

Trial Hearing  
Procedural Matters

(Open Session)

ICC-01/14-01/21

1 International Criminal Court  
2 Trial Chamber VI  
3 Situation: Central African Republic II  
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21  
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera  
6 and Judge Sergio Gerardo Ugalde Godinez  
7 Trial Hearing - Courtroom 2  
8 Wednesday, 2 November 2022  
9 (The hearing starts in open session at 9.36 a.m.)  
10 THE COURT USHER: [9:36:33] All rise. The International Criminal Court is now in  
11 session. Please be seated.  
12 PRESIDING JUDGE SAMBA: [9:36:52] Good morning, everyone.  
13 Madam Court Officer, can you kindly mention the case, please.  
14 THE COURT OFFICER: [9:37:04] Good morning, Madam President, your Honours.  
15 This is the situation in the Central African Republic II, in the case of The Prosecutor  
16 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21. And we're in open  
17 session.  
18 PRESIDING JUDGE SAMBA: [9:37:19] Thank you very much.  
19 And can I ask the parties to introduce themselves, please.  
20 MS MAKWAIA: [9:37:23] Good morning, Madam President, your Honours. For the  
21 Office of the Prosecutor this morning, myself, Holo Makwaia, senior trial lawyer;  
22 Leonie von Braun, trial lawyer; Andreina Rodriguez, associate trial lawyer; Sanyu  
23 Ndagire, associate trial lawyer. Thank you.  
24 PRESIDING JUDGE SAMBA: [9:37:45] Thank you very much, Ms Makwaia.  
25 Ms Pellet, for the victims, please.

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- 1 MS PELLET: [9:37:48](Interpretation) \*Thank you, your Honour. The victims are  
2 represented by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at the Office of  
3 Public Counsel for Victims.
- 4 PRESIDING JUDGE SAMBA: [9:38:01] Thank you very much.  
5 And can I have representation, Ms Naouri, for the Defence, please.
- 6 MS NAOURI: [9:38:11](Interpretation) Good morning, your Honours. Beside me, Mr  
7 Jacobs, Sarah Valduriez, Manon Lanselle, and I, myself, am Jennifer Naouri.
- 8 PRESIDING JUDGE SAMBA: [9:38:22] Thank you.
- 9 MS NAOURI: [9:38:25](Interpretation) And Capucine Banet is behind me.
- 10 PRESIDING JUDGE SAMBA: [9:38:29] Thank you, Ms Naouri.  
11 And for the record, I note that Mr Said is in court.  
12 Mr Said, a very good morning to you.
- 13 MR SAID: [9:38:38](Interpretation) Good morning, your Honour.
- 14 PRESIDING JUDGE SAMBA: [9:38:43] Good morning, Madam Witness. I hope you  
15 rested well.
- 16 THE WITNESS: [9:38:48] Good morning, Madam President.
- 17 PRESIDING JUDGE SAMBA: [9:38:49] We're going to do just a little bit more with you,  
18 and thank you for your cooperation. Just to remind you that you're still under oath.
- 19 WITNESS: CAR-OTP-P-3108 (On former oath)  
20 (The witness speaks English)
- 21 PRESIDING JUDGE SAMBA: [9:38:58] Mr Jacobs, I'll afford you five, eight minutes to  
22 wrap up with this witness, please.
- 23 MR JACOBS: [9:39:09](Interpretation) Thank you, your Honour. We have selected just  
24 two documents to start and that should be sufficient for this morning.
- 25 QUESTIONED BY MR JACOBS: (Interpretation)(Continuing)

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1 Q. [9:39:22] Good morning, Witness.

2 A. [9:39:24] Good morning.

3 MR JACOBS: [9:39:40](Interpretation) Court Officer, could you please show us

4 \*document CAR-OTP-2059-0580, and that is at tab 21 in our list of evidence. 2059-0580.

5 Thank you.

6 Q. [9:40:20] Witness, do you see the document?

7 A. [9:40:21] I do.

8 MR JACOBS: [9:40:32](Interpretation) Could we go to the third page of that document.

9 That would be 0582. Thank you.

10 Q. [9:40:42] So what we see here is that -- what we're looking at is actually a photo.

11 Perhaps we could zoom out. It is a photo taken from a document. Now, does the

12 Office of the Prosecutor have the original document?

13 A. [9:41:00] My understanding is no, we do not.

14 Q. [9:41:13] Thank you. Do you know the source of this document?

15 A. [9:41:15] Yes, it was from a witness as a part of the statement, and he had worked

16 in this office.

17 Q. [9:41:33] Indeed. I won't give his name, because we're in open session. But do

18 you know whether this witness was questioned about whether he was the author of

19 this document?

20 A. [9:41:41] In his statement, given his role, he explains that this was a part of the

21 office and that it was, as it appears, a contact list circulated to members of the office. I

22 think that is recorded in the statement, the circumstances that he came to obtain this

23 document.

24 Q. [9:42:26] Okay. And with respect to my question, the witness was not questioned

25 as to whether he was the author of this document?

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1 A. [9:42:32] No, I don't believe he was the author of this document. He has come into  
2 possession of it due to his role, and this would have been a document of that office.

3 This was a document of that office.

4 Q. [9:42:57] Was the witness questioned as to who was the author of the document?

5 A. [9:43:00] I don't recall.

6 Q. [9:43:09] Thank you, Witness.

7 MR JACOBS: [9:43:15](Interpretation) And now the last document that we're going to  
8 look at together and which we can display is CAR-OTP-2034-4491, at tab 38 on our list  
9 of evidence.

