

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

- 1 International Criminal Court
- 2 Trial Chamber VI
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
- 5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
- 6 Judge Sergio Gerardo Ugalde Godínez
- 7 Trial Hearing - Courtroom 1
- 8 Friday, 7 October 2022
- 9 (The hearing starts in open session at 9.32 a.m.)
- 10 THE COURT USHER: [9:32:46] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SAMBA: [9:33:18] Good morning, everyone.
- 14 Madam Court Officer, can you please mention the case.
- 15 THE COURT OFFICER: [9:33:27] Good morning, Madam President, your Honours.
- 16 The situation in the Central African Republic II, in the case of The Prosecutor versus
- 17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
- 18 And we are in open session.
- 19 PRESIDING JUDGE SAMBA: [9:33:41] Thank you very much.
- 20 Can I ask the parties to announce their representation, please.
- 21 MS MAKWAIA: [9:33:46] Good morning, Madam President, your Honours.
- 22 Prosecution counsel table this morning, myself, Holo Makwaia, Leonie von Braun,
- 23 Brunhild Le Bailly, Vanessa Hernández, Yuichiro Omori and Ramu Bittaye. Thank
- 24 you.
- 25 PRESIDING JUDGE SAMBA: [9:34:07] Thank you very much.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [9:34:12] (Interpretation) Thank you, your Honour. The victims are  
3 represented by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at the OPCV.

4 PRESIDING JUDGE SAMBA: [9:34:28] Thank you, Ms Pellet.

5 For the Defence, Ms Naouri, please.

6 MS NAOURI: [9:34:34] (Interpretation) Thank you, your Honour. I've got  
7 Dov Jacobs, Léa Allix, behind, Counsel Valduriez and Capucine Banet. And I am  
8 Jennifer Naouri, lead counsel.

9 PRESIDING JUDGE SAMBA: [9:34:49] Thank you, Ms Naouri.

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

11 Mr Said, good morning.

12 MR SAID: [9:35:03] (Interpretation) Good morning, Presiding Judge. Good  
13 morning, your Honours.

14 PRESIDING JUDGE SAMBA: [9:35:08] Thank you very much.

15 Mr Witness, a very good morning to you. I hope you rested well.

16 WITNESS: CAR-OTP-P-0547 (On former oath)

17 (The witness speaks Sango)

18 THE WITNESS: [9:35:27](Interpretation) Good morning, your Honour. Good  
19 morning, Judges. I'm also passing on my greetings to the Prosecution and the  
20 Defence.

21 PRESIDING JUDGE SAMBA: [9:35:38] Thank you very much.

22 I didn't get -- did you get the interpretation, Judge?

23 I didn't get the interpretation of the witness's response.

24 Interpreters --

25 THE INTERPRETER: [9:35:53] The witness says good morning, your Honour,

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1 and -- I'm interpreting. Can you hear me, your Honour? Can you hear me, your  
2 Honour? One, two, three. Can you hear me, your Honour?

3 PRESIDING JUDGE SAMBA: Yes, I --

4 THE INTERPRETER: [09:36:06] The witness said good morning and he also greeted  
5 the Prosecution and the Defence.

6 PRESIDING JUDGE SAMBA: [9:36:18] Thank you very much, Mr Interpreter.

7 Mr Witness, we are going to continue with questions by Ms Naouri, counsel for the  
8 Defence this morning. Hopefully that should not take us too long. After which, the  
9 Prosecution may put questions to you and the Chamber will consider asking you a  
10 few questions.

11 Ms Naouri, may I ask how much more time you would need? Because yesterday  
12 you indicated that you would need some 30 minutes more this morning. Can you  
13 confirm that?

14 MS NAOURI: [9:36:56] (Interpretation) Thank you, your Honour. Well, about  
15 30 to 45 minutes. I shall remain this -- I shall say that this is going to be the  
16 estimation. Obviously it depends on the witness's response.

17 PRESIDING JUDGE SAMBA: [9:37:16] Thank you.

18 Of which I'm going to ask, Mr Witness, that you kindly answer the questions briefly,  
19 no emotions, if you could. You've said a lot to us and we do understand your plight  
20 as explained. So Ms Naouri will put her questions to you and if you can answer  
21 them briefly, we will leave here on time and you will be able to go back to your family,  
22 hopefully. Thank you very much.

23 Ms Naouri, please, your witness.

24 MS NAOURI: [9:38:01] (Interpretation) Thank you, your Honour.

25 QUESTIONED BY MS NAOURI: (Continuing) (Interpretation)

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1 Q. [9:38:07] Good morning, Witness.

2 So, we're going to now move on to a new theme, a new subject, and I would request  
3 that we move to private session for this subject.

4 Your Honour, can we move on to private session, please.

5 PRESIDING JUDGE SAMBA: [9:38:27] Madam Court Officer, can we move on to  
6 private session, please.

7 (Private session at 9.38 a.m.)

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20 I just want to bring up a new topic. It's a last topic.

21 You requested to participate in the proceedings as a victim. Can you tell us, how  
22 were you informed about the formalities to participate in the proceedings as a victim?

23 A. [10:31:08] During the testimony, questions were asked and then I was asked the  
24 question if -- the OTP requested me to come and testify as a witness. I said I would  
25 agree to come and testify because I know that I'm speaking the truth and I am capable

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1 of coming and providing testimony. One could call me or not, but what I'm  
2 saying -- what I said in my witness statement can be used by the Prosecutor.

3 Q. [10:31:48] Thank you for your answer. My question was who was the  
4 go-between who helped you participate \* as a victim, not as a witness. You have a  
5 dual status. Your participation application as a victim bears the number  
6 CAR-OTP-2135-3862 and you signed it on 13 March 2022. \* That's at page 3867. So  
7 who informed you on how to participate as a victim in the proceedings in the Court?

8 A. [10:32:48] Counsel --

9 PRESIDING JUDGE SAMBA: [10:32:52] Ms Naouri, is his victim's -- is his victim's  
10 participation form part of the bundle of documents that you gave to the Bench?  
11 Does it have a tab number?

12 MS NAOURI: [10:33:10] (Interpretation) Yes, your Honour, I stand corrected. It's  
13 89, tab 89. Sorry 88, tab 88.

14 THE INTERPRETER: [10:33:21] Correction from the interpreter. It's tab 88.

15 MS NAOURI: [10:33:26] (Interpretation)

16 Q. [10:33:27] Witness, can you answer the question or would you like me to repeat  
17 the question?

18 A. [10:33:47] Counsel, I was just about to give you an answer when I was  
19 interrupted. But before coming to a court, I also asked myself the question if I would  
20 have a counsel or not. Because in a court -- you see, I've actually suffered a lot with  
21 everything I went through. I thought about reparations and I wanted a counsel, and  
22 they said, "No, this does not work like this, there are rules that have to be followed."  
23 And this is how I got in touch with Ms Pellet. She asked me questions; I answered  
24 those questions. There are procedures in each court. The victims also have rights.  
25 I really don't understand the meaning of the question, but this is how I wish to

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1 answer it.

2 Q. [10:35:09] Thank you for your answer, Witness. In my victim's participation  
3 application, tab 88 once again, you say in page 3869 to the question what  
4 characteristics and victims -- "What characteristics are victims looking for in an  
5 advocate that's representing them?" You said: "An honest counsel that can uphold  
6 the cause of victims like me." And "I do not want a Central African Republican  
7 lawyer."

8 So I just would like to elucidate some more information. Why did you not want a  
9 counsel from the Central African Republic?

10 A. [10:36:07] Thank you. I cannot judge a professional experience, but I would  
11 like to ask you a question. I am referring to the Bemba case. What did the victims  
12 obtain as reparations? Were funds allocated for that?

13 PRESIDING JUDGE SAMBA: [10:36:44] Mr Witness. Mr Witness, you know, as I  
14 said, what we do here is for you to answer questions and not to put questions to  
15 counsel. So kindly answer the questions, if you may, briefly. Thank you.

16 Ms Naouri, put the question again, please.

17 MS NAOURI: [10:37:17] (Interpretation) Thank you, your Honour.

18 Q. [10:37:20] So the question was: Please explain why did you not want an  
19 advocate or a lawyer from the Central African Republic to represent you?

20 A. [10:37:40] Thank you, Counsel Naouri. And I'm going to answer the question  
21 as follows: There were victims from Banyamulenge. At that point of time, lawyers  
22 from the Central African Republic defended them, but these victims obtained nothing.  
23 They were not awarded any reparations or compensation. These are the victims of  
24 Banyamulenge. So the victims complained and they're still complaining even until  
25 today. And we thought if -- I don't know if there was -- if there were funds allocated

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1 to these victims and they did not receive them, we were just wondering about all that.

2 In my country, if you complain against someone and if the plaintiff wins, there are

3 funds that are allocated, but sometimes the plaintiff or the victims do not get these

4 funds. If you're asking me today, and after all -- after all that you've lost, I'm going

5 to give you an Almera car, if you actually give this to a European counsel, I will get it.

6 It's -- I trust a European counsel and that's all I can say.

7 Q. [10:39:58] Thank you, Witness, for this answer.

8 The participation form, did you fill it in by yourself?

9 A. [10:40:20] With regard to the participation form, this was sent to me, I read it,

10 and I replied. And I asked questions on points that I did not understand. I did not

11 fill it in -- in fact, I asked questions and after I received explanations, I would fill in

12 the form. And this is how I filled in the form. I was filling it gradually. I would

13 basically ask questions to understand the substance. I haven't read law and I was

14 not in a position to understand what was said, what was mentioned in the form. So I

15 would ask -- I would request for explanations from Mrs Pellet and this is how I would

16 check the boxes. And in the end, I signed the form.

17 Q. [10:41:48] Witness, in page -- again, tab 88 in the victims participation form,

18 \*CAR-OTP-2135-3870 -- there is a part where you have to fill in the details of the

19 person who helped the victim fill in the form and it's -- this part of the form is not

20 filled. So do we understand that you have filled in this form with assistance from

21 the victims' assistance unit?

22 A. [10:42:55] Counsel, you have the documents in front of your eyes. I have

23 answered the question and I feel you are asking me the same question. I filled this

24 form by myself. I would ask questions and then I would fill out the form and this is

25 how I proceeded.

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1 Q. [10:43:18] Witness, in transcript 14, page 41, line 7, the Legal Representative of  
2 the Victims said that you're here on "the basis of a form that we filled in together".  
3 So it's really important for us to know in what conditions did you take part in the  
4 proceedings today, it's very important, and this is why we are asking you this  
5 question. Did you fill in this form together with the Legal Representative of the  
6 Victims or on your own, by yourself?

7 A. [10:44:07] Counsel, I think I told you that I haven't read law. I would ask  
8 questions to Ms Pellet, and once I received explanations, I would fill in the form.  
9 This is what I said. I cannot say something else. I would ask questions, I would  
10 receive explanations, and I would fill in the form. And this how we worked  
11 together.

12 Q. [10:44:36] Thank you, Witness.

13 I have finished with my questions and now I put myself in the hands of the Presiding  
14 Judge.

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10 Q. [10:55:24] Mr Witness, yesterday you were asked to make a sketch and then it  
11 was compared to annex 4 -- sorry, that would be annex 3, CAR-OTP-2018-0423. Do  
12 you recall that?

