he just asked me to  
21 keep my telephone on and that I would receive a telephone call from somebody who  
22 wanted to talk about what had happened to me.

23 Q. [9:53:23] Thank you, Witness. Now, when you met with the investigators of the  
24 Office of the Prosecutor, you wanted to get back to (Redacted) as soon as possible,  
25 didn't you?



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- 1 A. [9:53:43] I haven't understood. What did I do? What did I want to do?
- 2 Q. [9:53:55] I shall repeat that. When you met the investigators of the Office of the  
3 Prosecutor, you wanted to go back to (Redacted) as soon as possible, didn't you? You  
4 wanted to get back home as soon as possible.
- 5 A. [9:54:15] No. We met. And it was only after the interview, I stayed some time  
6 after before heading back to (Redacted).
- 7 Q. [9:54:34] How long did you stay before returning to (Redacted)?
- 8 A. [9:54:38] I spent more than a month. In any case, more than a month and a half.
- 9 Q. [9:55:04] And what did you do during that month and a half?
- 10 A. [9:55:09] I continued to work for him. He gave me a small amount of money.
- 11 Q. [9:55:26] So it was (Redacted) who enabled your -- enabled the investigators to  
12 make contact with you. Now, to your knowledge, did (Redacted) give other  
13 information to the Office of the Prosecutor?
- 14 A. [9:55:46] No, I'm afraid I don't know. I couldn't say. The investigators put  
15 questions regarding what had happened - what had gone on, what had happened to  
16 me - but they didn't put any other questions to me regarding (Redacted). They just asked  
17 about the circumstances surrounding the incident and what had happened to me. But  
18 regarding him, I don't know. They didn't talk to me about him. In any case, they  
19 didn't talk to me about him.
- 20 Q. [9:56:25] Thank you, Witness. So returning now to your interview by the  
21 investigators of the Office of the Prosecutor, could you tell us a bit more about how that  
22 interview was conducted?
- 23 \* When he dropped me off, he said, "Here is the place. Here is the house." I knocked, I  
24 went in, and then he left. So he went and left in his car. I entered. It wasn't that he  
25 came in to really introduce me to the investigators. No. He just dropped me off at

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- 1 their compound and said, "This is the place." I knocked on the door or at the gate, and  
2 I entered. I met the investigator.
- 3 Q. [9:57:37] So who was present during the interview?
- 4 A. [9:57:44] There was no one else. Just me and the investigators.
- 5 Q. [9:58:00] There was an interpreter, wasn't there?
- 6 A. [9:58:06] Yes. Yes, that's right. There was.
- 7 Q. [9:58:13] Did you know the interpreter who was present?
- 8 A. [9:58:16] No. The person introduced themselves, but, personally, I didn't know  
9 him. And I never saw him again after that interview.
- 10 Q. [9:58:35] In what language was your statement read back to you, Witness?
- 11 A. [9:58:45] My statement was read back to me in French, and then translated into  
12 Sango.
- 13 Q. [9:58:58] Can you explain to us how that reading back of your statement took  
14 place.
- 15 A. [9:59:03] Well, my statement was the one that was taken down. And then  
16 afterwards, it was read back to me to make sure that the information it contained were  
17 correct; or if they weren't, if some of the information was erroneous, the idea was that I  
18 would then correct it, and that's what I did.
- 19 Q. [9:59:37] The document which was read back to you, was that in French or was it a  
20 document in English? What language was read out and then translated into Sango?
- 21 A. [9:59:53] It was in English, French, and they did a translation into Sango.
- 22 Q. [10:00:03] How long did that reading back take?
- 23 A. [10:00:09] I can't estimate the time. It's been a long time now.
- 24 Q. [10:00:19] Were there any pauses?
- 25 A. [10:00:21] Yes, there were pauses.

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1 Q. [10:00:33] Did you bring any corrections during that reading back session?

2 A. [10:00:36] No. They just read it back to me. Read my statement back to me.

3 Q. [10:00:58] When your statement was taken, did the investigators explain to you  
4 the subjects that were of interest to them?

5 A. [10:01:08] Yes.

6 Q. [10:01:24] What subject was of interest to them?

7 A. [10:01:34] Well, matters such as -- well, that was a long time ago now. I cannot  
8 know what chronological order they followed when putting questions to me. As to all  
9 the questions they put to me, I no longer recall. I do not know what matters were  
10 broached. It's a long time ago now, so I can't remember everything.

11 Q. [10:02:17] Did the investigators already know anything about the subjects that  
12 were of interest to them? Let me be more specific. With regard to what happened to  
13 you, were they aware?

14 A. [10:02:35] As to whether they knew anything that happened to me beforehand,  
15 maybe. They came with a name in mind. They put questions to me, and I told them  
16 what had happened to me, and they recorded those facts.

17 Q. [10:03:12] Thank you, Mr Witness. Another question. Mr Witness, were there  
18 many people (Redacted) at the day of your arrest?

19 A. [10:03:26] Yes, many people.

20 Q. [10:03:38] Shortly before your arrest at approximately 7.00 p.m., (Redacted)  
21 (Redacted), was there not?

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

23 Q. [10:03:58] (Redacted), was there not?

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [10:04:34] (Redacted). Nothing else.

4 PRESIDING JUDGE SAMBA: [10:04:45] We are still in private session, I suppose. Do  
5 you still want this testimony to continue in private session, counsel?

6 MS VALDURIEZ: [10:05:09](Interpretation) Yes, a little bit longer. There is the  
7 following matter that I shall broach that will be in open session.

8 PRESIDING JUDGE SAMBA: [10:05:14] Thank you. Put your question, please,  
9 madam.

10 MS VALDURIEZ: [10:05:28](Interpretation) Thank you very much.

11 Q. [10:05:33] Mr Witness, could you tell us precisely where you were when the  
12 Seleka arrested you in the (Redacted)?

13 A. [10:05:44] I was inside the (Redacted). With regard to where we were, I was on  
14 the right-hand side. I was arrested, and I was (Redacted)  
15 (Redacted).

16 Q. [10:06:07] The first individual who hit you with the butt of their gun, can you  
17 explain to us what happened when you were arrested?

18 A. [10:06:21] No. When they arrived, first of all, they shut off the main entrance.  
19 (Redacted). And we weren't expecting them to arrive. There were many of  
20 them when they entered (Redacted). Our telephones were visible, and people said, "It's  
21 him." They took both of our telephones and they started shouting and they said, "Get  
22 up." And I said, "What did I do?" And they started to use their rifle butts to hit me.

23 \* And they grabbed me by my belt and took me outside. (Redacted) was in tears. They  
24 (Redacted) the very first person to  
25 be taken into the car.. It was afterwards that I was taken into the car and other soldiers

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1 or militiamen got in next to us before we were transported away somewhere else.

2 Q. [10:07:38] Thank you very much for those details. Could you please tell us which  
3 elements of the Seleka were present during your arrest?

4 A. [10:07:47] No, I'm not in a position to know who those Seleka soldiers were. I  
5 don't know those Seleka soldiers. We are in (Redacted) talking. People came in. They  
6 arrested us. We were taken to the Camp de Roux, and at the Camp de Roux they beat  
7 me, and then they took me to the OCRB where I was detained. And the person that I  
8 know at the OCRB is Mahamat Said. I do not know who arrested me. It was at night-  
9 time. I do not know. I spent a week and six days at the OCRB which enabled me to  
10 ascertain who was present at the OCRB. In response to your question.

11 Q. [10:08:50] You say that you do not know who arrested you.

12 A. [10:08:58] Subsequently, after having been released from the OCRB, (Redacted)  
13 (Redacted) said to me that Adoum \*Kanto and he gave another name I do not know – he  
14 did give another name - he said that it was they who had come to arrest me, but I do  
15 not know personally who arrested me. I was sitting down. They came and they  
16 arrested me. I do not know the identity of those who arrested me. The only person  
17 that I recognise in all of those incidents that occurred and happened to me is the  
18 individual that I identified at the OCRB, that is, Mahamat Said, because I was detained  
19 at the OCRB.

20 Q. [10:10:04] Did (Redacted) tell you how he was aware, in view of the fact that he was  
21 the one who gave you the names of the individuals who arrested you?

22 A. [10:10:24] No, no. It was after my release that he spoke to me about it, but I do not  
23 have any details, and I do not have any further information in this regard.

24 Q. [10:10:37] Mr Witness, do you know who (Redacted) is?

25 A. [10:10:48] Who are you talking about, please?

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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 (Redacted)

15 remember everyone.

16 Q. [10:13:23] It doesn't matter, Mr Witness. How did your brother come to know that  
17 you had been detained?

18 A. [10:13:39] How did he come to know? When I was arrested at night-time, nobody  
19 was in a position to know my destination. It was the next day in the evening when I  
20 was still in the basement cell that (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 THE INTERPRETER: [10:14:37] It was still night-time, correction.

25 A. [10:14:40] (Redacted). My co-detainees

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1 helped me to get out of that cell, and (Redacted). I was rather  
2 emotional and I was tearful, and I had him understand that I had wounds all over my  
3 body - on my head, on my mouth - and that it was important for him to buy some  
4 medicines, some water, some food, and bring it to me.  
5 Then (Redacted) brought me back into the underground cell. He said to him that after  
6 having bought everything that he was going to buy, he would have to come to Point 0  
7 and wait for 7.00 to come in order to make sure that Said was not present. And 7.00, 7  
8 p.m., he arrived with everything that he was due to buy, and he met -- well, my co-  
9 detainees helped me get out of the basement cell. He handed over the medicines and  
10 food to me.  
11 So the visit only lasted four to five minutes. I was crying and he was too. So I took  
12 everything that he had brought with him and I took everything back into the cell. He  
13 then left.  
14 I do not have any information with regard to (Redacted). But I  
15 would like to specify once again that it was when (Redacted)  
16 (Redacted)  
17 (Redacted). And that was when my elder brother  
18 gleaned information about me.

19 Q. [10:17:02] Thank you very much indeed, Mr Witness.

20 MS VALDURIEZ: [10:17:10](Interpretation) Madam President, I believe that we can  
21 now move into open session.

22 PRESIDING JUDGE SAMBA: [10:17:13] Madam Court Officer, can we please go back  
23 to open session. Thank you very much.

24 (Open session at 10.17 a.m.)

25 THE COURT OFFICER: [10:17:29] We are in open session, Madam President.

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1 PRESIDING JUDGE SAMBA: [10:17:31] Thank you.

2 Counsel, please continue.

3 MS VALDURIEZ: [10:17:41](Interpretation) Thank you.

4 Q. [10:17:41] Mr Witness, we are in open session, so you need to refrain from  
5 providing identifying information, and I will be careful. So my question to you: How  
6 many vehicles were there, and how many people had come to the (Redacted) to  
7 arrest you?

8 A. [10:17:59] There were four.

9 THE INTERPRETER: [10:18:09] Correction: How many people were there in those  
10 vehicles who came to the (Redacted) to arrest you.

11 MS VALDURIEZ: [10:18:15](Interpretation)

12 Q. [10:18:16] One of the individuals who were present in the (Redacted) and who was  
13 present at the time of the arrest stated --

14 MS VALDURIEZ: [10:18:34](Interpretation) This document should not be presented for  
15 evident reasons of confidentiality. It is to be found at tab 24 of our list of evidence, and  
16 the English version is to be found at tab 25, CAR-OTP-2127-9409, page 9415, paragraph  
17 27. So please do not bring this document up on the screen.

18 Q. [10:19:04] And I quote:

19 "What this individual present in the (Redacted) at the time of the arrest stated as follows: I saw  
20 six vehicles from Seleka parked outside next to the (Redacted), five BJ-75s and a patrol car."  
21 Do you have any comments on that, Mr Witness?

22 \* A. [10:19:33] I have no comments to make. I'm listening to you, that's all.

23 Q. [10:19:50] Could you describe those vehicles to us, the vehicles of those  
24 individuals who came to the (Redacted) for the purposes of the arrest.