10 Q. [9:44:09] So this document was shown to you yesterday. Do you recall that,  
11 Witness?

12 A. [9:44:12] I do.

13 Q. [9:44:15] And you used this document to attribute -- that you used this document  
14 to attribute a number to P-0964. And I think that if we don't mention this name, we can  
15 remain in open session.

16 Now, you said that this document allowed you to attribute a telephone number to that  
17 person. Could you tell me what it is in this document that leads you to believe that the  
18 telephone number in the document should be attributed to that person?

19 A. [9:44:45] That there is a number for this office, the office mentioned here. And it is  
20 stated in the document that this will be the number that persons of this office can be  
21 contacted on. And it is, like, a roaming number, the mobile number.

22 Q. [9:45:34] Sorry, Witness. Could you show us the sentence where it is stated that  
23 this is the number on which the members of that office can be contacted?

24 A. [9:45:45] Well, it's inferred in the paragraph. And so you know, I can't translate it  
25 directly, so I won't try. But the context of the paragraph, it was taken to infer that this

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1 was the number allocated to that office of which 964 was the director-general.

2 Q. [9:46:17] So to understand correctly, Witness, in attributing this document to P-  
3 0964, in fact, you attribute this number to an office which might be made up of dozens  
4 of people and not necessarily to P-0964?

5 A. [9:46:38] That's correct. But this is a mobile number, I believe. So, yes.

6 Q. [9:46:49] Thank you, Witness. And now my final question. The Prosecution  
7 questioned P-0964, as you know. So my question is to attribute a number to P-0964,  
8 you used this document and another document. And my question is quite simple:  
9 Why did you -- or why was P-0964 was not asked what his number was when he was  
10 questioned?

11 A. [9:47:23] I can't answer that question. I wasn't in the interview, and I don't know  
12 the rationale of the interviewers on that interview.

13 Q. [9:47:44] Thank you, Witness.

14 MR JACOBS: [9:47:45](Interpretation) Your Honour, I have completed my questioning.

15 PRESIDING JUDGE SAMBA: [9:47:49] Thank you very much, Mr Jacobs.

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

17 MS VON BRAUN: [9:47:57] I do actually, Madam President. On just one discrete  
18 issue, with your indulgence. I would like to focus one or two questions on an issue that  
19 is related to a number that is ending in 555, which was raised by the Defence in their  
20 cross-examination and not by the Prosecution.

21 And for questioning regarding that number, the Defence had brought up an image  
22 allegedly taken from Facebook. That image was the image that showed a lady, and it  
23 was portrayed that that was an image allegedly taken from the same Facebook profile  
24 as collected from the Office of the Prosecutor.

25 So my questions would just go briefly to the witness on the process of collection of the

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- 1 profile by the Office of the Prosecutor and processes going into that.
- 2 Now, before the Defence objects, we did not focus our examination-in-chief on that
- 3 number because the first number ending in 523 is what is relevant to the Prosecution.
- 4 So this is a question arising directly from the cross-examination.
- 5 PRESIDING JUDGE SAMBA: [9:49:30] You focused your questions on the procedure
- 6 that the witness followed in doing all of her work as an analyst. So why would you
- 7 want to go back to the procedures as if it were the Defence who raised it?
- 8 MS VON BRAUN: [9:49:49] Well, I am not going to go on all the procedures but just
- 9 relevant to that Facebook profile.
- 10 MR JACOBS: [9:50:01](Interpretation) Your Honour, indeed, this is not a new topic.
- 11 The witness' report has been added to the case file with this telephone number in it and
- 12 with the reference to the Facebook account, so the Prosecutor may, of course, return to
- 13 the matter, just as we did, with respect to each of the numbers. She didn't do it,
- 14 however, so she must not wait until the cross-examination to revisit the choices which
- 15 she made to concentrate on one telephone number rather than another.
- 16 She had the opportunity to ask the witness why that telephone number had been
- 17 attributed. She could have questioned the witness regarding the Facebook matter. It is
- 18 not a matter to be addressed in redirect just because we raised it. It is not a new topic
- 19 with respect to this witness.
- 20 PRESIDING JUDGE SAMBA: [9:51:00] Insofar as the witness did say, in fact, that, you
- 21 know, she knew about the Facebook number, the lady on the image -- of a lady on the
- 22 Facebook with a name "Mahamat Said" written on it. I think I recall the witness did say
- 23 that, you know, she was, in fact, aware of that particular Facebook page. But I think
- 24 that was not what she was looking for. She had other methods that she used.
- 25 My concern is that you have got this witness to explain the procedures she followed as

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1 an analyst to come up with her report. I mean, if you want to question her on this  
2 particular document with the image of the lady that was brought in in cross-  
3 examination as a new document, I could understand. But, really, going back to the  
4 procedures, having to take this witness through it again, I don't think I will allow you  
5 that question.

6 Do you have any other questions?

7 MS VON BRAUN: [9:52:04] No. My re-examination would focus on clarifying the  
8 process of collecting a Facebook profile, the review concerning that, which goes far  
9 beyond what has been displayed here by the Defence with this image.

10 PRESIDING JUDGE SAMBA: [9:52:20] No, but that's --

11 MS VON BRAUN: [9:52:22] So that --

12 PRESIDING JUDGE SAMBA: [9:52:23] -- what I'm saying. The process --

13 MS VON BRAUN: [9:52:27] That --

14 PRESIDING JUDGE SAMBA: [9:52:28] -- itself. She has gone through the process. If  
15 you ask the witness, she will tell you she's gone through the process. If she didn't  
16 touch on this particular Facebook page, even though she knew about it, then, you know  
17 -- it's one and the same. She's spoken about the process. I don't think we should go  
18 there again.

19 MS VON BRAUN: [9:52:44] Then I accept your ruling and will not proceed on the  
20 point, Madam President. Thank you very much.