13 A. [10:55:58] Yes, I do recall that. I remember the sketch of the cell, yes. I think,  
14 yes, that's it. I think I answered that question.

15 MS MAKWAIA: [10:56:21] Madam President, with your permission, I would like  
16 exhibited the second --

17 (Discussion between the Chamber and the court officer)

18 PRESIDING JUDGE SAMBA: [10:56:32] Sorry, Madam Prosecutor, can you say what  
19 you just said again, please. Can you repeat what you just said.

20 MS MAKWAIA: [10:56:38] So yesterday he was asked to make a sketch and then it  
21 was compared to another annex 3 of a sketch.

22 PRESIDING JUDGE SAMBA: [10:56:46] Okay, thank you.

23 MS MAKWAIA: [10:56:49]

24 Q. [10:56:50] So, Mr Witness, the sketch you were shown yesterday, do you recall  
25 there being a second part to it, the ones you gave to the investigators of the Office of

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1 the Prosecutor?

2 MS NAOURI: [10:57:07] (Interpretation) Your Honour.

3 PRESIDING JUDGE SAMBA: Yes, Ms Naouri.

4 MS NAOURI: [10:57:17] (Interpretation) Yes, your Honour, it's the same thing. The  
5 Prosecution had time during the main examination to talk about how OCRB was  
6 presented -- the photos of the OCRB were shown. These were commented by the  
7 witness and the witness explained how the OCRB worked. And in the  
8 examination-in-chief, we used this foundation and we asked the witness to provide  
9 information. So this is actually not a new question and we object to this line of  
10 questioning because it's coming back on the Prosecution that the -- that they did not  
11 choose to broach during the examination-in-chief. And this is in -- to sum up, it's not  
12 a new question at all and not in redirect. This is how we understand it. Thank you.

13 PRESIDING JUDGE SAMBA: [10:58:27] Madam Prosecutor.

14 MS MAKWAIA: [10:58:28] Madam President, this arose as a result of the  
15 cross-examination. Counsel even made the witness do another sketch and then did a  
16 comparison, then only used one part of the sketch that the witness gave. So this, in  
17 my submission, Madam President, your Honours, is clearly within my right to  
18 re-examine.

19 PRESIDING JUDGE SAMBA: [10:58:49] But isn't it a fact that this exhibit that we  
20 now see on the screen forms part of your documents that the witness commented on  
21 in chief? The sketch that the witness gave in cross is not what is even before us.  
22 And the witness did say a lot about, you know, the OCRB, using those sketches, this  
23 one and other -- other, you know, photos that were presented. And you had  
24 examined a lot, you asked a lot of questions in respect of that building that is already  
25 in evidence. Why would you want to go back on it? It's nothing new. It didn't

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1 come up new in cross-examination. All that counsel did was to ask the witness to  
2 sketch the building without this photo that we now have before us on the screen.  
3 I'll uphold the Defence counsel's objection, please.

4 MS MAKWAIA: [10:59:57] All right. My last question, Madam President.

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8 PRESIDING JUDGE SAMBA: [11:04:48] Okay. Thank you very much.

9 Mr Witness, I know you've said a lot to us here and all the lawyers are now done  
10 asking questions of you. So we will also want for you to clarify one or two issues.  
11 But I know that with us you're not going to be agitated, you're not going to be upset  
12 because we are putting just short questions to you for our understanding so that  
13 when we sit to make our determination, we have an accurate record of your  
14 testimony.

15 So on Thursday, if you can listen well, on Thursday, that is last Thursday,  
16 29 September, when counsel for the Prosecution was putting questions to you, you  
17 told the Court that there were two directors of the OCRB and that one was Christian  
18 and the other was Muslim. You did indicate that the Muslim director general was  
19 Said.

20 And just to allay your fears, we're in closed session -- we're in private session.

21 Now, my question to you is: Who was the Christian director general of the OCRB?

22 A. [11:06:45] I thank you, Madam Judge, your Honour. It was Commissioner  
23 Mallo Benjamin. He is the director.

24 PRESIDING JUDGE SAMBA: [11:07:02] Thank you very much, Mr Witness.

25 Also on Thursday, that same Thursday, 29 September, you told the Court how you

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1 were asked to get out of the hole at the OCRB early in the morning of the next day,  
2 that you were asked to go down in the hole. Now you explained to us how much  
3 you were beaten and tied up, how you were tortured, to use your words.

4 And for counsel I'm referring to T-13, the English version, at page 4, lines 1 to page 7,  
5 line 10.

6 Now, Mr Witness, you continued by saying at page 8 of T-13, lines 17 to 19, you said:

7 "The general came close to me. He was angry and he asked for me to be untied."

8 Those were your words. "The general came close to me. He was angry and he  
9 asked for me to be untied."

10 So my question to you would be: Who was this general who asked for you to be  
11 untied? Who was this general?

12 THE WITNESS: [11:08:58](Interpretation) It was General (Redacted). I said he was inside  
13 the building. I specify that it was him, indeed, General (Redacted).

14 PRESIDING JUDGE SAMBA: [11:09:07] Thank you very much, Mr Witness. So  
15 when you said at line 30 that, and I quote you again, "The chief issued the order to  
16 untie me", "The chief issued the order to untie me", were you talking about the same  
17 General (Redacted)? Was he the one who gave the order for you to be untied?

18 THE WITNESS: [11:09:39](Interpretation) No. I said General (Redacted) did not agree  
19 with the treatment I was being subjected to. He asked -- he gave the order that I be  
20 untied, but my torturer asked the elements who were next to them to take me down  
21 because I was suspended. But he says, "No, take him down." He simply want to  
22 cut the rope so I would fall from on high, but the chief, Yaya, specifically said that I  
23 needed to be taken down. And it was the chief who gave these instructions. He  
24 gave these instructions asking that I be untied, and he simply wanted to cut the rope  
25 so I would fall, but he said, no, take him down gradually. And when they asked me

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1 to get up, I could not. The soldiers who untied me dragged me up until I was right  
2 before the general. And I specify that it was Yaya who had given the order to untie  
3 me.

4 PRESIDING JUDGE SAMBA: [11:10:57] So when you say "The chief issued the order  
5 to untie me," you meant Yaya, the chief? Not the general this time, the chief?

6 THE WITNESS: [11:11:20](Interpretation) It was Yaya. The General (Redacted), as far as  
7 he was concerned, was not in agreement with the treatment that had been inflicted  
8 upon me, he was not in agreement with this. He did not agree that a human being  
9 be treated in such a way. If the Seleka were there, it was to fight injustice, but he,  
10 what had he done, he did not do anything. And my torturer asked that I be untied.  
11 But one of them wanted simply to cut the rope so that I would fall from on high, but  
12 he refused and he said I had to be carried and be taken down in good conditions. It  
13 was Yaya who gave these instructions so that I would be untied.

14 PRESIDING JUDGE SAMBA: [11:12:16] Yes, thank you very much for that answer,  
15 Mr Witness. We do appreciate all of this.

16 Now, at page 37 of T-13 again, Counsel, English version, Mr Witness, you referred to  
17 a General (Redacted)

18 (Redacted). You said he was detained, but  
19 you could tell that on that day he was very influential. You said you could tell that  
20 on that day he, General (Redacted), was very influential.

21 Now my question to you is, how influential was he, General (Redacted)? How influential  
22 was he? Was he influential over the director generals or other individuals? Tell us  
23 a little bit about General (Redacted), his role at the OCRB, please.

24 THE WITNESS: [11:13:53](Interpretation) I thank you, your Honour. When I spoke  
25 of influence, he was there as a prisoner. I don't know how to explain this, but when

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1 I was there, there wasn't any room, that's why he was put there. (Redacted) told me that  
2 this general was in the same hole and (Redacted)  
3 (Redacted). But one day he said to me, we were together with them,  
4 but he was -- he was -- he was not there. I had been subjected to torture. And we  
5 had been together when, for example, they came to take the country. But when I talk  
6 about influence, it's vis-à-vis respect. He was respected. Even Said respected him.  
7 All the Seleka elements who were present at the time respected him. That is why I  
8 spoke of influence. But if he were not to have been respected, the time when  
9 Nouradine had come, he would have had to leave. But it's because he was respected.  
10 He acted in such a way that he was respected. That's why I'm here before you today.  
11 It was in that way that I spoke of his influence. That's what I meant.

12 PRESIDING JUDGE SAMBA: [11:15:32] Thank you very much.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 JUDGE UGALDE: [11:16:49] Thank you, Madam President.

24 Mr Witness, thank you very much for the testimony that you have given us. We  
25 appreciate it.

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1 I have one question only and this refers to I think you mentioned on the first day, I'm  
2 sorry I don't have the exact time, but you mentioned that in the mornings someone  
3 will come to open the cells. Do you know who opened these cells or gave the order  
4 for the cells to be opened? Thank you.

5 THE WITNESS: [11:17:43](Interpretation) Yes, I remember what I had said. The  
6 following morning, we went out. When we went into the jail, we -- people had to  
7 come out and be presented to the prosecutor and to see the DG of the OCRB. And  
8 there was the commissioner, Mallo, who was one of the DGs. It was he and the  
9 police -- women police officers who were coming out and presenting them to the  
10 prosecutors. And when they wanted to take me out to present me to the prosecutor,  
11 one of my guards said no, he -- there are very clear instructions on him, and we must  
12 not take him out and present him to the prosecutor.

13 And in the morning, it was Mallo and the women police officers taking the detainees  
14 out of the cells to present them to the prosecutor. These are civil servants.

15 But those who were not civil servants, the rebels, one of them, I had said this in my  
16 statements, that the role of the commissioner, they were there merely to act as a  
17 symbol, they were just there to show there was an authority present. But imagine  
18 that you have a commissioner who is going to take me out to present me to the  
19 prosecutor, a commander from the FACA, an auxiliary of justice, compared to a  
20 FACA military from the Central African forces who is not an auxiliary of justice,  
21 someone who was commander, commander as a rank. Was it his true rank and not a  
22 colonel? So these authorities were there as a symbol. And on that day, Mallo was  
23 the one to take me out, but Yaya prohibited him from doing this. He said, "No, not  
24 for him. There are specific instructions for him."

25 That is the answer that I can give you to that question.

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1 PRESIDING JUDGE SAMBA: [11:20:23] Okay, thank you very much, Mr Witness.

2 At this stage, I would wish for, on behalf of us all here seated, my colleagues and I

3 and the Court, thank you very much for your cooperation. Your coming here to

4 testify as to what you know and what happened to you is well appreciated. We

5 wish you the very best of luck in all you do. And please stay well. Thank you very

6 much.

7 I'm going to rise the Court.

8 Madam Court Officer, are we still in private session? Can you get us into open

9 session, please.

10 Mr Witness, if you can give me a moment, please.

11 (Open session at 11.21 a.m.)