25 A. [10:20:12] I was loaded into a Hilux, dual-cabin vehicle that was white in colour.



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- 1 The other vehicles were parked, parked up. The vehicle that I was loaded into was just  
2 at the entrance to (Redacted).
- 3 MS VALDURIEZ: [10:20:35](Interpretation) Madam President, can we move back into  
4 private session, please.
- 5 PRESIDING JUDGE SAMBA: [10:20:39] That's okay.
- 6 Madam Court Officer, can we go back briefly into private session. Thank you.  
7 (Private session at 10.20 a.m.)
- 8 THE COURT OFFICER: [10:20:55] We are back to private session, your Honours.
- 9 PRESIDING JUDGE SAMBA: [10:20:57] Thank you.
- 10 Counsel, please continue.
- 11 MS VALDURIEZ: [10:21:10](Interpretation)
- 12 Q. [10:21:15] Mr Witness, who was present in the (Redacted), and who was present when the  
13 arrest was made, stated -- and I'm going to be referring to a document that should not  
14 be brought up on the screen for reasons of confidentiality that are evident, to be found  
15 at tab 20 of our list of evidence, 21 for the English version, CAR-OTP-2130-4699, page  
16 4704, paragraph 20.
- 17 "This individual stated, having seen two of the BJ-80 vehicles, had heavy weaponry  
18 mounted on the cabin, and that the third vehicle was also a Hilux pickup that was dark  
19 grey in colour."
- 20 Do you have anything further to add, Mr Witness?
- 21 A. [10:22:18] The vehicles that were parked in the darkness, well, I was not able to  
22 identify them. However, the vehicle that was just at the entrance to the (Redacted) is the one  
23 that I saw, and that was the one that I was loaded into. And when we left, all the  
24 vehicles sped off so I could not identify them. It is true that there was heavy weaponry  
25 on those vehicles, yes.

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1 Q. [10:23:01] Mr Witness, when you mention in your statement, having seen a police  
2 officer, a criminal investigations police officer at the Camp de Roux, could you please  
3 tell us a little more about your exchanges with him.

4 A. [10:23:28] Yes. When they took me away, they immediately started questioning  
5 me. And a few moments later, he arrived with a vehicle with the word "Gendarmerie"  
6 written on the side. He got out of that vehicle, approached me, and said, (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted). He got in his

13 vehicle and he left. I stayed at Camp de Roux.

14 Q. [10:24:53] Do you remember the uniforms and the equipment of those individuals  
15 at Camp de Roux? Can you describe them to us.

16 A. [10:25:00] When I arrived at the Camp de Roux, there were very many people  
17 there wearing various types of uniforms, and I was not in a position to raise my head to  
18 identify them. You know that when you are standing in front of them, you should not  
19 stare at them in order not to run the risk of being slapped, and I didn't want to take that  
20 risk.

21 It was they who had the right to speak. I couldn't lift my head, stare at them, and  
22 speak. No. There were many of them at the Camp de Roux.

23 Q. [10:25:59] Do you remember what type of vehicle you were transferred from the  
24 Camp de Roux to the OCRB?

25 A. [10:26:09] It was a dark coloured vehicle of -- it was a patrol vehicle, and it was in

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1 that vehicle that I was loaded to be taken to the OCRB.

2 Q. [10:26:35] Could you please describe to me the individuals present in that vehicle  
3 during your transfer from the Camp de Roux to the OCRB.

4 A. [10:26:45] I was in the company of (Redacted) and the two other individuals who  
5 were at the Camp de Roux.

6 Q. [10:27:05] Who else was present? Which Seleka elements and how many were  
7 there in that vehicle transferring you from the Camp de Roux to the OCRB?

8 A. [10:27:25] Some of them were by my side in the vehicle. Others were in the cabin.  
9 Others were in another vehicle that was escorting us when we were transferred to the  
10 OCRB.

11 Q. [10:27:54] So in the vehicle that you were in during the transfer, with the exception  
12 of those four prisoners of whom you were part, how many individuals were there?  
13 You talked about people in the cabin. How many people were there?

14 A. [10:28:10] Are you talking about the soldiers or are you talking about the  
15 detainees? Who are you talking about, specifically?

16 Q. [10:28:22] I am talking about the soldiers to whom you referred?

17 A. [10:28:31] Ah, all right. There were two soldiers at the back of the vehicle. They  
18 were seated facing each other. And there was another one in the cabin sitting next to  
19 the driver. There were also other soldiers in a vehicle that was escorting us.

20 Q. [10:28:57] Do you remember the manner in which these individuals, I'm talking  
21 here about the soldiers, transferred you? How were they dressed?

22 A. [10:29:13] They were wearing a uniform.

23 Q. [10:29:28] You stated - and we're talking here about tab 2, and tab 1 for the English  
24 version, CAR-OTP-2130-4712, page 4720, paragraph 36 - and I quote you:

25 "Two Selekas wearing military uniforms with armbands, which I was not able to

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1 distinguish because it was too dark, alighted from the vehicle, and they said to us in  
2 Sango, they talked to us, the four prisoners, they told us to get into the back of that  
3 vehicle. Once we were onboard, the patrol left, took off, followed by another vehicle.  
4 A Seleka person was driving the patrol, and there was another Seleka seated next to the  
5 driver, whilst the two other Seleka were seated next to us in the back in order to keep  
6 an eye on us."

7 You confirm, Mr Witness, what you said?

8 A. [10:30:39] That is correct.

9 Q. [10:31:00] Were there any individuals wearing civilian attire?

10 A. [10:31:06] Never.

11 THE INTERPRETER: [10:31:14] Message from the Sango booth: Could the witness be  
12 requested to move closer to his microphone.

13 THE COURT OFFICER: [10:31:28](Interpretation) Mr Witness, could you please move  
14 closer to your microphone for the Sango interpretation booth? Thank you.

15 MS VALDURIEZ: [10:31:42](Interpretation)

16 Q. [10:31:46] Mr Witness, I am going to go back somewhat. How were the  
17 individuals who arrested you dressed?

18 A. [10:31:51] Those who arrested me where?

19 Q. [10:32:06] At the (Redacted).

20 A. [10:32:09] They were in civilian attire. Others had green armbands, and others  
21 were wearing military garb.

22 Q. [10:32:33] Now, when you arrived at the OCRB you had -- and I quote, tab 2, and  
23 tab 1 in the English version, CAR-OTP-2130-4712, at 4721, paragraph 37. Do you  
24 remember the clothing that was worn by the person who was in the front seat beside  
25 the driver? Was that a civilian?

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1 A. [10:33:20] I don't recall. It's a long time ago now. I don't recall. But the order  
2 which he gave was to stay where we were, and he told us that the next day he would  
3 come back to question us.

4 Q. [10:33:52] Do you recall the large Seleka whose job it was to register you and to  
5 register the prisoners at the OCRB?

6 A. [10:34:13] I don't know -- or I don't recall. I don't know his name. But all I know  
7 is that he was the younger brother of Yaya, because (Redacted) told me that they were  
8 members of the same family and of the same mother and father.

9 Q. [10:34:34] Would you be able to recognise him?

10 A. [10:34:36] I don't know. Maybe. Maybe I would. Maybe if the photo was shown  
11 of him, I might be able to identify him.

12 Q. [10:34:51] Do you recall the uniform he had? Its colour, for instance.

13 A. [10:35:03] No. When he was at his table, I was brought in; I sat down. Initially, he  
14 asked me for my national identity card, and I told him that that had already been taken  
15 in Camp de Roux. He took down information about my date and place of birth, my  
16 affiliations, where I was arrested, why I was arrested.

17 And when I had provided all of that information, one guy came and kicked me. He  
18 said, "Do you know me?" I said, "No, I don't know you." And he said, "Because you  
19 don't know me, you're not telling the truth. I'm going to kill you. I'm going to kill  
20 you." He took out a knife, and he told me that he had already killed 199 people, and if I  
21 didn't tell the truth, I would be the 200th person that he would kill.

22 The person that you showed on the video, on the image, he was there too. And when I  
23 was taken to the OCRB, he saw me and he put questions, questions, all kinds of  
24 questions, and he gave the order that I be left, and that I was to await the instructions  
25 of Mahamat Said.

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1 Q. [10:36:40] Do you remember the uniforms worn by the people who took you to the  
2 basement?

3 A. [10:36:52] They were in military attire, but I can't describe it perfectly. And as I  
4 said where I was back then, you couldn't identify somebody or examine somebody  
5 because if you did, they would attack you. You couldn't look pointedly at a person. If  
6 somebody put a question to you, you simply answered the question. So I didn't really  
7 get an opportunity to be able identify who was who. All I can tell you is that they wore  
8 military attire.

9 Q. [10:37:39] I'm going to show you a photo.

10 MS VALDURIEZ: [10:37:55](Interpretation) It's at tab 14, CAR-OTP-2069-3227.

11 Q. [10:38:35] Witness, do you recognise the person who registered you on this photo?

12 A. [10:38:41] No, the person isn't on this photo.

13 Q. [10:39:20] In the preparation note, tab 26, \*CAR-OTP-000-458:

14 "I recognise here President Djotodia. The person beside him is Said. The person who is  
15 beside Said, I don't recall his name, but he put questions to me when I arrived at the  
16 OCRB."

17 Is that the person who registered you?

18 A. [10:40:09] No, it wasn't him. He was seated just beside the person who registered  
19 me, but it wasn't him who did it personally.

20 Q. [10:40:28] Did he put questions to you when you were being registered?

21 A. [10:40:34] Yes, he also threatened me. He told me that a soldier had been arrested.  
22 He threatened me, and there was another one who punched me on the other side,  
23 asking me what my address was. That's how it went.

24 MS VALDURIEZ: [10:41:09](Interpretation) I'm finished with this photograph.

25 Q. [10:41:17] Witness, do you recall seeing policemen at the OCRB? If you do, how

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1 could you distinguish them?

2 A. [10:41:30] Policemen? If I recall correctly, yes. If I recall correctly, there was a  
3 female policewoman. I've forgotten her name, a woman who I recognised. That was  
4 the only one I saw. And, really, she supported me. She asked that I be removed from  
5 the underground cell. In any case, she advocated for me. But the others, I don't recall.  
6 I don't really know in detail.

7 Q. [10:42:31] Now, a prisoner has remarked something.

8 MS VALDURIEZ: [10:42:42](Interpretation) And I'm going to refer to a photograph  
9 which should not be shown, tab 23 for the English version, 22 for the French version,  
10 CAR-OTP-2130-4729, page 4745.

11 Q. [10:43:01] And I quote:

12 "Official police officers were also deployed in the OCRB offices. I know that they were  
13 official policemen because they were wearing the official police uniforms. They were  
14 not Seleka because they only worked during the day-time and never at night. They  
15 were not allowed to access the courtyard at the back of the compound, at the back of  
16 the OCRB where the Seleka had their base and also where the building containing my  
17 cell was located."

18 Now, another person made a statement in this connection.

19 MS VALDURIEZ: [10:43:56](Interpretation) \* Nor should this document be displayed  
20 for obvious reasons of confidentiality. Tab 24 on our list, tab 25 for the English version,  
21 CAR-OTP-2127-9409, page 9424, paragraph 69.

22 And I quote:

23 "The regular police of the OCRB wore police uniforms."

24 Q. [10:44:37] Now, does that refresh your memory, Witness?

25 A. [10:44:39] Yes, that does jog my memory, but I can't remember in detail. I was in

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1 the underground cell, so I couldn't know what was going on outside.

2 Q. [10:44:56] And regarding this underground cell, can you confirm that there was  
3 light in it?

4 A. [10:45:01] No, there was no light.

5 THE INTERPRETER: [10:45:17] The interpreter corrects: At page 26, line 14, it was not  
6 a photograph; it was a document.

7 MS VALDURIEZ: [10:45:28](Interpretation)

8 Q. [10:45:29] Now, I'm going to take you to another document.

9 MS VALDURIEZ: [10:45:31](Interpretation) \* Tab 2 in the French version, and tab 1 in  
10 the English version.

11 Q. [10:45:38] I'm going to quote from paragraph 44 of CAR-OTP-2130-4712, pages  
12 4720 and 24. You said:

13 "The underground cell was called the hole. It was very dark and it was very cold. On  
14 one of the walls" --

15 So I'll repeat what I was saying:

16 "This basement area, which was also called the hole, was very dark and very cold. In  
17 one of the walls there was an opening with three metal bars. It was obstructed by a  
18 large stone on the outside, but a small amount of daylight could filter through the  
19 cracks in the window."

20 So there was, in fact, light, was there not?

21 A. [10:46:40] No. No, it wasn't. You couldn't really talk about light. It was just a  
22 little gap, a slit. And in the day-time, they would remove the stone that was  
23 obstructing daylight. But other than that, we didn't have a light as such.

24 Q. [10:47:17] (Redacted) would visit you twice a day. Isn't that the case?

25 A. [10:47:21] Yes.



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1 Q. [10:47:32] He came once in the morning; is that correct? Do you remember at  
2 what time he would come in the morning?