21 PRESIDING JUDGE SAMBA: [9:52:48] Thank you. Does that mean you have no more  
22 questions, please?

23 MS VON BRAUN: [9:52:52] I have no more questions, no.

24 PRESIDING JUDGE SAMBA: [9:52:54] Okay.

25 Madam Witness, thank you very much for your cooperation with the Court. Thanks

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1 for your time with us these past three days. On behalf of the Chamber, I wish you well  
2 in your work as an analyst and whichever higher heights you may reach in respect of  
3 your career.

4 I'm going to ask that we meet the next witness I think some 30 minutes from now,  
5 Madam Prosecutor, and persons or units responsible for dealing with new witnesses.  
6 So I'm going to rise the Court and ask that we meet again in 30 minutes. Thank you  
7 very much.

8 (Recess taken at 9.53 a.m.)

9 (Upon resuming in open session at 10.25 a.m.)

10 THE COURT USHER: [10:25:18] All rise. Please be seated.

11 PRESIDING JUDGE SAMBA: [10:25:40] Good morning again, everyone.

12 I see new faces at the bar, so I'll ask the parties to introduce themselves for this  
13 particular session. If you may, starting with the Prosecution.

14 MS MAKWAIA: [10:26:07] Thank you, Madam President. For the Prosecutor, myself,  
15 Holo Makwaia, senior trial lawyer; and Sanyu Ndagire, associate trial lawyer. Thank  
16 you.

17 PRESIDING JUDGE SAMBA: [10:26:17] Ms Pellet, for the victims.

18 MS PELLET: [10:26:20](Interpretation) Thank you, your Honour. The victims are still  
19 represented by Tars Van Litsenborgh and myself, Sarah Pellet,\*counsel at the Office of  
20 Public Counsel for Victims.

21 PRESIDING JUDGE SAMBA: [10:26:33] Defence. Ms Naouri, please.

22 MS NAOURI: [10:26:40](Interpretation) \*Thank you, your Honour. Beside me we have  
23 Ms Valduriez and Léa Allix, and behind me Mr Jacobs and Capucine Banet. As for  
24 myself, I'm Jennifer Naouri.

25 PRESIDING JUDGE SAMBA: [10:26:54] Yes. And for the record, I note that Mr Said is



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1 in court. We met this morning, Mr Said, but good morning again.

2 Good morning, Mr Witness.

3 THE WITNESS: [10:27:17](Interpretation) Good morning.

4 PRESIDING JUDGE SAMBA: [10:27:19] I note that the Prosecution is calling P-2400 as

5 its sixth witness. He is the first witness to appear pursuant to Rule 68(3) of the Rules of

6 Procedure and Evidence. At the outset, I wish to note for the parties the following:

7 It is the Chamber's understanding that this witness will be testifying in Sango. Correct,

8 Madam Prosecutor?

9 MS MAKWAIA: [10:27:57] That is correct, your Honours.

10 PRESIDING JUDGE SAMBA: [10:27:58] Thank you. I would, therefore, remind

11 everyone of the importance to speak slowly for the interpreters and to observe the five-

12 second rule between questions and answers.

13 Before commencing, the Chamber notes briefly that protective measures are confirmed

14 to this witness by virtue of Decision No. 481. Additionally, the Chamber observes that

15 the VWU recommends reading assistance for this witness.

16 The Chamber approves this special measure request and notes that the parties must

17 read out any document they wish to present to the witness or have the witness

18 comment on. The Chamber will issue a brief oral decision.

19 The Chamber notes that on 28 October, the common legal representative of victims

20 sought leave of the Chamber to question P-2400. In particular, the Chamber notes that

21 this witness is a dual-status witness and the common legal representative wishes to ask

22 additional questions regarding the conditions with this witness' arrest by the Seleka

23 and the conditions of detention at the OCRB and the mistreatment and/or torture of

24 detainees and the harm the witness suffered as a result of events falling within the

25 scope of his expected testimony.

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1 Furthermore, the Chamber also notes that the common legal representative intends to  
2 cover aspects related to potential reparations and will take no more than 30 minutes to  
3 conduct this questioning.

4 The parties did not submit responses to the common legal representative's request.  
5 The Chamber grants the common legal representative's request to question this witness  
6 for no more than 30 minutes following the completion of his direct examination by the  
7 Prosecution.

8 However, the Chamber stresses that the common legal representative's questions must  
9 not be repetitive of matters covered during direct examination and is strictly limited to  
10 the personal interest of the victim as set out in the Directions on the Conduct of  
11 Proceedings and Article 68(3) of the Rome Statute.

12 Mr Witness, you are going to testify before the International Criminal Court. On behalf  
13 of this Chamber, I would like to welcome you to this courtroom.

14 The Court will now ask you to make a solemn undertaking, Mr Witness, to tell the  
15 truth, and this is done by every witness who testifies before this Court. I will ask you  
16 to repeat after me.

17 I solemnly declare.

18 THE WITNESS: [10:31:45](Interpretation) I solemnly declare.

19 PRESIDING JUDGE SAMBA: [10:31:50] That I will speak the truth.

20 THE WITNESS: [10:31:56](Interpretation) I will tell the truth. That will tell the truth.

21 PRESIDING JUDGE SAMBA: [10:32:04] The whole truth.

22 THE WITNESS: [10:32:06](Interpretation) All the truth --

23 PRESIDING JUDGE SAMBA: [10:32:13] And nothing but the truth.

24 THE WITNESS: [10:32:16](Interpretation) -- the whole truth and nothing but the truth.

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1 (The witness speaks Sango)

2 PRESIDING JUDGE SAMBA: [10:32:29] Now, Mr Witness, do you understand and do

3 you agree to what you have just said, the oath you have just taken?