12 THE COURT OFFICER: [11:21:23] We are back to open session, Madam President.

13 PRESIDING JUDGE SAMBA: [11:21:26] Thank you very much.

14 Mr Witness, we've come to the end of your testimony. As I was saying, we do

15 appreciate, as a Chamber, the testimony that you've given us past days. I thank you

16 on behalf of the Court and on our own personal behalf, as judges here, for all you've

17 said to us, for cooperating with the Court and for telling us all that you went through

18 and what you saw personally. We want to wish you well in your future endeavours

19 and success in all that you do. We thank you very much for your cooperation.

20 I know we've come to the end of this witness's testimony and, Madam Prosecutor,

21 you have your second witness ready for us, but I know that the Registry has to

22 do -- take care of -- have some homework to do, so I'm going to rise the Court and ask

23 that we come back at 12 o'clock so that we can start off with your next witness.

24 Good luck, Mr Witness, and *bon voyage*.

25 (The witness is excused)

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1 THE COURT USHER: [11:22:45] All rise.

2 (Recess taken at 11.22 a.m.)

3 (Upon resuming in open session at 12.02 p.m.)

4 THE COURT USHER: [12:02:08] All rise.

5 Please be seated.

6 PRESIDING JUDGE SAMBA: [12:02:40] Good afternoon again, everyone.

7 The Prosecution is about calling its second witness, P-0338. It's the Chamber's

8 understanding that this witness will be testifying in French. I therefore remind

9 everyone of the importance of the need to speak slowly for the interpreters and to

10 observe the five-seconds rule between questions and answers.

11 For the record, we're in open session. But before we bring in the witness, the

12 Chamber will issue a brief oral decision.

13 The Chamber notes that on 30 September 2022, the Common Legal Representative of

14 Victims sought leave of the Chamber of an email to question P-0338.

15 Now, the decision -- the Defence objects to the counsel for victims questioning the

16 witness without having first established that its questions are related to the specific

17 personal interests of the victims she represents and more particularly to the harm they

18 would have suffered.

19 The Chamber rejects the counsel for victims request to question P-0338. The basis for

20 this is that the proposed topics are too broadly formulated and do not specifically

21 relate to victims she represents.

22 The Chamber reiterates its view in paragraph 27 of the directions on the conduct of

23 proceedings that the CLRV's role is different from that of the Prosecutor. This must

24 be reflected in the type of questions asked. The CLRV's questioning is limited to

25 matters relevant to the personal interests of the victims, such as harm the victim may

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1 have personally suffered or observed. The questions must be specific and relevant to  
2 the personal interests of the victims.

3 The CLRV's request does not explain how her proposed questions meet these  
4 requirements.

5 Now, this is without prejudice to the CLRV requesting permission for asking specific  
6 questions after the Prosecution has finished its direct examination.

7 This ends the oral decision.

8 Can the court clerk please bring in the witness.

9 (The witness enters the courtroom)

10 PRESIDING JUDGE SAMBA: [12:07:05] Good afternoon, Mr Witness.

11 WITNESS: CAR-OTP-P-0338

12 (The witness speaks French)

13 THE WITNESS: [12:07:13](Interpretation) Good afternoon.

14 PRESIDING JUDGE SAMBA: [12:07:16] You're going to testify before the  
15 International Criminal Court, so on behalf of the Chamber, I would like to welcome  
16 you to this courtroom.

17 THE WITNESS: [12:07:30](Interpretation) Thank you.

18 PRESIDING JUDGE SAMBA: [12:07:32] So, Mr Witness, you have before you on  
19 your desk the solemn undertaking to tell the truth that every witness who appears  
20 before this Court must agree to. Can I ask that you read out loud the solemn  
21 declaration before you, the solemn undertaking before you.

22 THE WITNESS: [12:08:06](Interpretation) Solemn undertaking: I solemnly declare  
23 that I will say the truth, the whole truth and nothing but the truth.

24 PRESIDING JUDGE SAMBA: [12:08:20] Thank you very much, Mr Witness.

25 Now, do you understand and agree to what you have just read?



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1 THE WITNESS: [12:08:34](Interpretation) I understand. I agree.

2 PRESIDING JUDGE SAMBA: [12:08:39] Good. We will continue.

3 I have a few practical matters you should have in mind when giving your testimony,  
4 Mr Witness. Everything we say here in this courtroom is written down and  
5 interpreted. It is therefore important to speak clearly and at a slow pace. Please  
6 speak into the microphone and only start speaking when the person asking you the  
7 question has finished. You will be able to tell when the question is finished when  
8 the speaker turns off their microphone. After that, please wait for five more seconds  
9 to allow for the interpretation to finish.

10 If you yourself have any question that you would like to ask, or you have anything  
11 you would want to say to the Court, simply raise up your hand so we know that you  
12 wish to say something.

13 Have you understood all of that, Mr Witness?

14 THE WITNESS: [12:10:00](Interpretation) I understand.

15 PRESIDING JUDGE SAMBA: [12:10:01] Thank you very much. We will then start  
16 with your testimony.

17 I'll ask the Prosecution to start their examination, direct examination, please.

18 MS VON BRAUN: [12:10:13] Thank you, Madam President. I hope I can be heard  
19 well.

20 QUESTIONED BY MS VON BRAUN:

21 Q. [12:10:24] Good afternoon, Mr Witness.

22 A. [12:10:31] Good afternoon.

23 Q. [12:10:34] We have met before. My name is Leonie von Braun and I will be  
24 asking you questions on behalf of the Office of the Prosecutor today.

25 If you do not understand any of my questions or a specific question, please tell me

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1 and I will rephrase or pose it in a different way.

2 If my questions touch on issues which may endanger you, your family or are  
3 otherwise best be kept confidential, do not hesitate to let me know and I will request  
4 to move into private session.

5 Have you understood that?

6 A. [12:11:28] I understand.

7 Q. [12:11:31] Thank you.

8 Could you please tell us your full name and when you were born.

9 A. [12:11:43] My name is Mallo Benjamin. I was born in 1968 in Kouki.

10 Q. [12:12:07] What nationality are you?

11 A. [12:12:17] I am of Central African nationality.

12 Q. [12:12:24] Do you belong to a specific ethnicity or ethnic group?

13 A. [12:12:37] I am from the Sara group and my ethnicity is Kaba.

14 Q. [12:12:51] Are you a member of a religious faith?

15 A. [12:13:02] I am Catholic.

16 Q. [12:13:08] Could you state to the Court which languages you speak.

17 A. [12:13:20] I speak the Patois, Sango and French.

18 Q. [12:13:31] And what is your profession today?

19 A. [12:13:41] I am a police commissioner of the police director of security and  
20 public order.

21 Q. [12:13:57] Thank you. Can you please describe to the Court your education  
22 and development of your professional career.

23 A. [12:14:18] I began my studies first in kindergarten and then elementary school in  
24 Kouki in \*1972. And then I went to Bangui and I went to the Kandala school and  
25 then I went to the Assana school. I went to the Lycée of Martyrs where I got my Bac.

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1 After, I went to the University of Bangui and I participated in a competition for police  
2 commissioners at the superior police in Côte d'Ivoire, in Abidjan, Côte d'Ivoire. And  
3 in 2000, I went back to my country and I became part of the corps of police  
4 commissioners in 2001. And in 2002, I got a permanent post. After a first  
5 internship, I was named head of the service at the Special Commissariat of the city of  
6 Baboua. Then I returned to Bangui around the years 2010 -- 2009, 2010 as director of  
7 the fight against drugs. Then I was appointed the director of studies for planning,  
8 director of the ECRB -- or, rather, the OCRB, head of the service for financial and  
9 economic affairs. And today, director of public order and safety or security. That's  
10 my last -- latest posting.

11 Q. [12:16:19] Thank you. When were you appointed as head of the OCRB?

12 A. [12:16:37] I was appointed director of the OCRB I believe in November of 2012.

13 Q. [12:16:45] Thank you. And what does the OCRB stand for, the letters O-C-R-B?

14 A. [12:17:09] The OCRB means the -- it's the French version of the Central African  
15 office for combating crime.

16 Q. [12:17:18] And who appointed you to head the OCRB?

17 A. [12:17:34] Upon the proposal of my hierarchical superior, President Bozize is the  
18 one who signed the decree.

19 Q. [12:17:47] And where is the OCRB that you headed located exactly?

20 A. [12:18:06] The OCRB is located in the downtown area, not far from the Palace of  
21 the Renaissance and close to the directorate general of the Central African police.

22 Q. [12:18:24] Thank you. And what is the OCRB exactly? Can you describe its  
23 structure and mandate, please.

24 A. [12:18:43] The OCRB is one of the main administrations of the Central African  
25 police, which is composed of three services. It's main purpose is fighting crime,

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1 major crime throughout the Central African Republic.

2 Q. [12:19:21] And can you elaborate a bit more on its structure, please. You  
3 mentioned three services.

4 A. [12:19:36] There is a service of the judicial police, there is a service of  
5 intervention, and -- and there is a service that takes care of the police stations.

6 Q. [12:20:08] How long did you hold your position while President Bozize was  
7 president?

8 A. [12:20:34] When President Bozize was still president, I stayed at the OCRB from  
9 November 2012 up until 24 March when the Seleka came to Bangui to take power.

10 Q. [12:21:03] During the time before, before the Seleka took power, who were your  
11 direct supervisors?

12 A. [12:21:26] It was the director general, there was the -- director general  
13 Yves Gbeyoro, who then became director of the cabinet. And the minister, then  
14 there was one after the other. There were several of them under Bozize.

15 Q. [12:21:53] Can you elaborate that a bit more and provide names. You provided  
16 one.

17 A. [12:22:05] Oh, I no longer remember those names. Perhaps there was the  
18 director general Henry Linguissara, I think.

19 Q. [12:22:28] When you say "director general," what does that mean exactly?  
20 What was his position?

21 A. [12:22:40] The director general of the police is the one who coordinates and runs  
22 all the activities of the different departments and services of the national police.

23 Q. [12:23:03] And who did he report to?

24 A. [12:23:13] He reported directly to the minister.

25 Q. [12:23:20] Which minister, please.

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1 A. [12:23:31] I think at the time the minister was Minister Binoua.

2 Q. [12:23:42] Minister Binoua, which ministry exactly did he lead at that time?

3 A. [12:23:54] It was the ministry of public safety responsible at the time -- the  
4 names of the ministers and ministries were changing regularly. At the time it was  
5 the ministry of public safety, somebody responsible for migration and immigration as  
6 well.

7 Q. [12:24:26] So when you took up this position in November 2012, what were your  
8 duties? Can you describe to us what you were -- what your work was at the OCRB.

9 A. [12:24:57] My work at the OCRB consisted of, well, first receiving complaints of  
10 users who had been attacked or who had been threatened, any type of threat. And if  
11 we had calls, it was to track those who had, let's say, robbed people and bring them to  
12 justice.

13 Q. [12:25:35] Were you working with judicial services as well?

14 A. [12:26:01] We work together with judicial services.

15 Q. [12:26:10] Which ones, please?

16 A. [12:26:16] Within the police, there is one department of the service of the judicial  
17 police and this department, when it has some information on bandits, robbers that we  
18 have to find, it is to the OCRB that the complaint will be sent, the report, and it is up  
19 to the OCRB to conduct investigations, find the -- and look for the guilty people and  
20 then bring them so that the judicial police can deal with them. Then we also work  
21 very closely with the court of *grande instance* of Bangui, with the prosecution there.  
22 We work very closely with them.