3 A. [10:47:42] No.

4 Q. [10:47:50] And he would also come once in the afternoon?

5 A. [10:47:52] Yes.

6 Q. [10:48:01] Do you recall what time he would come in the afternoon?

7 A. [10:48:03] At 4 p.m. we were put back in the cell, so he came at about 1.00 or 2.00.

8 He only came for a short period of time. We were taken out at 9.00, and between 3.30  
9 and 4.30 we were put back in the cell. \* He came only for one hour. Just for a short  
10 period of time.

11 Q. [10:48:36] I'd like to go back to the first time that (Redacted) visited you. It was in  
12 the OCRB main building, wasn't it?

13 A. [10:48:42] Yes.

14 Q. [10:48:51] It was (Redacted) who took you to see (Redacted); is that right?

15 A. [10:49:01] No. (Redacted)

16 (Redacted)

17 (Redacted). And my jail keepers took me out

18 so that I could meet with (Redacted). The ones who were actually had the job of  
19 minding us, guarding us, they were different ones.

20 Q. [10:49:52] Do you recall the room in the main building where you met (Redacted)?

21 A. [10:50:02] I was taken out and taken to a room, a room in which there were other  
22 people, Muslims who were being kept prisoner. I sat down. (Redacted) was standing.  
23 (Redacted) gave me what he wanted to give me. There wasn't enough time, because I  
24 had to go back to the cell, the underground cell. I went back into the underground cell, and  
25 I shared what (Redacted) had given me with my fellow prisoners.

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1 Q. [10:50:57] Were there other persons present, such as the Muslim prisoners, with  
2 whom you spoke regarding the torture you had been subjected to?

3 A. [10:51:09] No, I only spoke with my fellow prisoners in the basement. But, you  
4 know, I was only taken out once, the day that (Redacted) came to get information  
5 regarding me. Now, the other people were to one side and we were to another side.  
6 He consoled me. He told me that was life and that I had to hold strong and to bear  
7 what was going on. After that, I was taken back to my cell, the underground cell.

8 Q. [10:51:57] Did you see prisoners, businessmen, during that time that you were  
9 taken out of the cell?

10 A. [10:52:06] There were a lot of prisoners, a very large number. I couldn't have  
11 known them all. But what I can tell you is that there were a lot of prisoners that day --  
12 at that time.

13 Q. [10:52:27] (Redacted) brought you medicine. Did he bring you medicine every day?

14 A. [10:52:31] No, no, not every day. From time to time, he brought me food, and that  
15 until I was released.

16 Q. [10:52:56] Did he bring you anything other than Amoxicillin?

17 A. [10:53:15] Yes. Sometimes he brought me money so that I could give it to the  
18 jailers to encourage them to treat me a little bit more gently. And I kept that money to  
19 be able to give it to the jailers to ensure or achieve that they would treat me with more  
20 humanity. When I was given the money, I turned it into change, and then would give  
21 that to the jailers.

22 Q. [10:53:58] Did you need bandages?

23 A. [10:54:03] No. As regards bandages, well, no, it wasn't really possible. I had a  
24 wound on my head. I had the wound until I left the OCRB. I couldn't really deal with  
25 it while I was at the OCRB.

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1 Q. [10:54:26] Now, when you were no longer being held underground, did you see  
2 other prisoners receiving visitors?

3 A. [10:54:47] Yes, they also had visitors. But those who were with me in my cell did  
4 not have visitors. It's true that there were visitors who came to see some of the  
5 prisoners. But, you know, it was very tricky. There were a lot of conditions that had to  
6 be met. It was very difficult to have visitors.

7 Q. [10:55:26] Now, when you were no longer in the underground cell, how much  
8 time would you spend with (Redacted) when he would visit?

9 A. [10:55:39] Well, yes, I told you that the length of our conversations was, well,  
10 about 30 minutes, 25 minutes. It didn't -- they wouldn't last for a long time. When he  
11 came, we would just spend a few moments together to talk, and then I would return to  
12 my cell.

13 Q. [10:56:18] Thank you, Witness. And you would also (Redacted) Yaya,  
14 wouldn't you?

15 A. [10:56:27] Yes. Yes, (Redacted) Yaya. (Redacted) he had been a  
16 member of the FACA and that he had been a commander, but he also added that he  
17 had his own soldiers, that he had been disarmed, and that he himself had been a  
18 prisoner. He didn't wear a military uniform. (Redacted)  
19 (Redacted). That's how that worked.

20 MS VALDURIEZ: [10:57:23](Interpretation) Your Honour, there are a few moments  
21 left. Would you like me to put some last questions or should I wait until after the  
22 break?

23 PRESIDING JUDGE SAMBA: [10:57:32] Well, you still have about three minutes. But  
24 yesterday I was of the understanding that you would do one hour, according to the  
25 information you passed on to the legal officers. How many more minutes do you think

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- 1 you need to get finished with this witness?
- 2 MS VALDURIEZ: [10:58:02](Interpretation) Yesterday, we calculated that we needed  
3 approximately one session. But this has taken a little bit longer, so we estimate that we  
4 need a further 30 minutes in the next session.
- 5 PRESIDING JUDGE SAMBA: [10:58:18] Okay. Well, let's finish off. You can put at  
6 least a question before we get to 11.00 so that we don't waste those three minutes that I  
7 see on the clock. Thank you.
- 8 MS VALDURIEZ: [10:58:32](Interpretation) Thank you, your Honour.
- 9 Q. [10:58:37] Witness, you said that Yaya was wearing civilian clothes. Did you  
10 always see him dressed like that?
- 11 A. [10:58:42] Yes.
- 12 Q. [10:58:48] To your knowledge, did Yaya sleep at the OCRB?
- 13 A. [10:58:55] Yes, he slept there.
- 14 Q. [10:59:07] Do you know what punishment was meted out to Yaya by the Seleka  
15 soldiers?
- 16 A. [10:59:17] No, I don't, and I didn't inquire about it. (Redacted)  
17 (Redacted)
- 18 Q. [10:59:37] Are you aware of the brothers Sani and Dazoumi Yalo fled from the  
19 OCRB?
- 20 A. [10:59:58] No, I am not aware of that. I have no information about the Sani Yalo  
21 brothers. Perhaps that escape took place before my time or, indeed, after my release.
- 22 PRESIDING JUDGE SAMBA: [11:00:14] We'll end this session here.
- 23 Mr Witness, we'll come back after a little break of 30 minutes and continue with your  
24 cross-examination.
- 25 So I rise the Court and ask that we come back for 11.30, please.

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- 1 (Recess taken at 11.00 a.m.)
- 2 (Upon resuming in open session at 11.34 a.m.)
- 3 THE COURT USHER: [11:34:10] All rise. Please be seated.
- 4 PRESIDING JUDGE SAMBA: [11:34:34] Good morning again.
- 5 Mr Witness, we're going to continue with your cross-examination. And I'm going to
- 6 ask counsel to put the questions.
- 7 Yes, you can put the questions, counsel. And we're in open session, just so you know.
- 8 MS VALDURIEZ: [11:34:59](Interpretation) Thank you, Madam President. Could we
- 9 move into private session, please.
- 10 PRESIDING JUDGE SAMBA: [11:35:04] Madam Court Officer, can we please go into
- 11 private session shortly.
- 12 (Private session at 11.35 a.m.)
- 13 THE COURT OFFICER: [11:35:21] We're in private session, your Honours.
- 14 PRESIDING JUDGE SAMBA: [11:35:24] Thank you.
- 15 Carry on, counsel.
- 16 MS VALDURIEZ: [11:35:34](Interpretation) Yes.
- 17 Q. [11:35:34] Mr Witness, was it the investigators who put you in contact with the
- 18 ICC victims unit in order to become a participating victim with a view to obtaining
- 19 counsel and possible compensation in the forms of money or any other forms of
- 20 assistance?
- 21 A. [11:35:53] Yes, that is correct.
- 22 Q. [11:36:07] Mr Witness, you had three children in the year 2013, did you not?
- 23 A. [11:36:11] Yes, indeed, I had three children.
- 24 Q. [11:36:21] And today you have five children, do you not?
- 25 A. [11:36:23] Yes, that is correct.

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- 1 Q. [11:36:33] So after what happened in 2013, you were able to have further children,  
2 were you not?
- 3 A. [11:36:36] Yes.
- 4 Q. [11:36:49] How did you manage to become a participant as a victim in the  
5 proceedings? Who contacted you?
- 6 A. [11:36:54] The individual who requested that I testify or who wanted me to come?  
7 Is that the person you are talking about? As I was in contact with the staff in charge of  
8 the victims, well --
- 9 THE INTERPRETER: [11:37:34] If the interpreter understood correctly, says the Sango  
10 interpreter.
- 11 MS VALDURIEZ: [11:37:38](Interpretation)
- 12 Q. [11:37:38] Did you see counsel in person, any other counsel in addition to Madam  
13 Pellet?
- 14 A. [11:37:47] There was Gilles, who is in Bangui.
- 15 Q. [11:38:05] Are you talking about Gilles Bekoy?
- 16 A. [11:38:13] Yes.
- 17 Q. [11:38:16] Mr Witness, as you find it difficult to read and write, who helped you to  
18 fill in the participation form?
- 19 A. [11:38:44] I did it myself with the assistance of Gilles, subsequent to which Ms  
20 Pellet helped me. I was in contact with her, and I signed the form at the very end.
- 21 Q. [11:39:11] Who wrote down your story?
- 22 A. [11:39:13] I wrote it down myself.
- 23 Q. [11:39:14] Where?
- 24 A. [11:39:15] It was in Gilles' office in Bangui.
- 25 Q. [11:39:36] Is this office to be found in Maître Tiangaye's law firm?

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- 1 A. [11:39:48] Yes, indeed.
- 2 Q. [11:39:57] And when you wrote down your story, was that in a document that was  
3 handed to you or on a document that was handed to you?
- 4 A. [11:40:03] What document are you talking about when you say a document that  
5 was handed to me? I don't know what you're talking about. Which document?
- 6 Q. [11:40:21] I shall start again, Mr Witness. You say that you wrote your story  
7 down. Where did you write it? And I do apologise, and who did you hand it to?
- 8 A. [11:40:33] I told you that I handed it to Gilles.
- 9 Q. [11:40:45] We have a document in which your story as a participating victim  
10 appears. Who put questions to you?
- 11 A. [11:41:00] Questions were put to me where and when? Are you talking about  
12 what happened at the lawyer's office, or what event are you talking about specifically?  
13 This is my lawyer.
- 14 Q. [11:41:33] I'm talking about Gilles Bekoy's office. Can you please tell us more?
- 15 A. [11:41:41] Yes, at Maître Bekoy's office, I wrote my story down.
- 16 Q. [11:41:54] And who helped you?
- 17 A. [11:42:03] My lawyer. I was in contact with Sarah and with Gilles.
- 18 MS VALDURIEZ: [11:42:36](Interpretation) I'm going to request for a document to be  
19 brought up on the screen. It's tab 16, CAR-OTP-2135-3882, page 3882. Could we please  
20 run the through the pages?
- 21 Q. [11:43:18] So, Mr Witness, this is the request form to participate.
- 22 MS VALDURIEZ: [11:43:30](Interpretation) Could we please go to page 3887.
- 23 THE INTERPRETER: [11:43:43] Microphone, please, counsel.
- 24 THE COURT OFFICER: [11:43:46] Microphone, please, counsel. Thank you.
- 25 MS VALDURIEZ: [11:43:54](Interpretation) Thank you. Could we please go down to

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- 1 the date and the signature. Thank you very much.
- 2 Q. [11:44:04] So, Mr Witness, you can see that the date is written here, 22 March 2022,
- 3 under which location Bangui is written, and there is a signature to the right-hand side.
- 4 Do you recognise your signature?
- 5 A. [11:44:30] Yes, I do recognise it. It is my signature.
- 6 Q. [11:44:37] If you like, you can circle it.
- 7 A. [11:44:50] Are you talking about the signature?
- 8 Q. [11:45:34] Yes, please, Mr Witness.
- 9 A. [11:45:37] (Witness complies)
- 10 MS VALDURIEZ: [11:45:40](Interpretation) Madam President, we would like to tender
- 11 this into evidence.
- 12 PRESIDING JUDGE SAMBA: [11:45:42] Madam Court Officer, could we have an ERN
- 13 number for that, please?
- 14 THE COURT OFFICER: [11:45:47] Yes, CAR-REG-0002-0074.
- 15 MS VALDURIEZ: [11:46:41](Interpretation) Could we please run through the pages.
- 16 And can I continue with the questions? Very well. Thank you. So could we please
- 17 show to the witness 3887, which is up on the screen now, and the page before, that is,
- 18 3886, please.
- 19 Q. [11:47:32] Mr Witness, you can see that there are different colours on these pages.
- 20 How do you explain this, Mr Witness?
- 21 A. [11:47:41] What I wrote is in blue.
- 22 Q. [11:48:02] \* Were you the one who filled out the parts in blue?
- 23 A. [11:48:10] That's right.
- 24 Q. [11:48:13] Why is the last page not in color? Why is it in black and white?
- 25 A. [11:48:40] I wouldn't be in a position to say. I do not know.