4 THE WITNESS: [10:32:45](Interpretation) Yes, I have understood.

5 PRESIDING JUDGE SAMBA: [10:32:46] Good. We will continue.

6 Mr Witness, the Chamber has put in place protective measures for your testimony. In

7 particular, the following measures are put in place to protect you: Voice and face

8 distortion has been put in place for the duration of your testimony. This means that no

9 one outside the courtroom can see your face or hear your real voice during your

10 testimony.

11 There will also be the use of a pseudonym. And in accordance with that, we will all

12 refer to you only as Mr Witness. This is to make sure that the public does not know

13 your name.

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

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

16 courtroom.

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

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

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

20 answer.

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

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

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

24 Now, this means if anything does go wrong, we can try and stop the public from

25 hearing it. The parties and the legal officers of the Chamber are monitoring this at all

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1 times, so please be assured that you are protected.

2 And lastly, everything we say here in the courtroom is written down and interpreted.

3 It is, therefore, important to speak clearly and at a slow pace. Please speak into the

4 microphone and only start speaking when the person asking you the question has

5 finished. To allow for the interpretation, everyone has to wait a few seconds before

6 starting to speak.

7 If you have any question yourself, raise your hand so that we will know that you want

8 to say something.

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

10 THE WITNESS: [10:38:50](Interpretation) Yes, I understand very well.

11 THE INTERPRETER: [10:39:01] Message from the Sango booth: Can we ask the

12 witness to either get closer to his microphone or speak more loudly? Thank you.

13 THE COURT OFFICER: [10:39:12] I will kindly ask the witness if he could speak closer

14 to the microphone, please, for the Sango interpretation to interpret the witness much

15 easier. Thank you very much to the witness.

16 PRESIDING JUDGE SAMBA: [10:39:46] Now, before we start your testimony, the

17 Chamber reminds the Prosecution that we granted a request to introduce this witness'

18 prior recorded testimony pursuant to Rule 68(3) of the Rules of Procedure and

19 Evidence.

20 The Prosecution still needs to fulfil the outstanding requirements of the provision, so

21 you can do so now before commencing with the additional questioning of this witness.

22 Mr Witness, we will start your testimony in chief. Thank you very much.

23 Madam Prosecutor, your witness, please.

24 MS MAKWAIA: [10:40:32] Thank you, Madam President. And I request a brief private

25 session to start with.

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- 1 QUESTIONED BY MS MAKWAIA:
- 2 Q. [10:40:44] Good morning, Mr Witness.
- 3 PRESIDING JUDGE SAMBA: [10:40:48] Madam Court Officer, can we kindly go into  
4 private session.
- 5 (Private session at 10.40 a.m.)
- 6 THE COURT OFFICER: [10:40:55] We're in private session, Madam President.
- 7 PRESIDING JUDGE SAMBA: [10:40:59] Thank you very much.
- 8 Madam Prosecutor, please, your witness.
- 9 MS MAKWAIA: [10:41:03] Thank you, Madam President.
- 10 Q. [10:41:04] Mr Witness, good morning again. I am going to ask you a few  
11 questions, and you can answer freely because we're in private session. Okay? Can you  
12 tell the Court, please, what are your names?
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 MS MAKWAIA: [10:43:09] Madam President, now, with your leave, could the court  
20 officer please assist us by displaying on the screen CAR-OTP-2104-0424-R02 at tab 1.  
21 Can it be zoomed in a bit.
- 22 Q. [10:44:00] Mr Witness, do you see the document before you on the screen?
- 23 A. [10:44:06] Yes, I see it.
- 24 Q. [10:44:16] Do you recognise this page? And if you need so, I can read it out for  
25 you.

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1 A. [10:44:35] Thank you.

2 MS MAKWAIA: [10:44:37] I think I'll read it out, Madam President, your Honours.

3 PRESIDING JUDGE SAMBA: [10:44:40] That's my understanding of his answer.

4 MS MAKWAIA: [10:44:43]

5 Q. [10:44:43] Mr Witness, on this first document, which is CAR-OTP-2104-0424, we  
6 see --

7 MS MAKWAIA: [10:44:57] Perhaps we could go further up, Madam Court Officer,  
8 please. Can you just go up.

9 Q. [10:45:03] We see written: "International Criminal Court, Office of the Prosecutor,  
10 Witness Statement." We then see "Witness Information" with the name -- last name,  
11 (Redacted). And can you please confirm when I read things out?

12 PRESIDING JUDGE SAMBA: [10:45:42] But is he the type of witness who could read?  
13 Could you confirm that, Madam Prosecutor?

14 MS MAKWAIA: [10:45:50]

15 Q. [10:45:50] Mr Witness, can you read your name?

16 MS MAKWAIA: [10:45:57] But, your Honours, I should then put the witness  
17 statement. The only problem with that statement is it's not the signed statement. It's a  
18 translation. He signed the English version.

19 PRESIDING JUDGE SAMBA: [10:46:15] I see -- I mean, is any of the signatures at the  
20 bottom of that page his, even though it's a copy?

21 MS MAKWAIA: [10:46:24] We can proceed to the bottom of the page.

22 Q. [10:46:28] Mr Witness, when you look at the bottom of the page to your left, can  
23 you see some signatures? Do you see your name on this page, Witness? I'm going to  
24 read it and then you can confirm if it's your name.