23 Q. [12:27:36] Who was the -- who was the prosecution that you worked closely  
24 with? Can you give names?

25 A. [12:28:04] It was Prosecutor Tolmo. There was also Prosecutor Gresenguet,

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1 I think, who came later.

2 Q. [12:28:22] At this time between November 2012 and the arrival of the Seleka,  
3 please, for this time, describe your general interactions with the prosecution.

4 A. [12:29:00] Our work on a daily basis with the prosecution in Bangui was to  
5 present the individuals whose cases had been closed. And if the prosecutor is  
6 referred a case of aggression where the OCRB has to intervene, we are contacted and  
7 then we accomplish the mission for the prosecution.

8 Q. [12:29:45] Would you go to the prosecution or would the prosecution also come  
9 to the OCRB?

10 A. [12:30:08] We, if we had cases that were ready, we present the accused with the  
11 case to the prosecutor. So either the prosecutor or his, her deputies regularly carry  
12 out visits to our unit to see, these are -- these are verifications to ensure that things are  
13 functioning properly.

14 Q. [12:30:51] When you arrived at the OCRB in 2012, what was the situation like  
15 there when you took over the position? What did you find there?

16 A. [12:31:11] When I was at the OCRB, after and when I took over, my predecessor  
17 was not there, he had left with almost all documents. So the inspector who came to  
18 settle me in observed these facts and drew up a report of lacking documents.  
19 So there was no handover, so to speak.

20 Q. [12:32:10] And then, what did you do then?

21 A. [12:32:27] With the colleagues who were there at that point of time, we -- we  
22 organised a meeting to start things from scratch to make the administration functional.  
23 You see, it's a public department.

24 Q. [12:32:50] Were there persons detained at that point when you took over the  
25 position?

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1 A. [12:33:09] Yes, there were people who were detained. There were people  
2 detained. And what drew my attention when I entered the secured rooms, I met two  
3 young men who were colleagues. My -- in fact, collaborators who worked with  
4 Bozize. They were there in one of the chambers. There was no bedsheets or  
5 anything. There were two of them whose situations were rather difficult. I took  
6 care of them. I asked them to wash up and then they actually remained there till the  
7 Seleka arrived. And then they left. There was one who met me later. It was  
8 difficult, I must admit. One of the brothers, you know, joined the Seleka. I think  
9 he -- he was dead, but he -- the other one is still in -- is still alive.

10 Q. [12:34:43] Now, you just mentioned that there was no handover to you. So  
11 how did you go about getting an overview of the situation and the persons detained?

12 A. [12:35:06] But the detainees remained in the cells. It's the director whom I  
13 replaced left. But the entire team stayed back. The one who was in charge of the  
14 cells gave me an overview of the situation of each of the accused.

15 Q. [12:35:47] Now, you just also already mentioned the arrival of the Seleka, but  
16 I would like to ask you, when did you first hear about the Seleka and what did you  
17 hear before 24 March?

18 A. [12:36:21] The birth of the Seleka rebellion is a very long story. There were  
19 small groups, there were groups of rebellions, and then they merged into a coalition.  
20 And that's the definition of the word "Seleka". Seleka means coalition. And we  
21 would follow up in the different zones. They were actually conquering cities  
22 gradually and -- and our army was also being -- getting organised. And they would  
23 then reach their objective. There was a red line drawn and that's where the  
24 negotiations were to be held with the participation of international organisations.  
25 The government went to meet them. The negotiations did not come through.

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1 The Seleka minister -- the Seleka ministers and the chief of command of the Seleka,  
2 they remained, but the other members of the government returned to Bangui. And it  
3 was this -- at this time that the -- that clear information was issued to say that the  
4 Seleka had the ultimate conviction of taking over Bangui -- of coming to Bangui.

5 THE INTERPRETER: [12:38:34] Corrects the interpreter.

6 MS VON BRAUN: [12:38:40]

7 Q. [12:38:42] How did you learn that they were conquering cities?

8 A. [12:38:59] That's through the media.

9 Q. [12:39:12] And how did you learn about the red line you mentioned and the  
10 negotiations?

11 A. [12:39:29] This was through the media and the various press releases issued by  
12 the government.

13 Q. [12:39:47] In January and February 2013, what was the situation like in Bangui?

14 A. [12:40:07] During this period January and February, there was panic in Bangui.

15 We would receive information from left and right, from the media. The Seleka had  
16 infiltrated the city of Bangui. There were tensions rising between Muslims and  
17 Christians. The Central African Republicans were expecting something to happen at  
18 any time.

19 Q. [12:40:50] Can you describe when you heard first that the Seleka infiltrated the  
20 city, please.

21 A. [12:41:18] This was from the information that the police would receive. There  
22 was -- there were policemen patrolling the city and we felt that there were  
23 infiltrations through the police information that was received on a daily basis.

24 Q. [12:41:45] And how long before 24 March was it that you started receiving this  
25 type of information?



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1 A. [12:42:01] So we have -- we receive information on a daily basis at the police.

2 We receive information, we share that information to ensure security in the country

3 and ensure the security of our citizens. So I really can't say at what moment. You

4 see, we have information -- we were receiving information every day that things were

5 not right.

6 Q. [12:42:29] All right. Thank you very much.

7 You mentioned tensions between Muslims and Christians. Can you describe what

8 you mean by that in a bit more detail, please.

9 A. [12:43:00] The rebellion was the extreme north of the city. It's a zone where

10 most of the population was Muslim, and for them, Bozize's regime was that of a

11 Christian regime. And -- and there was a raid in their region to check up on the

12 mines and there were exactions that have been allegedly committed. So they

13 perceived that as an aggression against Muslims and this is when there was -- they

14 were dissatisfied and they started organising themselves and they started attacking

15 public infrastructure until Bangui.

16 Q. [12:44:21] In your -- in your last sentence now when you say "they started

17 attacking," can you just explain to me who exactly you mean by "they"? I'm sorry I

18 have to ask the follow-up question, but I didn't quite understand it.

19 A. [12:44:46] Upon the inception of the rebellion, as I said, this was at the north and

20 this was a Muslim dominated population. And after this government mission

21 carried out by the ministry of mines, they started attacking the administrative

22 structures. This was the Seleka group. They were unhappy so they started

23 attacking administrative structures to show their dissatisfaction with respect to the

24 mission that allegedly committed exactions on the mine activity in the region.

25 Q. [12:45:37] And was there a change in behaviour among the population of Bangui

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1 that you noticed?

2 A. [12:45:57] Yes. There was a change in behaviour in Bangui. There was a clear  
3 change in behaviour. Because things started falling into place and that was only in  
4 Bangui and in certain zones that were not concerned by the Seleka. But in the north,  
5 there was insecurity and there's still insecurity.

6 Q. [12:46:47] And what was the government's reaction to these developments in  
7 Bangui? Can you describe anything you remember, the government's reaction?

8 A. [12:47:16] The government tried, made every effort to restore peace and  
9 reconcile the various social classes. And this is what the government continues to do  
10 until today.

11 Q. [12:47:49] And what was the OCRB's response under your leadership?

12 A. [12:48:09] Upon the instructions of the command, OCRB was part of a mixed  
13 team. There were police officers and gendarmerie and they were trying to maintain  
14 security in the whole city of Bangui.

15 Q. [12:48:44] And where was your supervisor, Linguissara, at the time -- at this  
16 time?

17 A. [12:48:58] He was in Bangui and with him the mixed patrol team would carry  
18 out activities.

19 Q. [12:49:13] What did Linguissara share with you about the developments?

20 A. [12:49:48] The defence and security forces were to maintain security in the city  
21 and the director general was constantly with a mixed team of police and gendarmerie.  
22 The mission was to ensure peace and security and make sure that the people stayed  
23 calm.

24 Q. [12:50:16] Was Linguissara in contact with President Bozize?

25 A. [12:50:29] He was the director general of the police and he was the one

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1 supervising the mixed police and gendarmerie patrols. And he was regularly  
2 reporting to, first of all, our minister, who would in turn report to Bozize. But  
3 sometimes Bozize would directly call him to get information on the state of security in  
4 Bangui.

5 Q. [12:51:21] Were you ever privilege to such a call yourself?

6 A. [12:51:34] No. Except I think it was when the -- it was when the Seleka was  
7 supposed to come back and we had information according to which there were police  
8 officers who deserted and defected to the other side to join the rebels. And I was  
9 with the director general Linguissara and he told me that Bozize called him to inform  
10 him that police officers have deserted and defected to the other side and their vehicles  
11 were at the riverbank near Saint-Paul.

12 So I had to go and bear out the authenticity of this information. So I sent out a team  
13 to patrol, who visited the area and who observed that there were three police cars,  
14 police vehicles on the riverbanks. I met them and, unfortunately, the presidential  
15 guard was already there to recover the vehicles and we returned to make a report,  
16 saying that the three cars were at the riverbank and the presidential guards have  
17 recovered them for the president of the republic.

18 Q. [12:53:36] Do you recall what happened the day the Seleka arrived in Bangui?

19 A. [12:54:02] They arrived on a Sunday, but on the Saturday itself, the city of  
20 Bangui was in a state of panic. So on Sunday morning, I decided to go to the office  
21 to put the equipment I had in my office for safekeeping, mainly my computer.  
22 When I left, I saw that the city centre was surrounded by the presidential guard that  
23 was heavily armed. I was on the motorbike so I returned and take my vehicle. I  
24 asked one of my nephews to take me to the office.

25 When -- when I reached the office, there was one element of the presidential guard,

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1 and the others had left, so I opened the office and I said -- I asked them to unplug the  
2 machines and leave. And this is when I heard the first detonation that was quite far.  
3 I went out of the office, and shortly after, there was a second detonation. And that  
4 seemed rather close to the gendarmerie. And I saw the president's -- presidential  
5 guard who were coming out of the presidential home and they were going to the river  
6 and that's when I told my nephew and the element who was there to leave everything  
7 behind and just take off. So we took nothing with us.

8 I came back home, I parked my car, I changed and I left. I came to observe their  
9 arrival. They immediately surrounded the city of Bangui. When they reached the  
10 presidential house, some groups left as Bangui had fallen. They came back. (Redacted)  
11 (Redacted). All my family was at the church. So I saw the  
12 Seleka come back. There was a festival for Catholics. There were so many cars and  
13 motorbikes before the church. And they were -- they took the motorbikes and the  
14 vehicles that were in front of the church and this is how the authority in Bangui fell.

15 Q. [12:58:09] Thank you. When you say "they" took the vehicles, just for my  
16 understanding, who do you mean by "they" took the vehicles?

17 A. [12:58:27] It was the Seleka elements who entered Bangui.

18 Q. [12:58:37] And how, how did you recognise that these were Seleka elements  
19 taking the vehicles?

20 A. [12:58:56] (Redacted)

21 and we were on the side of the road. And at that point of time, there was no police,  
22 no gendarmerie and neither the army in -- working in Bangui.