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- 1 THE INTERPRETER: [11:48:44] Microphone, please, counsel.
- 2 THE COURT OFFICER: [11:48:52] Microphone, please.
- 3 MS VALDURIEZ: [11:48:55](Interpretation)
- 4 Q. [11:48:56] How did you sign that document, Mr Witness?
- 5 A. [11:48:58] I signed the statement that was transcribed and registered or recorded.
- 6 Q. [11:49:17] Thank you, Mr Witness. Were you ever requested to append your  
7 initials to these pages?
- 8 A. [11:49:23] I'm sorry?
- 9 Q. [11:49:42] Did the Office of the Prosecutor request that you append your initials to  
10 these pages?
- 11 MS MAKWAIA: [11:49:46] Objection, Madam President.
- 12 PRESIDING JUDGE SAMBA: [11:49:47] Because it's -- I think it's a victim's form.
- 13 MS MAKWAIA: [11:49:52] Exactly, Madam President.
- 14 MS VALDURIEZ: [11:50:09](Interpretation) I misspoke. My question was as -- was he  
15 requested to append his signature to the -- to append his initials to the form requesting  
16 participation?
- 17 MS PELLET: [11:50:34](Interpretation) Madam President.
- 18 PRESIDING JUDGE SAMBA: [11:50:35] Yes.
- 19 MS PELLET: [11:50:36](Interpretation) My learned friend of the Defence -- I thank you,  
20 Madam President. But my learned friend of the Defence has already put this question  
21 to him, has even asked him to circle his signature on the participation form. She can  
22 ask him the question once again if she deems fit, but I do believe that he will answer  
23 the same.
- 24 PRESIDING JUDGE SAMBA: [11:50:57] Well, counsel asked him about his signature  
25 on page 3886. My understanding of her question is whether or not he was asked to

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- 1 append his initials or signature on each of these other pages in the victim's  
2 participation form. And I believe the witness can answer.
- 3 Is that your question, madam?
- 4 MS PELLET: [11:51:25](Interpretation) That was her first question, but that was not the  
5 manner in which she had rephrased her question. \* So I was addressing her question  
6 as rephrased, Madam President.
- 7 PRESIDING JUDGE SAMBA: [11:51:37] That's the manner in which we understand her  
8 question. Thank you.
- 9 Can you put the question again, please, Madam Valduriez, so that the witness can  
10 understand properly and for him to give an answer.
- 11 MS VALDURIEZ: [11:51:53](Interpretation) Thank you, Madam President.
- 12 Q. [11:51:55] Mr Witness, with regard to the statement that you signed for the  
13 investigators of the OTP, you signed it and appended your initials. Were you  
14 requested, with regard to the request to participate, to append your initials on these  
15 pages?
- 16 A. [11:52:18] (No interpretation)
- 17 Q. [11:52:36] Thank you, Mr Witness.
- 18 PRESIDING JUDGE SAMBA: [11:52:37] We didn't get the answer of the witness.
- 19 MS VALDURIEZ: [11:52:49](Interpretation) Well, in the French transcript I can see:  
20 "Well, that's it."
- 21 THE INTERPRETER: [11:52:56] Apologies from the English booth. We did not hear  
22 the response. The response is: Well, that's it.
- 23 MS VALDURIEZ: [11:53:03](Interpretation)
- 24 Q. [11:53:03] Mr Witness, can you please specify your response? Be more clear with  
25 regard to your response?

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- 1 A. [11:53:07] I said, "That's it."
- 2 Q. [11:53:29] So you were not asked to do so? Have I understood correctly?
- 3 A. [11:53:31] That's what I said. That's what I said.
- 4 Q. [11:53:42] Thank you, Mr Witness. Do you remember which identity document
- 5 you gave in support of your request?
- 6 A. [11:53:49] I had brought my birth certificate with me, not my ID card.
- 7 Q. [11:54:12] I'm going to show it to you.
- 8 MS VALDURIEZ: [11:54:15](Interpretation) I would like to have brought up on the
- 9 screen the form CAR-OTP-2135-3882. This is the request to participate. Page 2892,
- 10 thereof.
- 11 Q. [11:54:49] Mr Witness, is this the document that you gave?
- 12 A. [11:54:57] That is correct.
- 13 Q. [11:55:05] Do you have the original thereof?
- 14 A. [11:55:06] Yes, it's in Bangui.
- 15 Q. [11:55:17] If the need were to arise, could you send it to us?
- 16 A. [11:55:21] In view of the fact that it's in Bangui, I don't see how I could bring it to
- 17 you.
- 18 Q. [11:55:35] Were we to contact you in Bangui, could you send this document
- 19 through in its original form?
- 20 MS MAKWAIA: [11:55:42] Objection, Madam President. I object to this manner of
- 21 trying to acquire additional documentation from the witness beyond his testimony and
- 22 after his testimony.
- 23 PRESIDING JUDGE SAMBA: [11:55:54] Well, Madam Prosecutor, has he finished
- 24 testifying before the Chamber?
- 25 MS MAKWAIA: [11:55:59] No, but counsel's question is quite specific and clear,

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1 "after", "if we were to ask you after".

2 PRESIDING JUDGE SAMBA: [11:56:10] But haven't we heard witnesses here who have  
3 -- or at least a witness who promised to give certain documents to the Court after he  
4 would have returned if at all it's needed, and you took no objection to that?

5 MS MAKWAIA: [11:56:23] Well, we're now beginning to take objection, Madam  
6 President. And that witness, I think it was 2105, he said if necessary, and some of the  
7 documentation he had with him here.

8 PRESIDING JUDGE SAMBA: [11:56:34] Do you have any authority for us to help us or  
9 guide us that we cannot, in fact, accept documents from witnesses when once they  
10 would have finished their testimony even when, in their testimony, they would say  
11 they have those documents in their home countries?

12 MS MAKWAIA: [11:56:56] Not at this stage, Madam President. But if the Court is  
13 minded to obtain additional information after a witness's testimony, then I stand  
14 guided.

15 PRESIDING JUDGE SAMBA: [11:57:05] Can you please do that.

16 And, Madam Counsel, can we go on with the cross-examination?

17 For the record, I think I have that the witness says he's got the original of his birth  
18 certificate in Bangui. He just does not know how he will forward it to the Court being  
19 that that's far away from home to here. So we'll leave it at that.

20 When I get your authority that we should not get documents from witnesses when  
21 once they would finish testifying, then we shall consider that point. Thank you.

22 Yes, Ms Pellet --

23 MS MAKWAIA: [11:57:41] Thank you, Madam President.

24 PRESIDING JUDGE SAMBA: [11:57:43] -- why are you standing?

25 MS PELLET: [11:57:46](Interpretation) Yes, I thank you, Madam President. It will be a

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1 pleasure for me to be approached by the Defence in order to give them the original of  
2 the document if they really need it and if they challenge the veracity of the document in  
3 question.

4 My client is here represented, and it's not at all an issue.

5 PRESIDING JUDGE SAMBA: [11:58:13] Thank you very much. Well, counsel has not  
6 said that she's challenging the veracity of any document. She has simply put a  
7 question. And if you have -- I don't expect the witness to deal directly with Defence  
8 counsel. We all know, you know, the chain which would be used if we're to get that  
9 document to the Court. So I appreciate your help in that respect.

10 Counsel, can you continue cross-examination, please.

11 MS VALDURIEZ: [11:58:45](Interpretation) Thank you very much.

12 Q. [11:58:48] So, Mr Witness, you told us that you had an ID card in 2013. That's  
13 CAR-OTP-2130-4712, page 4718, paragraph 28. After your ID documents were taken  
14 from you at the Camp de Roux, did you have a new identity document issued for  
15 yourself were that the case?

16 A. [11:59:26] No, I wasn't able to have a new ID card issued. I quite simply requested  
17 an official statement to be produced which would enable me to travel from (Redacted)  
18 (Redacted). So it was a statement of loss that I had requested.

19 Q. [12:00:00] Do you have that statement of loss, Mr Witness?

20 A. [12:00:02] The validity of that document was three months, after which it was no  
21 longer valid and I threw it away.

22 Q. [12:00:20] So let's come back to the document that you provided. That is the  
23 duplicata of the birth certificate. Where did you get this document and --

24 A. [12:00:39] Well, the birth certificate is mine. It wasn't for anyone else.

25 Q. [12:00:52] You're quite right, Witness. But the question was how did you obtain

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1 it?

2 A. [12:00:58] Are you referring to my birth certificate?

3 Q. [12:01:04] Yes.

4 A. [12:01:06] Okay. All right. You know my mother and father obviously gave birth  
5 to me, so it was my father who took care of that. And it is that which I used to obtain  
6 my passport.

7 Q. [12:01:38] When did your father give you this document?

8 A. [12:01:41] He gave it to me in (Redacted).

9 Q. [12:01:51] When, Witness?

10 A. [12:01:54] A long time ago.

11 Q. [12:02:08] There's no date on the document, Witness. What do you think is the  
12 date of this document?

13 A. [12:02:17] Oh, I don't remember anymore.

14 Q. [12:02:31] I note that this duplicata of your birth certificate is not signed by your  
15 father or mother. How do you explain that?

16 A. [12:02:42] Well, that means that neither my father nor my mother signed that  
17 document. Are you asking about the signature of the mother or the signature of my  
18 father?

19 Q. [12:03:04] There's no signature. But normally, there would be the signature of  
20 either the mother or the father.

21 A. [12:03:15] No, no. No, no, no. I've no idea about what you're talking about.

22 Q. [12:03:26] Witness, you provided two photos, and I'm going to show them to you  
23 now.

24 MS VALDURIEZ: [12:03:31](Interpretation) Tab 16. So we're going to look at this  
25 document CAR-OTP-2135-3882 at page 3893.

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- 1 Q. [12:03:57] Now, who took these photos?
- 2 A. [12:04:02] Those are photos of wounds that I sustained.
- 3 Q. [12:04:13] My question is who took those photos? Who is the person who took
- 4 those photos?
- 5 A. [12:04:19] It was the day of the interview when they questioned me about these
- 6 injuries that I had sustained, and it was there that they took this photo or these photos.
- 7 Q. [12:04:57] Was it Mr Gilles Bekoy who took this photo or people who work for
- 8 him?
- 9 A. [12:05:04] Gilles Bekoy? Do you mean the lawyer?
- 10 Q. [12:05:10] Yes. I'm going to re-read the answer that you provided.
- 11 "It was on the day of the interview that they put the question to me about the scars, the
- 12 injuries that I sustained. And it was on that day that they took the photo."
- 13 So I would repeat my question: Was it Gilles Bekoy who took the photo or somebody
- 14 who works with him?
- 15 A. [12:05:38] Who works with him? I don't understand the question. I don't
- 16 understand the question that you're putting at all.
- 17 PRESIDING JUDGE SAMBA: [12:05:50] Counsel, because my understanding of what
- 18 the witness said and when he was referring to those scars, those photos were taken
- 19 after questions were put to him by the investigators.
- 20 You may want to -- because my understanding of Gilles Bekoy was the person who
- 21 dealt with the victim's participation form, and the ICC OTP investigators dealt with
- 22 him earlier. So maybe you want to be specific so that he understands the question
- 23 you're putting.
- 24 Yes, Ms Pellet.
- 25 MS PELLET: [12:06:39](Interpretation) Thank you, your Honour. Furthermore, I think

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1 that \* my colleague from the Defence has already asked who was present in the office  
2 of Mr Dibert Bekoy, so I think that this is misleading to the witness because there were  
3 no other people working with him. So I think we should really go back to what he said  
4 to make things clear. He seems not to understand the questions because he's been  
5 asked twice to tell his story. We will have to be very specific to get satisfactory answers  
6 from the witness.