25 PRESIDING JUDGE SAMBA: [10:46:49] No, can you allow -- I'm going to suggest -

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- 1 hello? - that you allow him to look at the document and confirm his signature.
- 2 MS MAKWAIA: [10:47:01] In that instance, Madam President, perhaps it would be
- 3 easier if I passed to him a hard copy.
- 4 PRESIDING JUDGE SAMBA: [10:47:08] You can also do that.
- 5 MS MAKWAIA: [10:47:10] Yes.
- 6 PRESIDING JUDGE SAMBA: [10:47:11] Madam Court Officer, can you kindly help us.
- 7 MS MAKWAIA: [10:47:28] Just as a matter of courtesy, the Defence can have an
- 8 inspection first.
- 9 PRESIDING JUDGE SAMBA: [10:47:32] Thank you very much.
- 10 Q. [10:47:50] Mr Witness, you have before you a document. Now, I want you to look
- 11 at this document. If you go to the left-hand side at the bottom, can you see your name
- 12 there?
- 13 A. [10:48:02] Yes, I see it very well. That's what I see here.
- 14 (Redacted)
- 15 (Redacted)
- 16 Q. [10:48:36] And underneath that name, is that your signature, Mr Witness?
- 17 A. [10:48:39] Yes, that is my signature.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. [10:49:36] Now, I want you to look at each page of this document and tell the
- 22 Court if you recognise your initials. So we shall start with the first page, okay? Do you
- 23 see -- I think you've already confirmed that. So can you turn over to the next page.
- 24 MS MAKWAIA: [10:49:57] And that would be CAR-OTP-2104-0425, your Honours.
- 25 Q. [10:50:03] Do you see your initials on this page, Mr Witness? Turn to the next

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- 1 page, page 2.
- 2 PRESIDING JUDGE SAMBA: [10:50:17] Does he need help?
- 3 MS MAKWAIA: [10:50:19] I think he might need help to navigate the statement,
- 4 Madam President.
- 5 Are you on page 2, Mr Court Officer? Is he on page 2?
- 6 Q. [10:51:29] Can you see your initials on this page? Are you on page 2, Mr Witness?
- 7 I can assist you. To the extreme left of this page, can you see initials, Mr Witness?
- 8 A. [10:51:50] Yes, this is what I see now.
- 9 Q. [10:52:03] And what are those initials? Can you tell the Court?
- 10 (Redacted)
- 11 Q. [10:52:24] And on the next page - that would be page 3 or CAR-OTP-2104-0426 -
- 12 do you also see your initials, Witness?
- 13 A. [10:52:36] Yes, I see them.
- 14 Q. [10:52:54] And can you confirm that is also the case for the following page, CAR-
- 15 OTP-2104-0427, or page 4? Is that also the case?
- 16 A. [10:53:10] Yes, that's it. I confirm it.
- 17 Q. [10:53:31] Is that also the case for page 5, CAR-OTP-2104-0428? Do we also see
- 18 your initials on that page?
- 19 MS NAOURI: [10:53:50](Interpretation) Madam President.
- 20 PRESIDING JUDGE SAMBA: [10:53:53] Yes, Ms Naouri.
- 21 MS NAOURI: [10:53:55](Interpretation) Because there are two pairs of initials, and we
- 22 see that the court officer is helping by pointing, but could we specify which initials we
- 23 are referring to because this is a statement under Rule 68(3), so there are two different
- 24 initials. For the first page, we let it go. But as we have a witness who is being, assisted
- 25 it's important that the transcript and the file show which initials we are referring to and



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1 which initials are those of the witness.

2 Thank you, your Honour.

3 MS MAKWAIA: [10:54:33] Madam President, perhaps I could -- okay. I'll ask him to  
4 tell us. I thought we could use the marker, but that could be difficult.

5 Q. [10:54:43] Witness, can you please tell the Court which initials you're speaking of?  
6 And we're still at page 5, CAR-OTP-2104-0428. Just call them out.

7 (Redacted)

8 Q. [10:55:16] Can you turn to the next page, page 6, or CAR-OTP-2104-0429. Can you  
9 also tell the Court if you see initials there and call them out, please?

10 A. [10:55:34] That's it.

11 Q. [10:55:41] Can you please tell us which are the initials that you identify as yours  
12 on this page?

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MS MAKWAIA: [10:56:49] Mr Court Officer, it should be displayed on his screen as  
23 well.

24 Q. [10:57:26] Did you understand?

25 MS MAKWAIA: [10:57:33] Mr Court Officer -- oh, interpretation.

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- 1 THE WITNESS: [10:57:40](Interpretation) Yes, I understand.
- 2 MS MAKWAIA: [10:57:42] Can the witness be given the marker, please.
- 3 THE COURT OFFICER: [10:57:48] He has the marker already and the Court Usher  
4 showed him.
- 5 MS MAKWAIA: [10:57:55] Okay.
- 6 Q. [10:57:55] Can you use that marker on the screen to show the Court where your  
7 initials are found on this page? Thank you.
- 8 A. [10:58:14] It's this that's here.
- 9 Q. [10:58:20] Is that where you put the red dot?
- 10 A. [10:58:22] Yes, that's it. That's my name. Indeed.
- 11 MS MAKWAIA: [10:58:38] Can we now turn to the next page, please, Madam Court  
12 Officer, CAR-OTP-2104-0431.
- 13 Q. [10:58:46] And, Mr Witness, can you again identify your initials on this page on  
14 the screen?
- 15 THE COURT OFFICER: [10:58:55] Before turning to the next page, I would like to  
16 make sure that these annotations are not to be registered as Registry items. Only for  
17 the purpose of this exercise in the courtroom. Otherwise, we will have to wait from the  
18 Registry bench before turning to the next page. Thank you.
- 19 MS MAKWAIA: [10:59:14] I think they'll have to be registered.
- 20 THE COURT OFFICER: [10:59:49] I would maybe suggest to register all the annotated  
21 pages under the same Registry item for practical purposes and maybe clarity for the  
22 record, if the Chamber and the parties agrees, of course.
- 23 PRESIDING JUDGE SAMBA: [11:00:06] Of course, yes.
- 24 MS MAKWAIA: [11:00:09] I agree to that proposal.
- 25 PRESIDING JUDGE SAMBA: [11:00:12] Ms Naouri.