23 Q. [12:59:40] Can you describe these Seleka a bit for me, please, what they were  
24 wearing.

25 A. [13:00:00] It's difficult to describe them. They were rebels. They were

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1 wearing different types of clothes. Some of them had a military attire on the top,  
2 wearing jeans, some were hooded. They were rebels who actually entered the city.

3 Q. [13:00:30] Were they armed?

4 A. [13:00:40] The majority of them were armed.

5 Q. [13:00:46] What type of weapons did you see?

6 A. [13:00:57] The Seleka, when they came into Bangui, they broke all our barracks.

7 They took the -- the weapons of all calibres. They emptied all our reserves. So

8 those who really were armed had weapons of all calibres on them.

9 Q. [13:01:34] And what happened next?

10 A. [13:01:51] Well, during the day on Sunday, when they had finished serving  
11 themselves around the church, I went to the house and I wanted to get my family that  
12 had been blocked in the presbytery.

13 MS VON BRAUN: [13:02:31] Madam President, for the next lines of questioning,

14 I would request a very brief private session, please, as it concerns his family and  
15 possibly place of living.

16 PRESIDING JUDGE SAMBA: [13:02:43] That's okay.

17 Madam Court Officer, can we go into private session for a little while, please.

18 (Private session at 1.03 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Open session at 1.14 p.m.)

2 THE COURT OFFICER: [13:14:12] We are back to open session, Madam President.

3 PRESIDING JUDGE SAMBA: [13:14:15] Thank you.

4 Carry on, Madam Prosecutor.

5 MS VON BRAUN: [13:14:19] Thank you.

6 Q. [13:14:21] Mr Witness, what did you do afterwards? What happened in the  
7 subsequent days after this event?

8 A. [13:14:38] I remained in my family because there was nothing going on up until  
9 the president of the republic made an appeal to all administrative staff, both civilian  
10 and military, to resume their work. And this call, for us police officers, was repeated  
11 by the minister Nouradine, who is responsible for public security, to ask all the  
12 elements of the defence and security forces to resume their work. And he used this  
13 opportunity to call a meeting, call the *Grand rapport*. It's a big meeting of all the  
14 elements for the police in order to receive instructions from the minister. And that  
15 happened on a Saturday. I went to this *Grand rapport* meeting to hear what the  
16 minister was going to tell us. There you go.

17 Q. [13:16:52] Thank you, Mr Witness.

18 Who was the president that had made that appeal?

19 A. [13:17:12] It was the president, Michel Djotodia.

20 Q. [13:17:20] And what had happened to President Bozize?

21 A. [13:17:31] President Bozize, well, we no longer had any news from him from the  
22 moment he left Bangui. When the Seleka came in to Bangui on the 24th, on a Sunday,  
23 we did not have any other news from him.

24 Q. [13:17:59] And you mentioned a minister who repeated the message of the  
25 president and you gave a name. Can you give the full name of that minister?

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1 A. [13:18:21] The minister of security was known under the name as Nouradine

2 Adam, Nouradine Adam is the name that we know.

3 Q. [13:18:42] And the *Grand rapport* you mentioned, which you said was on a

4 Saturday, do you recall the date of this *Grand rapport*?

5 A. [13:19:01] No.

6 Q. [13:19:06] Do you recall the month?

7 A. [13:19:25] They entered on 24 November -- March, so I believe it must be

8 certainly early April because they took at least one to two weeks to loot the city.

9 That's it.

10 Q. [13:19:50] At this *Grand rapport*, what was said exactly?

11 A. [13:20:12] It was for a first time and for us police officers an opportunity to have

12 a contact with the new minister from the Seleka. He introduced himself to us, first of

13 all, and asked each head to introduce himself or herself. So all the superior officers

14 who were present introduced themselves to him. Subsequently, he urged everyone

15 to resume their work, because to his mind, the Bozize regime had fallen and they

16 were then in power and activities had to be taken up again. So he made an appeal to

17 all the elements of the forces of security and defence to resume their work, starting on

18 the following Monday, and we were to -- there, a control, a check would be carried

19 out. That's what the *Grand rapport* was all about.

20 Q. [13:21:59] How many officers, if you remember, attended this *Grand rapport*?

21 Police officers, I mean.

22 A. [13:22:17] There were about a hundred of us.

23 Q. [13:22:27] And were these only superior officers?

24 A. [13:22:38] No. There were all the police, civil servants who had received this

25 call from the minister, all the ranks combined.

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1 Q. [13:22:59] Were all superior officers present?

2 A. [13:23:11] No.

3 Q. [13:23:13] Do you know why?

4 A. [13:23:23] Well, first, it was for a reason of security for some. Some were  
5 outside the city of Bangui. Some were still hidden. So those who were in hiding or  
6 outside Bangui did not know what was happening in the city so they could not just  
7 come out just like that.

8 Q. [13:23:59] How was this appeal communicated to you and the other officers?

9 A. [13:24:13] Through media, the national radio.

10 Q. [13:24:25] And why did you report back that day?

11 A. [13:24:35] I was a superior officer and I was present in Bangui.

12 Q. [13:24:49] What would have happened if you had stayed home?

13 PRESIDING JUDGE SAMBA: [13:25:06] Counsel, that's speculative. That question  
14 is speculative. Thank you.

15 MS VON BRAUN: [13:25:16] Thank you, Madam President. I will rephrase.

16 Q. [13:25:22] Mr Witness, you mentioned that there would be a check on Monday,  
17 that this is -- that this was said by Nouradine Adam in his *Grand rapport*. What did  
18 he mean by that?

19 A. [13:25:46] After a coup d'état, the regime had set itself up, so the administrative  
20 services had to resume their functioning. That is how the president made this  
21 appeal that had been communicated by the minister of public security with respect to  
22 police officers so that we would resume our work and so that he would understand  
23 that the work had begun.

24 Some civil servants had resumed their work. There had to be, let's say, a check  
25 of -- he would have to make the rounds to ensure that all the services had resumed

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1 their work. That's how I understood it.

2 Q. [13:26:52] Can you describe Nouradine Adam for us, please.

3 A. [13:27:13] The minister, Nouradine Adam, he had people call him "General".

4 He's tall, he's black, slim, and he dressed like a Muslim. He had a cane in his hand.

5 Sometimes he had his pipe. He is a man whose passage when he walks by impresses  
6 people, makes an impression.

7 Q. [13:28:11] In which language did Nouradine Adam address you at that  
8 *Grand rapport* that day?

9 A. [13:28:30] He addressed us only in Sango. He addressed us only in Sango.

10 Q. [13:28:43] What ethnicity is Nouradine Adam from?

11 A. [13:29:01] I don't know what his ethnicity is, even in terms his nationality, that's  
12 something that's doubtful, because he says he's Central African, but I don't know  
13 what his ethnicity is. Is he Goula? Runga? Chadian? Sudanese? Central  
14 African? I cannot tell you.

15 MS VON BRAUN: [13:29:32] Madam President, I'm aware of the time and I was  
16 informed that we want to end at 1.30. I would have one last question to round off  
17 this issue of the *Grand rapport*, but I'm in your hands so I can also resume later on.

18 PRESIDING JUDGE SAMBA: [13:29:50] Madam Court Officer, can we take that last  
19 question?

20 Yes, carry on, please.

21 MS VON BRAUN: [13:29:58] Okay, thank you very much.

22 Q. [13:30:00] Mr Witness, at this *Grand rapport*, do you recall who was with  
23 Nouradine Adam aside from the police officers you mentioned? So who came there  
24 who was with Nouradine Adam that day at that meeting?

25 A. [13:30:32] All the *Grands rapports* that are presided over by the minister means

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1 you have the presence of the director general of the police, that's mandatory. So I do  
2 not remember any longer whether the director general was with Nouradine Adam  
3 because he had put himself in a safe place at that time. And Nouradine Adam had  
4 come with his security team. And that's it. It's hard for me to tell you that, whether  
5 the director general was by Nouradine Adam's side. I can't tell you that now right  
6 now. I do not remember.

7 Q. [13:31:20] Thank you very much. That is not a problem. We will resume at a  
8 later time and I would end my questions here.

9 PRESIDING JUDGE SAMBA: [13:31:30] Thank you very much.

10 Mr Witness, we're going to break off for lunch and we'll come back an hour from now  
11 at 2.30.

12 I'll rise the Court and we'll meet at 2.30, please.

13 THE COURT USHER: [13:31:48] All rise.

14 (Recess taken at 1.31 p.m.)

15 (Upon resuming in open session at 2.31 p.m.)

16 THE COURT USHER: [14:31:48] All rise.

17 Please be seated.

18 PRESIDING JUDGE SAMBA: [14:32:16] Good afternoon, everyone.

19 And yes, Ms Pellet, before we resume, I see you're standing up.

20 MS PELLET: [14:32:26] (Interpretation) Thank you, Madam President. I wanted to  
21 just say that we wanted written on record that Tars Van Litsenborgh has been  
22 replaced by Adeline Bedoucha because he has left the representative of the victims.  
23 Thank you very much.

24 PRESIDING JUDGE SAMBA: [14:32:52] Okay. Thank you very much. That's  
25 noted.

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1 We are going to continue, Mr Witness, with your examination by the Prosecutor.

2 Madam Prosecutor, can you carry on, please.

3 MS VON BRAUN: [14:33:07] Thank you, Madam President.

4 Q. [14:33:11] Mr Witness, before the break we were speaking about the *Grand*  
5 *rapport*. I have just a few small questions on this issue, in addition.

6 You said, and this is on the transcript page 75, line 2, that Adam had come with his  
7 security team to the *Grand rapport*. Can you describe this security team for me,  
8 please.

9 A. [14:33:56] I cannot describe it because he always moved around with at least two  
10 vehicles with elements, Seleka elements accompanying the minister.

11 Q. [14:34:17] How many elements?

12 A. [14:34:24] I cannot say exactly how many there are.

13 Q. [14:34:33] Were those two vehicles full of elements?

14 PRESIDING JUDGE SAMBA: [14:34:46] Madam Prosecutor, I think the witness's  
15 testimony is that, you know, it's not just on that day. He always -- he said he always  
16 would move at least with two vehicles. If you want to ask him a question as to, you  
17 know, those vehicles or how many vehicles on that day, you may want to do that, ask  
18 him how many vehicles. If he remembers, he'll tell you.

19 MS VON BRAUN: [14:35:11] Thank you, Madam President.

20 Q. [14:35:12] Do you remember how many vehicles accompanied Adam on that  
21 day?

22 A. [14:35:21] Two vehicles.

23 Q. [14:35:25] And this security team, was it armed?

24 A. [14:35:44] They were always armed. The security vehicle of the minister had a  
25 heavy weapon on it. And then there was the command vehicle. It's a Toyota VX, a

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1 modern one, or a deluxe Toyota model.

2 Q. [14:36:23] Were these Seleka elements wearing uniforms?

3 A. [14:36:36] Yes. The government had been set up, the powers had set up, so  
4 most of the security elements were wearing the uniform of those they were  
5 surrounding. They were in uniform.