7 PRESIDING JUDGE SAMBA: [12:07:23] Counsel, please.

8 THE INTERPRETER: [12:07:29] Microphone, please.

9 MS VALDURIEZ: [12:07:34](No interpretation)

10 THE INTERPRETER: [12:07:56] Apologies, your Honour.

11 MS VALDURIEZ: [12:08:03](Interpretation) I've re-read what the witness has said. We  
12 had understood that these photos were provided in support to the application to  
13 participate as a victim, and I would ask to specify, therefore, who took these photos.

14 THE WITNESS: [12:08:17](Interpretation) The first interview.

15 MS VALDURIEZ: [12:08:20](Interpretation)

16 Q. [12:08:20] With whom?

17 A. [12:08:21] It was with the staff who deal with victims.

18 Q. [12:08:38] So it is they who took the photo?

19 A. [12:08:41] Yes, that's right.

20 Q. [12:08:49] And did they provide you with a copy of these photos?

21 A. [12:08:52] No.

22 Q. [12:09:01] Do you confirm that you do not have any medical documents, any  
23 prescriptions, certificates, or other medical documents?

24 A. [12:09:10] No, there are such documents but, you know, this was a long time ago.  
25 I took them to (Redacted) and I no longer know where they are located.



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1 Q. [12:09:30] And has the Office of the Prosecutor or the victims representation  
2 participation section provided you with any psychological support or other kinds of  
3 support since you have been cooperating, or financial support included?

4 A. [12:09:53] Yes.

5 Q. [12:09:58] What for? What type of assistance?

6 A. [12:10:00] It wasn't specified to me the type of aid. All they said to me was that if  
7 everything went well, then I would or could receive such assistance.

8 Q. [12:10:28] Thank you, Witness.

9 MS VALDURIEZ: [12:10:30](Interpretation) Your Honours, I have completed my  
10 questioning.

11 PRESIDING JUDGE SAMBA: [12:10:39] Thank you very much, counsel.

12 I'm going to ask -- I know we concluded the testimony of this witness.

13 Mr Witness, I want to thank you very much on behalf of the Chamber for your support  
14 in respect of this case. I wish you well in your future endeavours. And as a Chamber,  
15 we wish you safe journey on your return back home. Thank you very much.

16 I don't know if there's the -- I'm going to ask the Court Officer to assist with leading  
17 this witness outside the courtroom as we deal with, maybe, other ...

18 (The Trial Chamber and court officer confer)

19 PRESIDING JUDGE SAMBA: [12:11:47] Mr Court Officer, just a moment, Mr Court  
20 Officer. Maybe let me retract.

21 Madam Prosecutor, do you have any questions in re-examination?

22 MS MAKWAIA: [12:11:57] No questions in re-examination, your Honours.

23 PRESIDING JUDGE SAMBA: [12:12:00] And of the Bench? Of course, we don't have  
24 any questions as the Bench for this witness. So I'm going to ask the Court Officer to  
25 help with getting this witness outside the courtroom as we deal with other issues.

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- 1 Again, thank you very much, Mr Witness. Bon voyage back home.
- 2 THE WITNESS: [12:12:39](Interpretation) Thank you.
- 3 (The witness is excused)
- 4 (The witness exits the courtroom)
- 5 PRESIDING JUDGE SAMBA: [12:12:54] Just so that we don't waste the time left. We're
- 6 in receipt of a request by the Prosecution for us to consider certain documents that
- 7 were not subject to our decision in respect of the Rule 68(3) request.
- 8 So we're going to ask counsel for the Defence to address us or give us a response in
- 9 respect of that request which I am sure counsel also received.
- 10 We're still in private session. I'm going to ask the Court Officer to get us into open
- 11 session so that we can address that request, please.
- 12 (Open session at 12.14 p.m.)
- 13 THE COURT OFFICER: [12:14:03] We are in open session, Madam President.
- 14 PRESIDING JUDGE SAMBA: [12:14:04] Thank you very much.
- 15 As I said, we are in receipt of a request by the Prosecution in respect of certain
- 16 documents they want us to consider for the next witness. That request came in this
- 17 morning, and I'm sure counsel for the Defence was also served.
- 18 So I'm going to ask counsel for the Defence to address us in respect of the Prosecution's
- 19 request. Thank you very much.
- 20 MS NAOURI: [12:14:38](Interpretation) Thank you, your Honour. We have, indeed,
- 21 received the Prosecution's request, and we are opposed to it.
- 22 The request for the witness statement to be introduced into the record of the case using
- 23 68(3) and the interview note would mean that the witness is being removed from the
- 24 need to be questioned by the Prosecution. Because not only would it not be possible to
- 25 check the conditions under which the witness statement was taken, it would not be

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1 possible to establish the conditions under which the witness may have made  
2 corrections during the preparation phase.

3 In other words, the Prosecution would further reduce what the witness would say in --  
4 under formal conditions, under oath, and before the Judges and under the control of  
5 the parties.

6 Now, when I say "preparation note", I'm referring, naturally, to the preparation log. In  
7 fact, I should henceforth call it the preparation log.

8 \* Furthermore, in terms of procedure, the Defence notes that the procedure which the  
9 Prosecution proposes to use for each of its witnesses would be impossible to implement  
10 --- for each one of its witnesses. Witness preparation generally takes place a few days  
11 before the witness appears before the Court, and the preparation log is generally  
12 disclosed to the Defence only a short period of time before the witness appears.  
13 Sometimes only one working day in advance. That was the case, for example, when it  
14 came to P-2105.

15 Now, imagine if the Prosecution submits its request that the preparation log be  
16 admitted at such a late stage, it would mean that the Defence would only have less  
17 than 24 hours to make all the relevant checks, the cross-checking, to look for  
18 corroborating material, to compare and contrast and to analyse the witness log and  
19 establish its probative value; whereas we should be able to do so in full light of all  
20 documents covered by Rule 68(3).

21 So I'm just going to repeat, because I know I have been speaking quite rapidly.

22 Given that the preparation of witnesses and the disclosure of the witness preparation  
23 log takes place only very shortly before the witness appears in court, if the Prosecution  
24 files its request for admissibility under Rule 68(3) at the point in time when we have the  
25 witness preparation log, it cannot be expected of the Defence, while it is fully occupied

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1 with preparation of the witness, to carry out all the relevant checks within less than 24  
2 hours - to make all of the comparisons that are necessary, to analyse reliability, to look  
3 at potential corroboration, to analyse the probative value of the log. And this, in light  
4 of the full case file, in order to be able to respond in full knowledge of the facts to any  
5 request in accordance with Rule 68(3).

6 Furthermore, the overhasty approach of the Prosecution is apparent from the request  
7 before us today.

8 First of all, when it comes to the alleged corroboration, the Prosecution simply states  
9 boldly that the events referred to by the witness are corroborated by other items of  
10 evidence. That covers the evidence provided by two other witnesses for which -- these  
11 are 2239 and P-2241, for which the Prosecution requests admission through Rule 68(3)  
12 or 68(2)(b), or 68(3), as I said, and this without any further specification of the  
13 corrections which have been added to the witness preparation log with regard to the  
14 witness statements of other witnesses.

15 This forces the Defence to have to carry out its work, which is most burdensome, this  
16 verification work, with insufficient time to do so.

17 Secondly, the Prosecution -- I am suddenly hearing some Sango. I am not quite sure  
18 what happened there. Normally I hear myself, of course, if I listen to French, but  
19 suddenly I'm hearing Sango.

20 Okay, that's stopped. That's fine. Let me take up where I was.

21 So, secondly, the Prosecution has annexed the wrong document to its request because it  
22 was not the witness preparation log relating to the witness in case.

23 For -- to the mind of the Defence, if a witness is available to the Court, to appear in  
24 court, and if the witness has made additions or corrections to -- with respect to its  
25 original statement which could cast doubt on the reliability of that statement, which,

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1 nonetheless, was a signed statement, a statement signed by the witness and had been  
2 confirmed to be exact and correct at the time of signature, the only way that the  
3 Defence can proceed in order to ensure that all risks are obviated is to discuss the  
4 matter with the witness in court while the witness is under oath to deal with a question  
5 that would have been put to the witness during preparation.  
6 So if a witness has provided two different statements and two different stories, and that  
7 there is an issue of consistency between the two, the two accounts cannot be entered  
8 into the record of the case without clarifying or having clarified by the witness in court  
9 the reasons for these inconsistencies. And, indeed, that was the tenor of the decision  
10 which you issued orally on 2 November 2022 and which was clarified on 3 November  
11 2022.  
12 Now, I'm not going to quote your decision. And, indeed, it is written in English, so I  
13 do not have an exact translation of it, but, of course, you are well aware of the tenor of  
14 your decision. And in light of that decision, corrections to the witness statement must  
15 be clarified, confirmed with the witness in court before the original witness statement is  
16 submitted and that the additions must be tendered, if you like, in court in line with the  
17 Rules of Procedure and Evidence.  
18 Now, the Defence would inform you that, to its mind, any perceived saving of time is  
19 false, because the Defence will systematically have to go back through the witness  
20 preparation log with the witness to check that the corrections and additions are correct,  
21 because there are corrections but there are also additions. And so we will have to  
22 systematically ask that the time that the Prosecution thinks it is saving is, in fact, added  
23 to the time of the Defence for its cross-examination.  
24 So, in summary, the fact that corrections are made or there are inconsistencies between  
25 two accounts means that those two accounts cannot be entered into the record of the

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1 case until they have been dealt with, verified with the witness in court, and this is  
2 essential in order to remove any doubt.  
3 Furthermore, the parties and, of course, the Chamber must be able to examine the  
4 witness testimony. The witness is not under oath when they are making -- are involved  
5 in preparation. So we would say that we are reaching the limits of what is possible to  
6 do outside of the witness being under oath. So we are raising a matter of principle  
7 which will be relevant when it comes to all requests under Rule 68(3). A tremendous  
8 amount of verification work and comparison work is necessary of the Defence, and we  
9 only received the witness preparation log late.  
10 So we believe that the best way of saving time is to take advantage of the presence of  
11 the witness in court to iron out, resolve any outstanding problems. This would allow  
12 the Defence also to conduct a more targeted cross-examination and not to need to have  
13 to go through the various matters that arise in the witness preparation log.

14 This is our position, your Honour.

15 PRESIDING JUDGE SAMBA: [12:25:53] Thank you, Ms Naouri.

16 Does the Prosecution have any additional submissions to make in respect of this issue  
17 or in light of what Ms Naouri has just said?

18 MS MAKWAIA: [12:26:12] Just a few points, Madam President, your Honours. Thank  
19 you.

20 The Annex A, or the witness preparation log, was disclosed to the Defence team on 28  
21 October already, and then again formally on the 31st, I believe. So they've had at least  
22 six days to take into consideration the clarifications and the issues that have been raised  
23 by this witness during the witness preparation.

24 It has been submitted to you that the annex, the witness preparation log, was not taken  
25 under oath, nor was the statement of the witness which was admitted by this Chamber

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1 under Rule 68(3). The hasty manner that has been alluded to, your Honours, is a result  
2 of the ruling of the Chamber yesterday when we sought to introduce the preparation  
3 log of Witness 2400 and the Chamber ordered us to put in a formal request if that was  
4 actually the intention of proceeding in that way. Hence, our filing under urgency.

5 The remedy that I may propose to the Chamber, your Honours, if at all you're inclined  
6 to agree with the submission of the Defence that they need more time to investigate or  
7 verify the additional information, would be to proceed to hear this witness, to proceed  
8 to accept the proposed annexure as formally requested to be part of the Rule 68(3), and  
9 then to allow the Defence additional time to verify those parts that it still has in  
10 question.

11 It's also our submission, your Honours, that the witness will still be present before the  
12 Court for questions to be put, as is the procedure laid out for any witness under Rule  
13 68(3).

14 Those are the additional comments I would like to make. Otherwise, we maintain our  
15 request as filed. Thank you.

16 PRESIDING JUDGE SAMBA: [12:28:29] While you're on your legs, Madam Prosecutor,  
17 can you confirm whether or not one of the documents that counsel just alluded to was  
18 the wrong document that you filed?

19 MS MAKWAIA: [12:28:48] I am, indeed, told it was the wrong one, but they do, in fact,  
20 have the correct one. So we apologise for that and we shall rectify that immediately.