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- 1 MS NAOURI: [11:00:14](Interpretation) I have no problem with that. That is logical.
- 2 THE COURT OFFICER: [11:00:23] Thank you. So it will bear the following reference:
- 3 CAR-REG-0002-0057 will be the first page of the Registry item containing all the
- 4 annotated pages of the current witness testimony. Thank you.
- 5 MS MAKWAIA: [11:00:45] Thank you, Madam Court Officer.
- 6 Q. [11:00:48] Mr Witness, we shall continue with the exercise of identifying your
- 7 initials on this document.
- 8 MS MAKWAIA: [11:00:58] Can you now turn to the next page, Madam Court Officer,
- 9 on the screen, CAR-OTP-2104-0431. Thank you.
- 10 Q. [11:02:19] Mr Witness, can you also identify your initials on this page, please?
- 11 A. [11:02:23] I've done it.
- 12 Q. [11:02:41] Thank you.
- 13 MS MAKWAIA: [11:02:43] Can we now turn to the next page, page 9, or CAR-OTP-
- 14 2104-0432, please.
- 15 Q. [11:03:55] Mr Witness, can you identify your initials on this page as well, please?
- 16 A. [11:03:59] Yes, I see it. That's right, indeed.
- 17 Q. [11:04:12] Thank you, Witness.
- 18 MS MAKWAIA: [11:04:21] Can we now turn to page 10, or CAR-OTP-2104-0433,
- 19 please.
- 20 Q. [11:05:28] Mr Witness, can you identify your initials on the page, please?
- 21 A. [11:05:38] Yes, I have identified them.
- 22 Q. [11:05:48] Thank you.
- 23 MS MAKWAIA: [11:05:59] If we could now turn to CAR-OTP-2104-0434, page 11 of
- 24 the document, please.
- 25 Q. [11:06:51] Mr Witness, can you identify your initials on this page as well?

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- 1 A. [11:06:54] Yes, I have identified them.
- 2 Q. [11:07:12] Thank you.
- 3 MS MAKWAIA: [11:07:14] If we can now turn to page 12, CAR-OTP-2104-0435, please.
- 4 Q. [11:08:14] Could you please identify your initials on the page as well, Mr Witness?
- 5 A. [11:08:32] Yes.
- 6 Q. [11:08:34] Thank you.
- 7 MS MAKWAIA: [11:08:34] Now if we can go to page 13, CAR-OTP-2104-0436.
- 8 Q. [11:08:45] Mr Witness, we will wait for the page to be displayed and then you can
- 9 also indicate where your initials are found.
- 10 Mr Witness, we're now at page 13, CAR-OTP-2104-0436. Can you please indicate
- 11 where your initials are found?
- 12 A. [11:09:49] (Witness complies)
- 13 Q. [11:10:10] Thank you.
- 14 MS MAKWAIA: [11:10:13] And now to page 14, CAR-OTP-2104-0437.
- 15 Q. [11:10:21] Can you do the same, please? Indicate where your initials are found.
- 16 Can you understand the -- okay, thank you.
- 17 A. [11:10:58] (Witness complies)
- 18 MS MAKWAIA: [11:11:45] Can I have this page displayed? Can you go a bit down
- 19 please, Madam Court Officer? We are now at page 15 at CAR-OTP-2104-0438, your
- 20 Honours.
- 21 Q. [11:12:13] Mr Witness, I am going to read a portion on this page, headed "Witness
- 22 Acknowledgement."
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Can you indicate on this page, Mr Witness, where it is you initialled, you put your  
6 initials or your signature on this page? Can you do that with a marker, please.

7 A. [11:14:28] (Witness complies)

8 Q. [11:14:33] Thank you, Mr Witness.

9 MS MAKWAIA: [11:14:35] You can also turn to the last page of this document, page  
10 16, CAR-OTP-2104-0439.

11 Q. [11:15:21] Can you, Mr Witness, on this last page indicate for the Court where it is  
12 that you put your initials?

13 A. [11:15:46] (Witness complies)

14 Q. [11:15:49] Thank you, Mr Witness. Can you also confirm for the Court that this  
15 document that has your name, your signature on the first page, and initials from page 2  
16 to 16 is your statement that you gave to investigators of the Office of the Prosecutor?

17 A. [11:16:32] Yes, I confirm.

18 Q. [11:16:56] And that as part of this statement, their annexures?

19 A. [11:17:09] Yes, indeed, there are annexes.

20 MS MAKWAIA: [11:17:32] And can we have, for the record, displayed Annex 1,  
21 Madam President, your Honours, at tab 3, CAR-OTP-2104-0440.

22 THE COURT OFFICER: [11:17:55] Just for the record, I would like to make a  
23 correction. So the Registry item will start with page 0058 until page 0067, which are the  
24 annotated pages of the witness statement, starting from 0430 until 0439. Thank you.