6 Q. [14:37:04] Did you speak personally to Nouradine Adam at this meeting, the  
7 *Grand rapport*?

8 A. [14:37:19] No, I did not speak to him, but each head introduced themselves by  
9 greeting him.

10 Q. [14:37:35] Thank you. And what happened after this meeting, this *Grand*  
11 *rapport*?

12 A. [14:37:50] Every person went back home.

13 Q. [14:37:59] And then?

14 A. [14:38:11] Well, then on Monday morning, when everyone had to return to work,  
15 I got dressed and I went to the OCRB. I presented myself there. And we called  
16 upon Colonel Said, who came and met with me and I introduced myself. He led me  
17 to the building of the OCRB to introduce me to his elements.

18 Then I -- we made the rounds so that I could see my office. Shortly thereafter,  
19 Minister Nouradine arrived. He asked Colonel Said to bring his men together.  
20 And he introduced them as the director of the OCRB, the real police officers who  
21 would henceforth teach them the work of the police. That is what Minister  
22 Nouradine said on that day.

23 Q. [14:40:02] Thank you. Just taking one small step back. When you first arrived  
24 at the OCRB on that morning, what -- what was the situation? What did you see  
25 there?

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1 A. [14:40:34] The OCRB had been transformed into a base of a Seleka group.

2 When they took power, Nouradine set up his base at the OCRB. There were several  
3 bases. Those that were directly under Minister Nouradine, all those were based at  
4 the OCRB.

5 Q. [14:41:25] If you say he set up his base there, can you describe what you mean  
6 by that?

7 A. [14:41:43] When they entered Bangui, for each rebel chief, there was a need to  
8 find a place to base his men. Did they agree about this ahead of time? I don't know.  
9 But Nouradine brought his men directly to the OCRB. As I said earlier, there was  
10 another base as well at the firefighters. There was another general. Another  
11 general had his base in the -- in Camp de Roux. And there were at least two bases in  
12 Camp de Roux -- or this Camp de Roux. But with regard to Nouradine, the elements  
13 dependent directly on him were based at the OCRB.

14 Q. [14:43:11] When Colonel Said introduced himself, how did he do that? What  
15 did he say exactly?

16 A. [14:43:33] Colonel Said? Well, I too was in uniform. I was also a colonel,  
17 I was a lieutenant colonel. And so he approached me, he greeted me, smiling. He  
18 speaks Sango well. He says: "Hello, Colonel. Hello, Colonel. So I'm responding  
19 to the call of the minister." That is how he invited me to go with him because the  
20 base was behind there. So we went around the house. And he said to his elements:  
21 "This is the director of the OCRB." So we went up, we went to see what was left of  
22 my office -- of the office. And then we came back down and the minister was  
23 coming to check the effectiveness of the resumption of work.

24 Q. [14:44:48] Did Colonel Said say anything about what he was doing there that  
25 morning, why he was there?



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1 A. [14:45:00] No, no, it was their base. Said, he was at his place and all the  
2 elements were sleeping on site. Before I resumed my functions, they were even  
3 sleeping in my office, they were sleeping there. So they would plan almost all  
4 operations from the OCRB.

5 MS VON BRAUN: [14:45:50] One moment, sorry.

6 Q. [14:45:57] How many Seleka were at the OCRB that morning, if you can  
7 estimate?

8 A. [14:46:16] I cannot give an estimation because the atmosphere itself was one of  
9 terror because a base of rebels that have come -- that has come, they all had their  
10 weapons. This was something that was unprecedented. So to give an estimation of  
11 the number of them, I just can't do it.

12 Q. [14:46:52] Who did these elements there report to?

13 A. [14:47:15] The head -- the theoretical head was Colonel Said. He was -- the  
14 colonel was there. But in terms of behaviour of the elements, it was difficult, at least  
15 the first day it was hard for me to see, do they have any notion of reporting. But in  
16 terms of the head, I would say that it was Colonel Said.

17 Q. [14:48:00] Do you know whether Colonel Said has a first name?

18 A. [14:48:16] I never knew his first name. I simply called him Colonel Said.

19 Q. [14:48:31] What did you learn about Colonel Said's background?

20 A. [14:48:50] Personally, his history, well, I had not learned anything about him  
21 except for what he himself told me when we got to know each other. He was an  
22 economic operator. And their disgruntlement stemmed from the fact that the  
23 government at the time of President Bozize had sent a mission of the ministry of the  
24 mines to inspect their locality. This mission apparently confiscated all what -- all  
25 that they had that enabled them to work. So this of course put them in a difficult

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1 situation. All their equipment, their goods, their vehicles to mine diamonds and  
2 gold, that was what led to this disgruntlement and pushed all these economic  
3 operators to finance the rebellion, to come and overthrow the powers that be in  
4 Bangui. And he, Said, personally was awaiting that this be over quickly so that he  
5 could resume his activities. Anyways, that's what he had told me.

6 Q. [14:51:06] Thank you. Can you describe what Colonel Said was wearing that  
7 day you first met him?

8 A. [14:51:31] Colonel Said was dressed in his fatigues without a belt.

9 THE INTERPRETER: [14:51:43] And the interpreter did not seize the last bit of the  
10 answer.

11 MS VON BRAUN: [14:51:53]

12 Q. [14:51:54] The interpreter didn't catch all of your answer. Could you repeat it,  
13 please.

14 A. [14:52:03] He was in a military uniform. He was in fatigues. He did not have  
15 the belt or any type of hat or cap.

16 Q. [14:52:26] Was he armed?

17 A. [14:52:33] No. I do not know if he was hiding a weapon under his jacket, but  
18 he was -- he did not have a weapon.

19 Q. [14:52:58] Did you learn which ethnic group he belonged to, if any?

20 A. [14:53:13] Colonel Said, after a certain amount of time, I know that he and some  
21 of his elements were speaking Goula, a language I understand somewhat. So I  
22 immediately thought he was of the Goula ethnicity.

23 Q. [14:53:51] Coming back to your description of the OCRB as a base, you also said  
24 that there were Seleka elements sleeping in your office when you arrived, or had slept  
25 in your office. Was Said also using the OCRB to sleep there?

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1 A. [14:54:25] Said personally did not sleep at the OCRB. The Seleka elements  
2 were at the OCRB.

3 Q. [14:54:39] Where did Colonel Said sleep?

4 A. [14:54:50] He told me he was sleeping in the area of (Redacted), but I never saw  
5 where he was sleeping.

6 Q. [14:55:11] Were there vehicles at the OCRB when you arrived after the *Grand*  
7 *rapport*?

8 A. [14:55:31] There were no vehicles at the OCRB. The vehicles that were there  
9 were Said's, who was there. But there were no OCRB specific service vehicles, no.

10 Q. [14:55:56] What type of vehicles were these that you say were Said's?

11 A. [14:56:14] I believe it was -- or it looks like a small convertible Suzuki.

12 Q. [14:56:32] What had happened to the other vehicles?

13 A. [14:56:48] Which ones?

14 Q. [14:56:50] I had understood you were saying that there were no OCRB vehicles.  
15 What had happened to those?

16 A. [14:57:07] When I was at the OCRB, I had two function or service vehicles.

17 And on the Saturday, when the Seleka were on the outside of entering Bangui and the  
18 presidency was in a difficult situation, there were two vehicles that had been seized  
19 by the government's -- the president's security detail so they could leave Bangui. So  
20 when the Seleka came on Sunday, there were no vehicles at the OCRB.

21 Q. [14:58:15] Do you know a person by the name of Mazangue?

22 A. [14:58:29] Mazangue? He's a former -- he's our general of the police, now  
23 retired. And may he rest in peace, he has passed away. He was the first director of  
24 the OCRB when it was created. So he was the first director. It was not an  
25 administration. It was a service and he was its first director.

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1 Q. [14:59:12] When was the OCRB created and Mazangue the first director?

2 A. [14:59:31] I no longer remember the date.

3 Q. [14:59:40] Do you remember how long Mazangue stayed director?

4 A. [14:59:54] Mazangue stayed at the OCRB too *longtemps*. First it was just a  
5 service to fight crime, but he stayed there a very, very long time.

6 Q. [15:00:17] When you returned to the OCRB that morning, was Mazangue there?

7 A. [15:00:38] After the *Grand rapport*, he was no longer there at the OCRB.

8 Q. [15:00:48] Was he at the *Grand rapport*?

9 A. [15:01:02] I did not see him.

10 Q. [15:01:10] Mr Witness, I would like to show you a document now which will,  
11 with the Chamber's leave, be shown on your screen.

12 And Madam President, this would be the item on tab 3 of our list of materials, and it  
13 is the ERN CAR-OTP-2034-1740.

14 Mr Witness, there's a document displayed on evidence channel 1. Do you see it  
15 before you?

16 A. [15:02:32] Yes.

17 Q. [15:02:39] Can I ask you to read it, please, and then tell me whether this  
18 document means anything to you.

19 A. [15:02:59] This is a service memo. "While waiting for the order -- for a further  
20 order, the police general Louis Mazangue is appointed the director of the Central  
21 Office for the Repression of Banditry and crime, replacing Mr Mallo Benjamin, who is  
22 relieved of his functions." Signed in Bangui 18 April 2013 by the general Nouradine  
23 Adam.

24 Q. [15:03:46] Now, did Louis Mazangue -- no, I'm sorry. I'll rephrase.

25 Is this Louis Mazangue who is mentioned here in the document the Mazangue that

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1 we just spoke about that you referenced as the first director of the OCRB?

2 A. [15:04:11] Yes.

3 Q. [15:04:17] And what does this document tell you? Can you explain the  
4 meaning of this document to us?

5 PRESIDING JUDGE SAMBA: [15:04:31] But, Counsel, I mean, the contents of the  
6 document speaks for itself, really.

7 MS VON BRAUN: [15:04:39]

8 Q. [15:04:41] Did what the document -- what the document says, did that in fact  
9 materialise? Did he, in fact, at the OCRB replace you in your function?

10 A. [15:05:11] I remember this document now. When the Seleka arrived and  
11 Nouradine set up his base at the OCRB, Mazangue joined them and he was with them  
12 at the OCRB. Now, this was before the president launched the appeal and it was  
13 relayed by the ministry of -- the minister of security so that all civil servants return to  
14 their work. And this is with a service memo that was signed. This was done to  
15 confirm that Mazangue was there with them and he was in my -- he took over  
16 from -- but when the president launched the appeal asking the civil servants to  
17 resume their duties, this service order was no longer valid because I was appointed  
18 by a ministerial order, and in my country, it's only a ministerial order that can  
19 supersede another one. So when I resumed duty, this memo was no longer valid.  
20 And this is how I took over my duties at the OCRB.

21 Q. [15:06:50] Thank you very much.

22 The item can be removed. I would be done with it.

23 Who were Colonel Said's associates at the OCRB among those Seleka elements?

24 A. [15:07:33] The person who was always with Colonel Said was commander -- I  
25 forgot the name, but he was a commander who was close to Colonel Said.

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1 Personally, I think he hailed from the same village as Colonel Said. But Tahir, the  
2 Colonel Tahir, who came later, would portray himself as his deputy, but the  
3 relationship was not the same like the one the commander had.