21 PRESIDING JUDGE SAMBA: [12:29:05] Thank you very much, Madam Prosecutor.

22 It's close to 12.30, and we just finished the Prosecution's sixth witness, about to take the  
23 seventh or to hear the seventh witness. So we have to give at least 30 minutes' break to  
24 the Registry to adjust. So since we're close to lunch, I'm going to ask that -- because if  
25 we're going to come back in 30 minutes, it will be 1.00, about that. So I'm going to ask

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- 1 that we break at this point and come back for 2.30, after lunch. Thank you very much.
- 2 (Recess taken at 12.29 p.m.)
- 3 (Upon resuming in open session at 2.35 p.m.)
- 4 THE COURT USHER: [14:35:27] All rise. Please be seated.
- 5 PRESIDING JUDGE SAMBA: [14:35:51] Good afternoon, everyone. Yes. Before we
- 6 start off with the next witness, we'll issue a short decision in respect of the
- 7 Prosecution's request and the Defence's response thereto.
- 8 The Chamber will now render the short decision on, as I say, the Prosecution's request
- 9 to introduce the annex to P-2400's preparation -- I'm sorry.
- 10 THE COURT OFFICER: [14:36:36] I'm very sorry to interrupt, your Honour, but I see
- 11 that the English transcript is frozen. Could I please contact my colleagues quickly so
- 12 the oral decision can be transcribed and reported accurately. I see that it's frozen.
- 13 Yes, there is an issue obviously and the issue is also appearing on the French transcript.
- 14 I'm wondering now if it's still the case in the French transcript still.
- 15 MS NAOURI: [14:37:18](Interpretation) Now, to assist, on the French transcript says
- 16 "not interpreted". And two seconds ago, the French interpretation was on the English
- 17 channel. But now the English is on English and I don't know where the French is.
- 18 There you go.
- 19 THE COURT OFFICER: [14:37:42] Can I check with the French interpretation booth
- 20 whether the right channel -- normally we should be on the right channel now, yes.
- 21 And I see the English transcript also running, so I guess we can continue now.
- 22 Thank you, Madam President.
- 23 PRESIDING JUDGE SAMBA: [14:38:05] The Chamber will now render a short oral
- 24 decision on the Prosecution's request to introduce the annex to P-2400's preparation log
- 25 under Rule 68(3) of the Rules of Procedure and Evidence.



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1 The annex consists of corrections and clarifications the witness made to his prior  
2 recorded testimony. The Chamber already allowed to introduce this witness's  
3 statement via Rule 68(3). The annex further includes comments on a number of new  
4 photos which were shown to the witness.

5 The Prosecution submits that the annex bears sufficient indicia of reliability and that its  
6 introduction would cut the length of questioning of the Prosecution into half.

7 The Defence opposes the request. It argues that granting the request would mean that  
8 the Prosecution does not have to question the witness in court anymore. Further, it  
9 argues that the Defence has not had enough time and would therefore be prejudiced  
10 should the annex be introduced.

11 At the outset, the Chamber will make a few general comments since this is an issue  
12 which has arisen only recently in these proceedings.

13 First, the Chamber expects the Prosecution to submit similar requests for all the  
14 witnesses as soon as possible after the creation of the log and at the latest two days  
15 before the witness's testimony.

16 Coming to the specific request, the Chamber notes that the Defence argues that the content  
17 of the annex has implications on the assessment of the prior statement of the witness. The  
18 Chamber observes that the clarifications and corrections provided by the witness might  
19 have an impact on the original statement and on its assessment by the Chamber.

20 This, in the view of the Chamber, militates in favour of the introduction of the annex.

21 With regard to the submissions made by the Defence concerning corroboration of the  
22 statement, the Chamber notes that the Defence seems to relitigate whether this prior  
23 statement should be introduced via Rule 68(3) of the Rules. This is, however, not the  
24 subject of the current request.

25 The Chamber also notes the fact that the Defence was in possession of the annex since

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1 28 October 2022. Accordingly, it had sufficient time to take note and analyse the  
2 content of the annex.

3 The Chamber also notes that the Defence submitted that it would like to explore the  
4 reasons why the witness provided the corrections and clarifications. The Chamber  
5 notes that the witness will appear in court, and the Defence will certainly have the  
6 opportunity to put these questions to the witness should it wish to do so.

7 Regarding the reference by the Defence to the oral decision rendered by the Chamber  
8 in court yesterday, the Chamber stresses that it indicated that should a party wish to  
9 introduce this type of document, this can only be done via Rule 68(3) of the Rules. It  
10 did not state, as suggested by the Defence, that this type of document cannot be  
11 introduced pursuant to Rule 68(3).

12 On this point, the Chamber reminds the parties of the e-mail it sent this morning with  
13 regards to corrections contained in the annex of the logs.

14 In light of the above, the Chamber finds that the introduction of this document does  
15 not unduly infringe upon the rights of the accused and does not prejudice the Defence.  
16 Accordingly, the Chamber authorises the introduction of the annex under Rule 68(3) of  
17 the Rules. The Prosecution is instructed, when satisfying the outstanding requirements  
18 of Rule 68(3), to also fulfil these requirements in respect of the annex.

19 Lastly, the Chamber wished to add that such a procedure is not novel at the court. For  
20 instance, at the Yekatom and Ngaïssona case, there is a similar procedure for this sort  
21 of issue in place. So this is nothing exceptional.

22 So this concludes the oral decision of the Chamber.

23 You can now bring in the witness, Mr Court Officer, please.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE SAMBA: [14:44:42] Thank you very much. The Chamber notes

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- 1 that the Prosecution has now called its seventh witness, P-2240. We understand that  
2 this witness will testify in French.
- 3 Can you confirm that, Madam Prosecutor?
- 4 MS LE BAILLY: [14:45:08](Interpretation) Yes, Madam President.
- 5 PRESIDING JUDGE SAMBA: [14:45:10] So I remind everyone once again of the  
6 importance of the need to speak slowly for the interpreters and to observe the five-  
7 second rule between questions and answers.
- 8 Before commencing, we note briefly that protective measures are confirmed to this  
9 witness by virtue of Decision 481.
- 10 Further, we note that the VWU does not recommend any further special measures.
- 11 Mr Witness, a very good afternoon to you.
- 12 THE WITNESS: [14:46:02](Interpretation) Good afternoon.
- 13 PRESIDING JUDGE SAMBA: [14:46:03] You are testifying before the International  
14 Criminal Court, and on behalf of this Chamber I would like to welcome you to this  
15 courtroom.
- 16 You should have in front you have, Witness, a solemn undertaking to tell the truth to  
17 this Court that every witness who appears before this Court is required to do.
- 18 Can I ask that you read out loud what you have before you?
- 19 THE WITNESS: [14:46:39](Interpretation) I declare solemnly that I will tell the truth,  
20 the whole truth, and nothing but the truth.
- 21 WITNESS: CAR-OTP-P-2240
- 22 (The witness speaks French)
- 23 PRESIDING JUDGE SAMBA: [14:47:00] Thank you very much, Mr Witness.
- 24 And do you understand and agree to what you have just read?
- 25 THE WITNESS: [14:47:04](Interpretation) I fully agree.

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- 1 PRESIDING JUDGE SAMBA: [14:47:09] Good.
- 2 We will continue, Mr Witness.
- 3 Let me explain to you the protective measures that the Chamber has put in place for  
4 your testimony. This would include voice and face distortion for the duration of your  
5 testimony. This means that no one outside the courtroom can see your face or hear  
6 your real voice during your testimony.
- 7 There will also be the use of pseudonym. And in accordance with that, we will all refer  
8 to you only as "Mr Witness" to make sure that the public does not know your name.
- 9 When you answer questions that will not give away who you are, we will do so in  
10 open session which means that the public can hear what is being said in the courtroom.
- 11 When you are asked to describe anything that's related specifically to you, or you're  
12 asked to mention facts that might reveal your identity, we will do so in private session.
- 13 And, lastly, I have a few practical matters you should have in mind when giving your  
14 testimony. Everything we say here in the courtroom is written down and interpreted.  
15 It is, therefore, important to speak clearly and at a slow pace. Please speak into the  
16 microphone and only start speaking when the person asking you the question has  
17 finished.
- 18 You will be able to know when the question is finished when the speaker turns off his  
19 or her microphone. After that, please wait for five more seconds to allow for the  
20 interpretation to finish.
- 21 If you, yourself, have any question that you'd like to ask, or if you need something,  
22 including if you need a break, please raise your hand so that we will know that you  
23 want to say something.
- 24 Have you understood, Mr Witness?
- 25 THE WITNESS: [14:49:47](Interpretation) Okay. I have understood well.

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- 1 PRESIDING JUDGE SAMBA: [14:49:52] Thank you very much.
- 2 We will start with your testimony.
- 3 But before we do so, the Chamber reminds the Prosecution that it has previously
- 4 granted a request to introduce this witness's prior recorded testimony pursuant to Rule
- 5 68(3) of the Rules. The Prosecution still needs to fulfil the outstanding requirements of
- 6 the provision.
- 7 So could I ask that the Prosecution kindly do this now before we commence additional
- 8 questioning of the witness. Thank you.
- 9 MS LE BAILLY: [14:50:35](Interpretation) Yes, of course, Madam President. Thank
- 10 you.
- 11 QUESTIONED BY MS LE BAILLY: (Interpretation)
- 12 Q. [14:50:41] Good afternoon, Mr Witness.
- 13 A. [14:50:42] Good afternoon.
- 14 Q. [14:50:50] I am Brunhild Le Bailly and I will be asking you questions today. If my
- 15 questions are not clear, please don't hesitate to ask a question. Do you agree?
- 16 A. [14:51:13] Of course.
- 17 MS LE BAILLY: [14:51:14](Interpretation) Madam President, could we now go into
- 18 private session for the identification of the witness.
- 19 PRESIDING JUDGE SAMBA: [14:51:16] Madam Court Officer, can we go briefly into
- 20 private session, please. Thank you.
- 21 (Private session at 2.51 p.m.)
- 22 THE COURT OFFICER: [14:51:28] We are now in private session, your Honours.
- 23 PRESIDING JUDGE SAMBA: [14:51:31] Thank you.
- 24 Carry on, Madam Prosecutor.
- 25 MS LE BAILLY: [14:51:40](Interpretation) Thank you.

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1 Q. [14:51:42] Witness, what is your name, please, your full name?

2 A. [14:51:46] (Redacted)

3 Q. [14:51:52] What is your date of birth?

4 A. [14:51:53] (Redacted)

5 Q. [14:52:00] Thank you.

6 MS LE BAILLY: [14:52:14](Interpretation) Madam President, we could briefly go into  
7 public session.

8 PRESIDING JUDGE SAMBA: [14:52:20] Madam Court Officer, could we go into open  
9 session, please.

10 (Open session at 2.52 p.m.)

11 THE COURT OFFICER: [14:52:27] We are back to open session, your Honours.

12 PRESIDING JUDGE SAMBA: [14:52:29] Thank you.

13 Carry on, Madam Prosecutor.

14 MS LE BAILLY: [14:52:32](Interpretation) Thank you.

15 Q. [14:52:33] Mr Witness, do you remember having been questioned by members of  
16 the Office of the Prosecutor?

17 A. [14:52:38] Yes, I remember.

18 Q. [14:52:44] When were you questioned?

19 A. [14:52:46] The first time was in Bangui at the (Redacted).

20 Q. [14:52:58] Do you know the date?

21 A. [14:52:58] I do not know.

22 Q. [14:53:01] At the end of the interviews, did you provide a written statement to the  
23 members of the Office of the Prosecutor?

24 A. [14:53:15] Indeed.

25 Q. [14:53:24] Did you re-read and sign this statement?

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- 1 A. [14:53:26] Yes, twice, I re-read it and signed it.
- 2 Q. [14:53:37] Very well. Mr Witness, I would like now to show you a document and  
3 ask you if you recognise it.
- 4 MS LE BAILLY: [14:53:47](Interpretation) Court Officer, please put this. This is tab 1  
5 in the list, the list of evidence. The ERN of this document is confidential, is CAR-OTP-  
6 2110-0780, on page ERN 0780.
- 7 PRESIDING JUDGE SAMBA: [14:54:15] What tab number, please, Madam Prosecutor?  
8 Tab 1?
- 9 MS LE BAILLY: [14:54:22] Tab 1.
- 10 PRESIDING JUDGE SAMBA: [14:54:24] Thank you.
- 11 MS LE BAILLY: [14:54:46](Interpretation)
- 12 Q. [14:54:47] Mr Witness, do you see the document that is up on the screen before us?
- 13 A. [14:54:51] Yes, I see it.
- 14 Q. [14:54:58] Do you recognise this document?
- 15 THE INTERPRETER: [14:55:05] Message from the interpreter: Could the witness  
16 please repeat the answer?
- 17 MS LE BAILLY: [14:55:10](Interpretation)
- 18 Q. [14:55:11] Is this, indeed, the statement that you gave to the Prosecution?
- 19 A. [14:55:13 ] Yes, it is it indeed.
- 20 Q. [14:55:18] Indeed, Mr Witness. I would like you to look at the bottom of this page,  
21 this first page. Do you see your name and signature?
- 22 A. [14:55:40] Yes, that is my signature indeed.
- 23 Q. [14:55:42] Are your name and signature on the first, second, or fourth line of this  
24 page?
- 25 A. [14:55:54] On the first line.