25 MS MAKWAIA: [11:18:17] Thank you for that reminder, Madam Court Officer.

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- 1 THE COURT OFFICER: [11:18:27] Evidence channel 1 for the next item.
- 2 MS MAKWAIA: [11:18:39]
- 3 Q. [11:18:39] Mr Witness, on this document what do we see?
- 4 A. [11:18:42] A photograph of me.
- 5 Q. [11:19:05] Why was this photograph annexed to your statement?
- 6 A. [11:19:07] That was done because of the injuries that I sustained further to my  
7 arrest (Redacted), injuries caused by the Seleka.
- 8 Q. [11:19:41] Can you circle where you say the injury -- where is the injury? Can you  
9 use a marker?
- 10 A. [11:19:52] (Witness complies)
- 11 Q. [11:20:12] Thank you, Witness.
- 12 MS MAKWAIA: [11:20:18] Can we now have displayed, at Annex 2 of the statement,  
13 CAR-OTP-2104-0441.
- 14 I'm in your hands, Madam President, whether this annex can be registered individually  
15 or as part of the statement.
- 16 PRESIDING JUDGE SAMBA: [11:20:47] The Annex 1?
- 17 MS MAKWAIA: [11:20:53] Yes, your Honours.
- 18 PRESIDING JUDGE SAMBA: [11:20:54] Madam Court Officer, because we've already  
19 given an ERN number to the statement, how do we deal with this?
- 20 THE COURT OFFICER: [11:21:03] Thank you, Madam President. Well, I'm in the  
21 Chamber's hands. But this is a different, maybe, item, and it's a picture, maybe we can  
22 just give a different ERN number which will follow, basically, the ERN number given  
23 to the witness statement.
- 24 PRESIDING JUDGE SAMBA: [11:21:22] I think we could do that, yes. As long as  
25 there's a reference, we know what it is about from -- as you said to the Court.

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1 THE COURT OFFICER: [11:21:36] So this annotated picture will bear the reference

2 CAR-REG-0002-0068. Thank you.

3 MS MAKWAIA: [11:22:02] Can we now have displayed at tab 5, Annex 2, CAR-OTP-

4 2104-0441. Thank you.

5 I just lost my evidence channel.

6 Q. [11:23:14] Mr Witness, what do we see on this photograph?

7 A. [11:23:16] That is the scar, the scar of the wound that I sustained.

8 Q. [11:23:35] Where did you start -- when was this that you sustained the wound?

9 A. [11:23:39] It was at Camp de Roux in 2013 that I sustained this injury.

10 Q. [11:24:01] Thank you, Mr Witness.

11 MS MAKWAIA: [11:24:03] Madam President, this photograph can also be tendered. If

12 it can have a registration number.

13 THE COURT OFFICER: [11:24:16] This annotated item will bear the following

14 reference: CAR-REG-0002-0069.

15 MS MAKWAIA: [11:24:48] Can I now have displayed CAR-OTP-2104-0442, Annex 3,

16 your Honours.

17 PRESIDING JUDGE SAMBA: [11:25:11] Which tab?

18 MS MAKWAIA: [11:25:13] That should be tab 4, Madam President.

19 Q. [11:25:39] What is displayed on the screen, Mr Witness?

20 A. [11:25:41] I had an injury at this location.

21 Q. [11:25:59] When did this occur?

22 A. [11:26:01] It was at Camp de Roux in 2013.

23 Q. [11:26:16] Thank you, Mr Witness.

24 MS MAKWAIA: [11:26:19] Your Honours, can we have a registration number?

25 PRESIDING JUDGE SAMBA: [11:26:25] Madam Court Officer, please.

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1 THE COURT OFFICER: [11:26:28] This item will bear the following reference: CAR-  
2 REG-0002-0070.

3 PRESIDING JUDGE SAMBA: [11:26:43] Just to note that we're still in private session,  
4 Madam Prosecutor.

5 MS MAKWAIA: [11:26:50] Yes, Madam President. I hope to finish in private session  
6 soon so we can go to public.

7 I could adopt the statement, your Honours. But what I propose to do, with your leave, is to  
8 have him identify Annex A to his witness preparation session, which we submit has  
9 provided clarifications to the statement and, therefore, should form part of his (Redacted)  
10 statement. And I will do the necessary foundation for that procedure, your Honours.

11 PRESIDING JUDGE SAMBA: [11:27:49] Yes, Ms Naouri.

12 MS NAOURI: [11:27:51](Interpretation) Thank you, your Honour. With respect to the  
13 request which has just been made by the Prosecution, we object to the preparation note  
14 being tendered together with the written statement.

15 \*The Chamber, in its Decision 492 of September 28th 2022, at paragraph 10, had  
16 previously decided that preparation notes have the same status as a witness statement,  
17 in accordance with Rule 76-1 and 76-3 of the Rules of Procedure and Evidence. As a  
18 result, such a document can only be tendered into the file of this case using the  
19 procedure set out in Rule 68 of the Rules. It was furthermore the Decision of your  
20 Chamber issued by email on 31 October 2022 on the evidence submitted by witness P-  
21 0747 in which it was stated: "The paragraphs of witness statements which are presented  
22 to witnesses in the courtroom could not be formally tendered into the court file without  
23 application of Rule 68."

24 Now, the Chamber has taken a decision regarding a witness statement of a previous  
25 statement, and that decision was taken in light of verification of the criteria of Rule



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1 68(3); that is to say, that the criteria -- it was verified that the criteria had, indeed, been  
2 complied with.

3 Now, that is not the case when it comes to a preparation note. Even in light of the case  
4 law of this Chamber, a preparation log cannot be filed in the court file of this case  
5 without application of Rule 68(3) and without a formal decision being issued by this  
6 Chamber.

7 And for the Defence, it is crucial that we are cautious, given the number of corrections  
8 and further specifications provided by the witness during preparation which may cast  
9 doubts on the status of the witness statement.

10 Against that background, the procedure to be adopted in the light of the Defence -- in  
11 the mind of the Defence is that the Prosecution should discuss in court the topics which  
12 have come up and figure in the preparation note as they would in the case of a viva  
13 voce witness, and cannot obtain admission of the preparation note by means of Rule  
14 68(3) at the same time as the written statement.