4 Q. [15:09:06] The commander that was close to Colonel Said, can you describe him  
5 for us?

6 A. [15:09:26] The Colonel Tahir was tall with black hair. He was slim.

7 THE INTERPRETER: [15:09:52] I'm sorry, correction from the interpreter: The  
8 colonel was short.

9 MS VON BRAUN: [15:09:59]

10 Q. [15:10:00] Thank you. Just because it could be that my question may have not  
11 fully been captured, I was referring to the commander that you had said is close to  
12 Said but you didn't remember his name. But in the transcript it came through that  
13 you were describing Tahir. Did you describe Tahir or did you describe the other  
14 person?

15 A. [15:10:39] Unfortunately -- the commander was tall. He was quite robust. He  
16 was black and tall. I should have brought my documents because I was told that I  
17 would be shown this on this screen.

18 Q. [15:11:11] What nationality did this commander have?

19 A. [15:11:25] He was Central African Republican.

20 Q. [15:11:33] And you said you recall that he was from the same village as Colonel  
21 Said. Which village are you referring to?

22 A. [15:11:59] I was referring to Bria. He was a chief of a region. He was a  
23 regional captain.

24 THE INTERPRETER: [15:12:19] Sorry, he was the chief of a regional capital.

25 MS VON BRAUN: [15:12:31]

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1 Q. [15:12:32] Now you said that Colonel Tahir came later. What do you mean by  
2 that?

3 A. [15:12:52] When I arrived at OCRB on Monday, Colonel Tahir was not there.  
4 I think I saw him two days later and he did not have an office at the OCRB. He had  
5 set up a tent at the left-hand angle of Said's office. He was outside with the other  
6 elements.

7 Q. [15:13:30] Does Tahir have a first name? Do you recall a first name?

8 A. [15:13:51] I never knew his first name. Everyone would call him Tahir and  
9 that's it.

10 Q. [15:14:09] Did Tahir report to Colonel Said?

11 MS NAOURI: [15:14:20] (Interpretation) Objection, your Honour. This is a leading  
12 question.

13 PRESIDING JUDGE SAMBA: [15:14:30] Please, Madam Prosecutor, watch your  
14 questions. Thank you.

15 MS VON BRAUN: [15:14:36] I'm sorry. Yes, I will watch out.

16 Q. [15:14:40] Can you describe the relationship between Tahir and Said in a bit  
17 more detail.

18 A. [15:15:03] It's difficult for me to describe the relation between the two, between  
19 Tahir and Said. Tahir had his domain of intervention. He would come to the  
20 OCRB in the morning, he would disappear, he would come back. I don't know if he  
21 was reporting to Said. I had -- I did not have a direct contact with Tahir because he  
22 was not under my control.

23 Q. [15:15:52] How often would Tahir be at the OCRB, present, be present at the  
24 OCRB?

25 A. [15:16:10] When he arrived at the OCRB, he would remain until he left.

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1 Q. [15:16:25] Was this -- if you go beyond a day like you just described, can you say  
2 how -- how many times, for example, within a week he would be at the OCRB?

3 A. [15:16:56] In the morning, Tahir would come to the OCRB. What would  
4 transpire between Tahir and Said I don't know because I wasn't with them. In the  
5 evening, he would leave. In fact, I had no control over Tahir. He would come and  
6 go. He would come and go. The only fixed figure at the OCRB was Colonel Said.  
7 I had no control over Tahir.

8 Q. [15:17:31] I understand that. And I'm not asking you whether you had control  
9 over Tahir. But I do need to understand whether you can say if he was there just  
10 seldomly or often, just to help us have a picture of this, yeah?

11 A. [15:18:05] He was a regular figure at the OCRB. He would come to the OCRB  
12 every day.

13 Q. [15:18:19] All right. Thank you.

14 And how about that other commander that you mentioned who was close to Said,  
15 how often would he be at the OCRB?

16 A. [15:18:41] The commander, I don't know if he had a house at the -- near the  
17 OCRB or not, but he was always at the OCRB.

18 Q. [15:19:07] And we already spoke a bit about Nouradine Adam. How often  
19 would Adam come to the OCRB?

20 A. [15:19:32] I said earlier that it was his base. Nouradine was a regular figure at  
21 the OCRB. He would come during the daytime. If there was -- if there was need,  
22 he would just come in to the OCRB as he pleases.

23 Q. [15:20:03] And what were his activities at the OCRB?

24 A. [15:20:21] I said that it was his base. His men were there. If he came, if there  
25 is a mission and if the chief of state wants to go somewhere, he would come and he



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1 would ask Colonel Said to lend his men because there was a mission. If I was in the  
2 office and if the president wanted to go from one place to the other, he would come  
3 and tell me to manage the traffic. He would programme raids, patrols, and he was  
4 the one in charge of public security. So if there were missions, Nouradine would  
5 come to the OCRB and ask the colonel to lend him his men for the various missions.

6 Q. [15:21:19] Thank you. Any other activities? Anything else he did when he  
7 was at the OCRB?

8 A. [15:21:45] This is what I heard from the Sango-speaking elements. They had  
9 missions within the country. They would go somewhere on a mission and they had  
10 diverse activities.

11 Q. [15:22:10] Were the elements at the OCRB, the Seleka elements, paid?

12 A. [15:22:33] They were not employees of the state. This is a rebel group that  
13 seized power and wanted to set up base. So when they would go out, the elements  
14 would go out to the field and they would rob cars, they would sell the spoils of their  
15 loot. They were not paid by the administration.

16 Q. [15:23:15] Thank you. Understood.

17 Were they provided with anything else except money at the OCRB?

18 A. [15:23:44] Their food ration, for instance, when I come in the morning,  
19 Nouradine would send them for a meal. They would receive food, rice, meat, fish  
20 for them to eat. But over and above, were they paid? Were they given money?  
21 I don't know.

22 Q. [15:24:13] And how was this organised with the food rations?

23 A. [15:24:34] Everything came from Camp de Roux where Djotodia was there,  
24 the -- the cows would be slaughtered there and the food rations would be distributed  
25 and the -- when the food ration arrived at the OCRB, Nouradine would call upon the

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1 colonel, who would send his elements to pick the food up.

2 Q. [15:25:19] Was anything else supplied except for food?

3 A. [15:25:38] Except for the food rations, I am not aware of anything else that  
4 would have been given.

5 Q. [15:25:55] Were the Seleka elements armed at OCRB?

6 A. [15:26:12] They were all armed.

7 Q. [15:26:16] What type of weapons did they have?

8 A. [15:26:27] They had AK-47 rifle, which is called a Kalashnikov, rocket launchers.  
9 They also had an A52 pistol.

10 Q. [15:26:58] Where were these weapons from?

11 A. [15:27:19] First of all, the rebellion started in the north. They battled the forces  
12 until Bangui. And once they arrived in Bangui, they destroyed all the army barracks.  
13 So they took the -- they were all sufficiently armed and well-equipped since Bangui.

14 Q. [15:27:51] Thank you. I'm now going to ask you to describe, from your own  
15 perspective, of course, what you know of the relationship between Nouradine Adam  
16 and Colonel Said.

17 A. [15:28:24] In fact, they had the relation, in my opinion, of that as an employee  
18 and a boss. At the OCRB Said did not have any initiatives. All the instructions  
19 came from Nouradine. When there is something not right, I would call him and ask  
20 questions and he would tell me, "You have to wait for the minister to get here and we  
21 have to speak to him first." So at the OCRB, Said did not take the initiative.

22 Q. [15:29:19] Were you ever part of conversations that Adam and Said had?

23 A. [15:29:43] If -- when Nouradine would come to the OCRB, he would come to  
24 give instructions on the trips made by the chief of state, his trips in the city. And he  
25 would basically include me in those discussions because I'm a professional, and he

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1 would only give instructions to Said to -- for him to lend his men, and I would be in  
2 charge of organising and deploying the troops, the men on the field for their missions.  
3 In fact, with respect to what the Seleka were supposed to do, I was never part of those  
4 discussions.

5 Q. [15:30:42] Were the conversations between Adam and Said always in person?

6 A. [15:31:12] The date that I -- I'll explain now. When Nouradine was present in  
7 the OCRB, in a professional capacity, he would call me and I would come. But when  
8 I consider that it's between them, then I would be on the other side. They would be  
9 behind. If it didn't concern me, then Nouradine would go to the Seleka base behind  
10 my office and I wouldn't be aware of what they were saying.

11 Q. [15:31:51] When Adam came to the OCRB and you were -- you met him, where  
12 did you meet him exactly?

13 A. [15:32:08] The minister, when he came, he would go next to my office. So if he  
14 went via my office, he would go directly to the base behind. If he needed me, he  
15 would ask. As soon as he came, everybody would stand up. Said would come out  
16 of his office and go towards him. If he needed me, he would ask Said to call me.  
17 I would leave and I would find him behind. And then he would pass the message to  
18 us. That would be it.

19 Q. [15:32:48] Was there -- were there also other means of communication other than  
20 in-person meetings at the time?

21 PRESIDING JUDGE SAMBA: [15:33:19] Between who and who, please.

22 MS VON BRAUN: [15:33:22] I'm sorry.

23 PRESIDING JUDGE SAMBA: [15:33:23] Just for the record.

24 MS VON BRAUN: [15:33:25] Yes.

25 Q. [15:33:26] Were there also other means of communication between you and

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1 Adam and you and Said other than in-person meetings at the time?

2 A. [15:33:45] We all had telephones.

3 Q. [15:33:50] Thank you. What type of telephones are you referring to?

4 A. [15:34:03] Mobile phones.

5 Q. [15:34:17] How often would you be in contact with Said on the mobile phone or  
6 using the mobile phone?

7 A. [15:34:38] We would call from time to time, just when there were small  
8 problems. If I was in the office, if he wasn't in the office, there was a problem,  
9 I would call him so that he would resolve the problem. And if I was at home and  
10 there was something that was really administrative, Said would call me with regards  
11 to what was to be done.

12 Q. [15:35:06] And with Nouradine Adam, were you also in contact using a mobile  
13 phone?

14 A. [15:35:21] Yes. But if I wasn't in the office -- he would come by and if there  
15 were instructions above all concerning the travel of the head of state or a member of  
16 the government, if I wasn't there, he would call me directly or he would ask Said to  
17 call me in order to pass on the instructions to me.

18 Q. [15:36:00] How would Said refer to Adam in your presence?

19 A. [15:36:12] "The minister". "The minister".

20 Q. [15:36:18] And how would Adam refer to Said in your presence?

21 A. [15:36:26] He called him "Said".

22 Q. [15:36:37] And how would the Seleka elements based at the OCRB refer to Said?

23 A. [15:36:52] Some called him "Colonel", others just called him "Said".

24 Q. [15:37:05] Mr Witness, I would like to show you another document now.

25 MS VON BRAUN: [15:37:25] One moment, I just have to find my list.

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1 This document, this item is at tab 43 of the Prosecution's list of materials. And it has  
2 the ERN CAR-OTP-2082-0458. And I would request it to be displayed on the  
3 evidence channel.