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- 1 Q. [14:55:59] Thank you.
- 2 MS LE BAILLY: [14:56:02](Interpretation) Court Officer, please put ERN 0796 of this  
3 same document.
- 4 Q. [14:56:22] Mr Witness, I would like you to look at the bottom of this page which is  
5 up on the screen where you see a signature. Do you recognise this signature?
- 6 A. [14:56:28] Yes, I recognise it.
- 7 Q. [14:56:42] Is this your signature?
- 8 A. [14:56:43] This is indeed my signature.
- 9 Q. [14:56:45] Below the signature, do you recognise the date that is written out by  
10 hand?
- 11 A. [14:56:50] Yes, 26 May. That is my handwriting.
- 12 Q. [14:57:00] Thank you. Is this the document -- this statement -- is this the statement  
13 that you provided to the Office of the Prosecutor in May 2019?
- 14 A. [14:57:15] Yes, it is it, indeed.
- 15 Q. [14:57:33] Thank you.
- 16 MS LE BAILLY: [14:57:35](Interpretation) Madam President, before asking further  
17 questions of the witness, I would like to continue with the procedural requirements  
18 under Rule 68(3) given to the -- the previous decision that was made, your decision on  
19 the witness.
- 20 Q. [14:57:52] Mr Witness, have you had the opportunity to re-read your statement  
21 during a preparatory session with the Office of the Prosecutor?
- 22 A. [14:57:59] Of course, your Honour.
- 23 Q. [14:58:08] I would like to show you another document and ask you to read it.
- 24 MS LE BAILLY: [14:58:12](Interpretation) Court Officer, could you please put up the  
25 document with the ERN CAR-OTP-00000455, which is not in our evidence list. But



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1 following the decision of the Chamber, I would like to show this document to the  
2 witness.

3 I have a paper version of it. Would it be possible to bring it to the witness to facilitate  
4 things, and then we could show it to the Defence, if the Defence would like this so that  
5 it could recognise it?

6 THE COURT OFFICER: [14:59:00](Interpretation) Very well. The bailiff will do this.

7 Can we take this paper copy? Because we are not able to bring it up on the screen.

8 MS LE BAILLY: [14:59:13](Interpretation) Of course.

9 THE COURT OFFICER: [14:59:22](Interpretation) We have just found it. It is on  
10 channel evidence 1.

11 MS LE BAILLY: [14:59:28](Interpretation) Thank you.

12 Q. [15:00:01] Mr Witness, can you read the document you have on the screen and the  
13 paper copy that matches it?

14 A. [15:00:05] Yes, I can see them.

15 MS NAOURI: [15:00:12](Interpretation) I am interrupting for technical reasons,  
16 because on the French channel I am hearing Sango. So I think there's a problem with  
17 the interpretation and the microphones.

18 THE COURT OFFICER: [15:00:24] I'm going to ask my colleagues to check their  
19 channels, please.

20 PRESIDING JUDGE SAMBA: [15:00:33] Can we try again maybe? Or shall we wait?  
21 Do we have to wait for the interpreters?

22 THE COURT OFFICER: [15:00:40] Madam President, it seems solved now, so we can  
23 continue. Thank you.

24 PRESIDING JUDGE SAMBA: [15:00:43] Yes.

25 MS LE BAILLY: [15:00:48](Interpretation) Could we zoom into the title of this

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1 document.

2 Q. [15:01:08] Witness, can you see the title of this document and read it to us?

3 A. [15:01:11] Okay. "Annex A to the witness preparation log for preparation of P-  
4 2240."

5 Q. [15:01:27] Thank you. Do you recognise this document?

6 A. [15:01:30] Yes, I think that this document was drawn up by the Office of the  
7 Prosecutor, was provided here to the Office of the Prosecutor about a week ago before  
8 this hearing.

9 MS LE BAILLY: [15:02:00](Interpretation) Court Officer, could you display page 0005  
10 of the same document, please.

11 Q. [15:02:16] Witness, I'd like you to have a look at the page that you're looking at on  
12 the screen and there are two signatures on that page. Do you recognise one of those  
13 signatures?

14 A. [15:02:25] I recognise the signature of the witness. That's my signature.

15 Q. [15:02:36] Fine. Are these the notes containing the various amendments and  
16 corrections that you wished to have made to your witness statement and that was  
17 produced when you underwent preparation on 28 October?

18 PRESIDING JUDGE SAMBA: [15:02:50] Yes, Ms Naouri.

19 MS NAOURI: [15:02:54](Interpretation) Yes, excuse me, your Honour, but we didn't  
20 see the pages between the signatures, and I think that the question was a little bit  
21 leading. I know that we want to save time, and I know that it's the witness preparation  
22 log, but I think that one needs to limit those leading questions and not indicate to the  
23 witness what it's about before moving on to the following formality.

24 MS LE BAILLY: [15:03:27](Interpretation) You're quite right. I was going to get on to  
25 that.

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1 Q. [15:03:37] Witness, I'm going to ask you to read the paper version of this  
2 document. I think that will be easier for you. Just read it to yourself because, of course,  
3 we're in open court now. So take a moment to do that so that you can confirm to us  
4 that this document contains, indeed, all of the clarifications and corrections that you  
5 wish to have made to your previous witness statement.

6 A. [15:04:04] Yes, I'll do that.

7 Q. [15:04:05] And then let us know if you have any comments.

8 A. [15:04:55] Yes, I think that these are, indeed, the modifications that we made,  
9 myself and the Office of the Prosecutor.

10 Q. [15:05:01] So you confirm that these -- that this document contains all of the  
11 clarifications that you provided to the Office of the Prosecutor during your preparation  
12 session?

13 A. [15:05:12] Yes, I can confirm that.

14 Q. [15:05:13] Thank you.

15 MS LE BAILLY: [15:05:20](Interpretation) Your Honour, to continue with my  
16 questions, could we move into private session now for the upcoming questions which  
17 are of a personal nature.

18 PRESIDING JUDGE SAMBA: [15:05:31] Madam Court Officer, can we please move  
19 into private session.

20 (Private session at 3.05 p.m.)

21 THE COURT OFFICER: [15:05:47] We are in private session.

22 PRESIDING JUDGE SAMBA: [15:05:48] Thank you very much.

23 Madam Prosecutor, you may carry on, please.

24 MS LE BAILLY: [15:05:53](Interpretation) Thank you.

25 Court Officer, could you display the document at tab 1 of our list. The ERN of that

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1 document, which is a confidential document, is CAR-OTP-2110-0780 at page ERN 0782.

2 Now could we zoom in on paragraph 10, please? Thank you.

3 Q. [15:06:46] Witness, do you see here a page from your statement on the screen, and  
4 notably paragraph 10 thereof?

5 A. [15:06:58] Yes, I can see it.

6 Q. [15:07:00] Now, could you tell us why in (Redacted) you said that you were born in  
7 (Redacted)?

8 A. [15:07:20] Thank you. I said that in (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 I did tell the Office of the Prosecutor that in -- I told that -- I said that to the Office of the  
15 Prosecutor in Bangui, but when I got here I informed the Office of the Prosecutor that,  
16 in fact, I was born in (Redacted), but that I had had to change my birth certificate  
17 in order to be able to (Redacted).

18 Q. [15:08:20] Thank you.

19 MS LE BAILLY: [15:08:31](Interpretation) Court Officer, could you now show us page  
20 0788 of the same document.

21 Q. [15:08:50] Witness, do you see the page displayed on your screen?

22 A. [15:08:55] Okay. I can see it.

23 Q. [15:09:06] And in particular paragraph 29, which refers to the OCRB. Witness, my  
24 question to you is when you talk about the OCRB in this document, and in the  
25 following documents in your witness statement, which OCRB are you referring to?

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1 A. [15:09:21] In Bangui, we only have one OCRB. It's located beside the Renaissance  
2 Palace. The other OCRBs are simply branches thereof.

3 Q. [15:09:42] Thank you. And, Witness, in the same paragraph you referred to  
4 Nouradine locking up his own prisoners in the OCRB. So my question to you is, how  
5 do you know that Nouradine used to detain his own prisoners at the central OCRB?

6 (Redacted)

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 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [15:13:16] And did this method of tying up a prisoner have a particular name?

5 A. [15:13:20] Yes, it's called arbatachar. It comes from a Muslim word.

6 Q. [15:13:42] And did you know what the status of those prisoners were, the ones  
7 who were transferred and then detained in the OCRB?

8 A. [15:13:46] No, your Honour.

9 Q. [15:14:05] Do you know where exactly those prisoners were detained at the  
10 OCRB?

11 A. [15:14:10] At the OCRB, they have two cells. The first cell, when you enter, you  
12 come, you enter, and there to the right, there's a veranda, and that's where the first cell  
13 is. And the second cell is to the right and is called the white house, the maison blanche.  
14 And inside that building, there is a basement, and they would put prisoners in there  
15 too.

16 Q. [15:14:46] And were Nouradine's prisoners held in the basement?

17 A. [15:14:54] Affirmative. I recall that the first time (Redacted)  
18 automatically those persons were transferred to the basement. In other words, when  
19 you arrived at the entrance, you would go up the stairs and to the left there was the  
20 basement and that's where Nouradine's prisoners were held.

21 THE INTERPRETER: [15:15:26] The interpreter adds earlier the witness said that: The  
22 second cell was at least three doors down, (Redacted) called the white house.

23 MS LE BAILLY: [15:15:37](Interpretation)

24 Q. [15:15:38] Witness, we have taken note of your clarifications and your corrections  
25 and all of that information is now recorded in your testimony before this Court. So

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1 bearing in mind those corrections and clarifications, I would like to know whether you  
2 agree that the judges use the note that sets out your clarifications and corrections, the  
3 one that we looked at together, that the judges use that as evidence in this case?

4 A. [15:16:08] I agree to that.

5 Q. [15:16:10] So you have no objection to that?

6 A. [15:16:11] None.

7 Q. [15:16:24] Furthermore, Witness, I would like to know whether you agree to the  
8 judges using your written statement, your witness statement, that is to say that the  
9 judges use your witness statement also as evidence in this case.

10 A. [15:16:45] Yes, provided that they take into account the amendments that we  
11 made.

12 Q. [15:16:48] And you have no objections with regard to the use of that statement?

13 A. [15:16:53] None.

14 Q. [15:17:04] And now a final question to you, Witness. Have you told the full truth  
15 when you provide your statement and clarifications and corrections?

16 A. [15:17:12] Yes, I told the truth and nothing but the truth.

17 Q. [15:17:26] And did you provide that information, the information contained in  
18 your witness statement and the document setting out your corrections and  
19 clarifications, did you provide that information to the fullness of your recollections?

20 A. [15:17:37] Yes, of course.

21 Q. [15:17:40] Thank you, Witness.

22 MS LE BAILLY: [15:17:42](Interpretation) Your Honours, I think we have now met the  
23 procedural requirements pursuant to Rule 68(3) of the Rules of Procedure and  
24 Evidence, notwithstanding any further requirements from your side.