4 MS NAOURI: [15:38:13] (Interpretation) Your Honour.

5 PRESIDING JUDGE SAMBA: [15:38:19] Ms Naouri.

6 MS VON BRAUN: [15:38:25] I'm happy to get into the foundation before it's  
7 displayed.

8 PRESIDING JUDGE SAMBA: [15:38:30] Thank you very much.

9 MS NAOURI: [15:38:30] (Interpretation) That was the sense of my question.

10 PRESIDING JUDGE SAMBA: [15:38:32] Thank you very much.

11 Thanks, Ms Naouri.

12 MS VON BRAUN: [15:38:38] Yes, thank you. I was getting ahead of myself.

13 Q. [15:38:42] So, Mr Witness, before this item is displayed, I had asked you whether  
14 you can describe and provide names of Seleka based at OCRB and we had spoken of  
15 Tahir, for example, and others.

16 And this is the reason for showing this item, Madam President.

17 PRESIDING JUDGE SAMBA: [15:39:16] Go on.

18 MS VON BRAUN: [15:39:36]

19 Q. [15:39:37] Do you have it displayed on your screen, Mr Witness?

20 A. [15:39:44] Could you go down a bit? No, if you go down. No, no, the  
21 opposite way. A bit more. A bit more, please.

22 That's it.

23 Q. [15:40:12] Did you want to comment on this part? Do I understand you  
24 correctly?

25 A. [15:40:23] Yes. I don't know who drew up the list, but the stamp is not the

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1 stamp of the ministry of public security responsible for emigration and immigration  
2 and public order, the directorate general of the Central African police, and then it  
3 should be the deputy general directorate, and they put general directorate of the  
4 Central African Office for the Repression of Banditry. Perhaps it's a list which they  
5 prepared to set up the new directorate of the OCRB definitively. But it's the first  
6 time that the Court has shown me this list.

7 If you go up again.

8 So when -- when I was at the OCRB, there were no staff who were Seleka who were at  
9 the OCRB to have a list like that. When I was at the OCRB, it was a base, a Seleka  
10 base that was at the OCRB. And this list came after. The accused can give you  
11 details about it, but the names that are people who are coming regularly to the OCRB,  
12 that was indeed Said, Tahir and the commanders who were there. Other than that, I  
13 heard these names regularly when we were together with Said at the OCRB.

14 MS VON BRAUN: [15:42:57] Madam Court Officer, could we maybe move to the  
15 top of the list -- not the full top, sorry. It's difficult to do, I know. Yeah, like that,  
16 please.

17 Q. [15:43:11] Mr Witness, do you recognise any of the names on this list, on this  
18 part of the list?

19 A. [15:43:24] Yes. Mahamat Said, yes. Tahir Babikir, yes. Younous Mahamat,  
20 yes. Ayoub Abakar Yaya, that's the commander that I mentioned, but I forgot the  
21 name, that was commander Yaya. Adam Mahamat, yes. Djouma, I remember that  
22 name, yes. Ismael Abdel, yes. Nassour, yes. Up to the seventh, these are names  
23 which were frequently at the OCRB.

24 Q. [15:44:13] Thank you. If we look at number 2, it says Tahir Babikir. Who is  
25 that?

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1 A. [15:44:26] Tahir was the deputy of Said at the OCRB.

2 Q. [15:44:36] And then on the -- there's a column which says "Grade" which has  
3 different grades there. Do these grades tell you anything? What do -- do they  
4 mean anything to you?

5 A. [15:45:19] These are the people who were in charge who proclaimed themselves  
6 colonel, commander, captain in the field, in the theatre of events. They went back to  
7 Bangui. And these aren't professionals. They just gave themselves these ranks,  
8 colonel, captain, each one of them just gave themselves the rank they wanted.

9 Q. [15:45:50] So until number 7, I believe I understood that you recognise the  
10 names. Were these --

11 A. [15:46:05] The names, I heard them, I heard them regularly at the OCRB. And  
12 these are names that were very familiar, but they are Colonel Said, Colonel Tahir,  
13 Younouss, Commander Yaya. Those were the most common ones.

14 Q. [15:46:35] All right. Thank you very much.

15 I would be done with my questioning on this list. Thank you.

16 Mr Witness, when you returned to the OCRB and -- what was -- were you alone or  
17 were there other police officers that returned as well?

18 PRESIDING JUDGE SAMBA: [15:47:24] You mean on the Monday after --

19 MS VON BRAUN: [15:47:28] Yes.

20 PRESIDING JUDGE SAMBA: [15:47:32] -- the *Grand rapport*?

21 MS VON BRAUN: [15:47:38] Yes, sorry.

22 Q. [15:47:38] Yes, on the Monday of the *Grand rapport*.

23 A. [15:47:42] On the Monday, I was alone at the OCRB. It was afterwards that  
24 certain colleagues joined me at the OCRB. But the Monday for my presentation,  
25 I was alone.

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1 Q. [15:48:04] How many of your police officer colleagues returned to the OCRB?

2 A. [15:48:25] There were four of them. There was one soldier, a brigadier, but  
3 they weren't regular.

4 It has to be said that at the OCRB there was always pressure, the elements, it was a  
5 base of elements who were rebels. So some colleagues when they came, there would  
6 be elements who wouldn't come the next day.

7 I was with (Redacted), my assistant, and we were regularly at OCRB, but the  
8 three others weren't regular.

9 Q. [15:49:03] Thank you, Mr Witness.

10 Madam President, I would request a brief private session for the follow-up questions  
11 on these police officers, please.

12 PRESIDING JUDGE SAMBA: [15:49:16] I was wondering why you want to be going  
13 to private session when the witness is not a protected witness. Is it because of names  
14 of (Overlapping speakers)

15 MS VON BRAUN: [15:49:26] Yes, it's -- yeah, he just -- we just heard one name  
16 where we're going to bring a redaction request already and I was thinking it would  
17 take a bit longer, but there may be other names that come up now that are --

18 PRESIDING JUDGE SAMBA: Madam Court Officer, can we --

19 MS VON BRAUN: [15:49:39] -- a bit sensitive -- sorry.

20 PRESIDING JUDGE SAMBA: [15:49:41] Can we go quickly into private session,  
21 please.

22 (Private session at 3.50 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)



Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

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 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 3.52 p.m.)

22 THE COURT OFFICER: [15:52:10] We are now in open session. Thank you.

23 PRESIDING JUDGE SAMBA: [15:52:13] Thank you very much.

24 Carry on, Madam Prosecutor.

25 MS VON BRAUN: [15:52:16] I'm very sorry. I was too fast.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [15:52:19] Mr Witness, what were the working hours of you and your colleagues  
2 at the OCRB after you returned after the *Grand rapport*?

3 A. [15:52:36] I arrived between 8 and 9 in the morning for work and I left to go  
4 home between 1700 hours and 1800 hours. If there was something urgent, of course  
5 I would always come back.

6 Q. [15:53:04] What was your -- what was your role, what was your work like when  
7 you returned? Can you describe how your daily activities were, please.

8 A. [15:53:31] The administration only existed by name. The instructions we got  
9 from Minister Nouradine, who had his base at the OCRB, but the work which we  
10 carried out, if I arrived and I had my assistants, they would be with me in my office.  
11 If one or two arrived, we would be together. We were much more in the function of  
12 observers. Now, if there were users who arrived, either to check if one of their  
13 parents had been questioned at the OCRB or if OCRB elements had seized their  
14 motorbike or a vehicle or something like that, they would come via us. And I would  
15 be like an intermediary between these users and Colonel Said. If Colonel Said  
16 checked the people who had come for the OCRB to see if that was true, I would direct  
17 the people to him so that he could help find a solution for them. Furthermore, the  
18 rare checking instructions that we got, if the office of the prosecutor -- the prosecutor  
19 wanted to check a situation, if there was a complaint, what was the situation in the  
20 OCRB, I would be the one called to be asked to check, to check among the Seleka  
21 elements of the OCRB. Was there a vehicle that was stolen? Was there a motorbike?  
22 I asked Said in order to check this. Did a person disappear? Did he appear at the  
23 OCRB? The prosecutor would call me to account on that. And obviously the  
24 regulation and when it comes to travel of heads of state, members of the government,  
25 if they wanted to travel and the minister called me directly, or Said, I would explain

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 to Said, I would say how it should work. If somebody wants to travel into the field,  
2 we would go into the field to carry out this work. But we had a much more  
3 observing function.

4 Q. [15:56:13] Thank you. I have one clarification question. You used the term  
5 "users". Who are you referring to?

6 So it came through in the English translation as "users", but that may be a translation  
7 error. So could you clarify that for me, please. Who are you referring to as "users"?

8 A. [15:56:58] I spoke about observers.

9 Q. [15:57:03] Yes, that's what I heard as well. Before that, you were speaking  
10 about people who you term -- gave the term "users", at least that came through in the  
11 English translation.

12 PRESIDING JUDGE SAMBA: [15:57:14] Maybe if -- maybe if you can read the  
13 transcript fully so he will understand where he used the term "users", which was to  
14 do with, like, people who went to check on their parents, et cetera.

15 THE INTERPRETER: [15:57:32] For reference: The term used in French was  
16 "*usagers*".

17 MS VON BRAUN: [15:57:39] Did that come through now with the term "*usagers*"?  
18 I can find the reference in the transcript.

19 PRESIDING JUDGE SAMBA: [15:57:45] The term "users" is what is in the English  
20 transcript, "users". And I can read it.

21 You said: "Now if there were users who arrived, either to check if one of their  
22 parents had been questioned at the OCRB, or if one -- or if OCRB elements had seized  
23 their motorbike or a vehicle or something like that, they would come via us."

24 It may be an interpretation issue, but please if you can clarify that for us.

25 THE WITNESS: [15:58:24](Interpretation) Thank you. Yes, I wanted to talk about

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 the users, the people who used the service. If you -- it's the people who use the  
2 service. Individuals who come to the police, we call them users of the service.

3 PRESIDING JUDGE SAMBA: [15:58:45] Thank you very much, Mr Witness. Thank  
4 you.

5 MS VON BRAUN: [15:58:48] Thank you, Madam President, for that assistance.  
6 That clarifies it.

7 Q. [15:58:56] Mr Witness, you said on a number of occasions that you had an office  
8 at the OCRB. Where was this office situated exactly?

9 A. [15:59:21] The OCRB had two main entries. The first in the east and the second  
10 was in the west. The entry which was opposite the general directorate of the police,  
11 that was where my office was.

12 PRESIDING JUDGE SAMBA: [15:59:54] Madam Prosecutor, I think this is an all  
13 right point to stop for today. When we come back tomorrow, you would put  
14 questions, if you want to, in respect of the witness's office at the OCRB.

15 MS VON BRAUN: [16:00:11] I would be happy to. Thank you. Yes.

16 PRESIDING JUDGE SAMBA: [16:00:15] Thank you very much.

17 Mr Witness, we're going to stop here for today, but we shall continue tomorrow -- oh,  
18 sorry, today's Friday. I so want to hear the testimonies of witnesses. But we shall  
19 continue on Monday, God willing. I'm going to ask you not to discuss your  
20 testimony with any person outside this courtroom -- or, rather, any person when you  
21 leave this courtroom.

22 So I would wish you well, a good weekend, everybody, Counsel, Mr Witness, Mr Said,  
23 and we'll come here again on Monday at 9.30 in the morning. Thank you very much.

24 THE COURT USHER: [16:01:04] All rise.

25 (The hearing ends in open session at 4.01 p.m.)