25 PRESIDING JUDGE SAMBA: [15:17:59] Thank you very much, Madam Prosecutor.

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- 1 Having met the Rule 68(3) requirements, you can continue. Thank you.
- 2 MS LE BAILLY: [15:18:17](Interpretation) Thank you.
- 3 Q. [15:18:19] Witness, in fact, this brings me to the end of the questions that I have for  
4 you for today. I would like to thank you for having testified.
- 5 MS LE BAILLY: [15:18:28](Interpretation) And, your Honours, I have now completed  
6 my questioning. This brings an end to the examination-in-chief of this witness by the  
7 Office of the Prosecutor.
- 8 PRESIDING JUDGE SAMBA: [15:18:37] Thank you very much, Madam Prosecutor.  
9 Mr Witness, we're now going to allow the Defence, Ms Naouri or Mr Jacobs, to put  
10 some questions to you in cross-examination on behalf of their client, Mr Said.  
11 Ms Naouri, the floor is yours, please, cross-examination. I'll ask you, do you want us to  
12 go to open session or do you want a private session? Because we're now in private  
13 session.
- 14 MS NAOURI: [15:19:26](Interpretation) Thank you very much, your Honour, but I  
15 think we can stay in private session just for the beginning, because I will be putting  
16 some questions regarding the background of the witness, and then we can move into  
17 public session.
- 18 PRESIDING JUDGE SAMBA: [15:19:40] That's okay. Thank you very much. Carry on  
19 with your cross-examination questions, please.
- 20 MS NAOURI: [15:19:52](Interpretation) Thank you, your Honour.
- 21 QUESTIONED BY MS NAOURI: (Interpretation)
- 22 Q. [15:19:57] Good afternoon, Witness.
- 23 A. [15:19:58] Good afternoon.
- 24 Q. [15:19:59] I am Jennifer Naouri and I am lead counsel for Mr Said, and I am the  
25 one who will be putting questions to you on behalf of the Defence today and possibly



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1 tomorrow.

2 Now, we both speak French, so we're going to try and leave a little gap of five seconds  
3 in between the question and the answer to allow the interpreters to do their work. So  
4 sometimes I will wait a few seconds before putting a question, and perhaps you could  
5 wait too before answering.

6 Now, right now we're in private session. And as you have understood, when we're in  
7 private session, nobody can identify you. I'm going to ask you a few questions about  
8 your background.

9 Now, you just told the representative of the Prosecution that you were born in France  
10 and not in Bangui. Now, my question is -- in fact, I'm going to quote to you an extract  
11 from the witness preparation log.

12 MS NAOURI: [15:21:01](Interpretation) This is at tab 16 of our list of evidence, CAR-  
13 OTP-00000455, page 00001.

14 Q. [15:21:19] Now, you state there that you were born in (Redacted), and not in  
15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [15:22:10] Thank you very much for those details, Witness.

22 Now during the (Redacted), who were you living with?

23 A. [15:22:17] My mother.

24 Q. [15:22:28] Did you live alone with your mother or with your mother and your  
25 father?

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- 1 A. [15:22:32] My father was (Redacted)
- 2 (Redacted)
- 3 Q. [15:22:39] Okay. Now, while you were (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 A. [15:23:12] Yes, of course.
- 10 Q. [15:23:22] And you, Witness, back then, (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
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- 25 (Redacted)

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1 (Redacted)

2 Q. [15:25:17] Sorry, Witness, what do you mean when you said that you did it

3 because you had the opportunity (Redacted)

4 (Redacted)? In what way did you

5 have an opportunity?

6 A. [15:25:31] (Redacted)

7 (Redacted)

8 (Redacted). But, of course, I didn't.

9 Q. [15:25:54] But today you have Central African nationality, don't you?

10 A. [15:25:58] Yes, of course.

11 Q. [15:26:02] Do you hold identity papers, Witness?

12 A. [15:26:05] Sorry?

13 Q. [15:26:10] Do you have identity papers? And if so, what type?

14 A. [15:26:13] Yes.

15 Q. [15:26:20] What type?

16 A. [15:26:20] I have a passport, I have a national identity card, and I have a driver's  
17 license.

18 Q. [15:26:36] Okay. Now, when you met the representatives of the Prosecution, were  
19 you asked to show your identity papers?

20 A. [15:26:41] No.

21 Q. [15:26:51] Could you show us your identity papers if we asked you to, that we  
22 might make a copy of them and add them to the file of this case? Would that be  
23 possible?

24 A. [15:27:00] I don't have any documents with me. All of my documents were taken  
25 from me when I came here.

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- 1 Q. [15:27:12] Yes, I understood that your papers were taken by way of precaution.
- 2 But if you provided your documents, for instance, to an officer here at the court, would
- 3 you agree to us making a copy of your identity papers and adding them to the record
- 4 in this case?
- 5 A. [15:27:31] I think that my file is at the court.
- 6 Q. [15:27:41] I'm afraid I don't understand your answer. Was that a "yes" or "no"?
- 7 A. [15:27:44] I said, yes, my file is available to the Court.
- 8 Q. [15:27:57] Thank you, Witness. And your passport. You refer to your passport.
- 9 How long have you had that passport?
- 10 A. [15:28:04] Three years today.
- 11 Q. [15:28:14] And your identity card?
- 12 A. [15:28:15] It's valid for five years and then it has to be renewed, and I've just
- 13 renewed it.
- 14 Q. [15:28:35] And to have your passport issued, for instance, you needed a certified
- 15 copy of your birth certificate, I suppose?
- 16 A. [15:28:41] To obtain a passport, you need a national identity card and a legalised
- 17 copy of your birth certificate.
- 18 Q. [15:28:57] And did you have those documents, Witness?
- 19 A. [15:28:58] I did.
- 20 Q. [15:29:09] Could you provide those to the Court if they needed them, if they were
- 21 needed?
- 22 A. [15:29:13] I don't have them here with me.
- 23 Q. [15:29:14] Yes, of course. I understand that you don't have them here with you.
- 24 But if we were to ask the Office of the Prosecutor and their contacts in Bangui to assist,
- 25 would you be able to show those documents to the Court?

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1 A. [15:29:29] Yes, of course, I could do that.

2 Q. [15:29:42] Thank you, Mr Witness. Did you want to say something?

3 A. [15:29:44] No, no, go ahead.

4 Q. [15:29:47] So I am trying to avoid overlapping. We have this rule of five seconds  
5 so the interpreters can do their work properly. So in your written statement and you  
6 say this --

7 MS NAOURI: [15:30:11](Interpretation) This is tab 1 in our evidence list. Tab 2 for the  
8 English version. And it is number CAR-OTP-2110-0780, page 0784, paragraph 16.

9 Q. [15:30:41] You say, and you can see it:

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 (Redacted)

2 Q. [15:39:07] Okay. Thank you. I sometimes wait for the transcript to give me  
3 information. (Redacted). Could you give us his full name, please?

4 A. [15:39:16] His name is (Redacted).

5 Q. [15:39:34] Okay. (Redacted)

6 (Redacted)?

7 (Redacted)

8 (Redacted)

9 Q. [15:39:52] Thank you, Mr Witness. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [15:40:41] Affirmative.

16 Q. [15:40:42] Thank you, Mr Witness. So in 2013, at the time in March 2013 and in the  
17 months that followed, where were you living? You, where were you living,  
18 personally?

19 A. [15:41:06] (Redacted).

20 THE INTERPRETER: [15:41:13] Says the interpreter, as she heard it.

21 MS NAOURI: [15:41:26](Interpretation)

22 Q. [15:41:27] So I see that the name of the (Redacted) was not well heard. Could you  
23 repeat the name of the (Redacted)?

24 (Redacted)

25 (Redacted)



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1 Q. [15:41:52] (Redacted), how do you spell that? (Redacted)?

2 A. [15:42:00] No, (Redacted)

3 (Redacted).

4 Q. [15:42:14] Thank you, Mr Witness. And starting when did you live in (Redacted)

5 (Redacted)?

6 (Redacted)

7 (Redacted)

8 Q. [15:42:47] Okay. So you state in paragraph 19 of your statement -- I'll read an  
9 excerpt from that statement. You say:

10 (Redacted)

11 (Redacted)

12 So my first question, and I should have specified this, that your written statement is tab  
13 1 of our evidence list, and tab 2 for the English version. And it's CAR-OTP-2110, and  
14 we're on page 0785.

15 And my question is where did you go -- with whom did you go to (Redacted), Mr  
16 Witness?

17 A. [15:44:05] I believe that my version here is quite clear. And I said that I live in the  
18 (Redacted)

19 (Redacted)

20 Q. [15:44:38] Thank you, Mr Witness. And how long did you stay at (Redacted)?

21 A. [15:44:43] I no longer recall.

22 Q. [15:44:51] No problem. So I would like to come back to your studies. You say in  
23 your written statement --

24 MS NAOURI: [15:45:10](Interpretation) And this is paragraph 10 still, CAR-OTP-2110-  
25 0780. We're on page 0782. And this is tab 1 on the evidence list.

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1 Q. [15:45:23] And:

2 "I said I was born (Redacted)

3 (Redacted)"

4 I will stop there at that stage. Could you tell us where is the (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [15:47:11] Mixed.

19 Q. [15:47:15] And up until what level of studies did you remain in that school? What

20 grade?

21 (Redacted)

22 (Redacted)

23 Q. [15:47:49] Thank you, Mr Witness. So you stayed there until grade 9. And there, do

24 you get a diploma in order to be able to go to the (Redacted), or how does it happen?

25 A. [15:48:01] I told you that at the (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 A. [15:48:34] I was in a regular cycle of studies.
- 5 Q. [15:48:39] Did you get a diploma at the end of this normal cycle of studies?
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 A. [15:49:16] Affirmative.
- 11 Q. [15:49:16] So then, after that, (Redacted)
- 12 (Redacted)?
- 13 (Redacted)
- 14 Q. [15:49:33] Could you explain?
- 15 A. [15:49:34] Well, there is this competitive exam. You have to send a file, an
- 16 application. Once this is accepted, then those who have been accepted take this
- 17 competitive exam. And if you pass, you're accepted.
- 18 Q. [15:50:06] And when you took this exam, did you get a diploma? Did you get
- 19 some grades?
- 20 A. [15:50:11] No, once they keep your file, then there's a list. You then take the exam,
- 21 and then those who are admitted, those people then have to go through a (Redacted).
- 22 And at the end, if you are accepted, then you are able to (Redacted).
- 23 Q. [15:50:44] Just to specify, you said you -- if you are inapt, did I hear that correctly?
- 24 A. [15:50:50] I said, when you submit your application, once the file or application is
- 25 normal and fine, then it is retained. Then you take the competitive exam. Once you

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- 1 have -- you've taken the exam and you succeed, you have a -- you take a (Redacted).
- 2 If you are accepted, if you are apt, you are retained.
- 3 Q. [15:51:24] Thank you, Mr Witness. Well, what was written in the transcript was
- 4 "inapt", inapt, and I asked for a clarification so that we would have the correct
- 5 transcript of what you had said. Okay?
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
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8 (Redacted)

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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 Q. [15:56:33] Could you explain what that consisted of?

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17 A. [15:58:30] No, I had no other occupations.

18 Q. [15:58:38] In your statement, you say, and I will quote you, paragraph 12.

19 MS NAOURI: [15:58:58](Interpretation) So this is CAR-OTP-2110-0680, page 0722, tab 1  
20 for French, tab 2 for English.

21 Q. [15:59:10] So you say:

22 (Redacted)

23 (Redacted)

24 Is that accurate?

25 A. [15:59:28] Yes.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted), because there was a lack of trust.

9 Q. [16:00:31] And why was there a lack of trust?

10 A. [16:00:40] I don't have an answer for that.

11 Q. [16:00:45] No problem.

12 MS NAOURI: [16:00:53](Interpretation) I have an eye on the clock. I have one or two  
13 questions on this topic. But I could stop here if you prefer, your Honour. I am in your  
14 hands.

15 PRESIDING JUDGE SAMBA: [16:01:04] All right. We'll allow one or two questions,  
16 just one or two, because we have a meeting after we leave here.

17 MS NAOURI: [16:01:13](Interpretation) No problem. That will allow me to finish this  
18 topic.

19 Q. [16:01:19] Now, Witness, you said that you were (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MS NAOURI: [16:02:11](Interpretation)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [16:02:32] Okay. Thank you, Witness. I think that that -- this is a good

6 opportunity or good moment to stop my questions for today.

7 PRESIDING JUDGE SAMBA: [16:02:41] Thank you very much, Ms Naouri.

8 Mr Witness, we are going to stop here for today. Tomorrow, we shall continue with

9 your cross-examination by Defence counsel Naouri. And I'm going to ask that you do

10 not discuss your testimonies here today -- that we've heard here today when you leave

11 this room.

12 So tomorrow we shall meet here again at 9.30 in the morning. I'm going to rise the

13 Court and ask that we meet at 9.30 tomorrow, please. Thank you.

14 (The hearing adjourned in private session at 4.03 p.m.)