15 And that is why, in addition to this statement being admitted, the Prosecution is  
16 provided with extra time to question the witness in court. Now, to be clear, I refer to  
17 Decision 492 of this Chamber of 28 September 2022 at paragraph 10 and to the decision  
18 issued by e-mail on 31 October 2022 regarding the evidence submitted by Witness P-  
19 0747. And as I said, the number of corrections that may come up during preparation  
20 may have implications when assessing reliability, the reliability of the witness  
21 statement.

22 So this is our position. And it is all the more important today, because today we have a  
23 witness who is not comfortable with reading and writing and, therefore, it is necessary  
24 to go back with him. You can't just show a document to him and say, "This document  
25 reflects what was said during preparation." No, you have to discuss the document

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1 with him, go through it with him.

2 And if I might, your Honour, while I have the floor, I waited for the opposing party to  
3 complete, but from page 25 of the transcript, at line 1, it says:  
4 "Could you also confirm for the Court that this document which bears your name, as  
5 well as your signature, on the first page, and your initials from pages 2 to 16,  
6 constitutes your statement, the statement which you gave to officers of the Office of the  
7 Prosecutor?"

8 Now, we have a bit of an issue with the methodology here, because -- let me start  
9 again. We have some difficulty with the methodology because the witness is unable to  
10 read and write but is being presented with a witness statement in English. Okay, he  
11 has been asked to recognise his initials, his signature, but it's also important to know  
12 when he made those signatures and initials.

13 MS MAKWAIA: [11:33:49] Objection, Madam President.

14 THE INTERPRETER: [11:33:58] Objection from the Prosecution.

15 PRESIDING JUDGE SAMBA: [11:34:00] Maybe before you state what your objection is.  
16 As to the issue of the witness not being able to read and write. My reading of his  
17 statement, you may say he's limited, but, you know, making signatures and making  
18 initials, appreciating his level of education as per his statement, but it's me looking at  
19 his statement that he went up to 5th grade. I don't think you can -- except you have  
20 other reasons to doubt whether or not he can sign or put signatures to a paper, initials.  
21 And in light of the statement itself, not being able to read his statement, my  
22 understanding of what happens during interviews, and this witness being one, is that,  
23 you know, things are -- questions are put to him, and if it's written in English there  
24 must be -- I'm sure there was an interpreter, like we're doing now, who would explain  
25 to the witness and things are read back to him - that is, the statement - before he

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- 1 appends his signature or initials.
- 2 But let me hear the Prosecution. What's your objection about? Because Ms Naouri has
- 3 not finished what she's saying. But what's your objection about, Madam Prosecutor?
- 4 MS MAKWAIA: [11:35:29] Thank you, Madam President. You've characterised that
- 5 correctly. This witness, from the statement it can be -- it's evident he's got a certain
- 6 level of education and he can actually read to a certain extent and put his initials and
- 7 signature.
- 8 And further, Madam President, your Honours, at the end of this statement, at page 16,
- 9 CAR-OTP-2104-0438, it is clear -- sorry, I'm a bit fast. Sorry. Apologies. It is clear what
- 10 the procedure was. There was interpretation. There is even a certification and
- 11 signatures of the interpreter to the effect that it was read back to him in a language that
- 12 he understood, which is Sango.
- 13 And counsel has got this document, Madam President. Hence my objection.
- 14 PRESIDING JUDGE SAMBA: [11:36:17] Thank you very much. I'm sure I've
- 15 addressed that.
- 16 Ms Naouri, can you go back to your objection on the admission or the use of the
- 17 preparation notes? I think that's what you were addressing the Chamber on, the
- 18 preparation notes.
- 19 MS NAOURI: [11:36:42](Interpretation) Of course, Madam President. If I could have
- 20 finished my sentence, the idea was not to object to the submission of the witness
- 21 statement. It was just to ask had this witness statement been re-read back in a language
- 22 that the witness understands, and my colleague has just specified that. So we are
- 23 content with that.
- 24 Now, with regard to the statement through the log, our position is the following.
- 25 As it is a document in and of itself, it is a statement, as you have said, in your Decision

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1 492, it cannot be submitted without a formal request and without a formal decision.

2 Especially because the content of the log does lead to doubts on the reliability of the  
3 first statement.

4 So if the log is a statement under the Rule 76 and 76(1), we have to have the procedures  
5 that are complying with Rule 68(3), and that would be more advantageous and quicker  
6 to simply ask, given in the time that the Prosecution has, with regard to the points that  
7 came out during preparation.

8 If there are clarifications to be made, then the Prosecution is here, we have the witness  
9 here as well today, instead of submitting a log, which is a summary of what happened  
10 during preparation, a log which was not read back to the witness. It's not --

11 MS MAKWAIA: [11:38:31] Objection again, Madam President.

12 MS NAOURI: [11:38:36](Interpretation) -- a log that has been signed.

13 PRESIDING JUDGE SAMBA: [11:38:39] Yes, Ms Makwaia.

14 MS MAKWAIA: [11:38:40] Madam President, I don't know if my learned friend is  
15 actually reading the documents that the Prosecution is disclosing to the Defence.

16 This log, not only was it read back to the witness, it also bears his signature. So I object  
17 to the characterisation that it wasn't read back to the witness, nor was it signed. It was.

18 PRESIDING JUDGE SAMBA: [11:39:00] Ms Naouri, please.

19 MS NAOURI: [11:39:03](Interpretation) Again, the end of my sentence was that this  
20 statement in the format as it exists today was not debated and did not fill the criteria  
21 under the Rule 68(3). So we have a new statement which has not been submitted  
22 through a decision of this Chamber. There was no formal request. There could be  
23 doubts, real doubts, because what is in the log should make it possible to specify this  
24 statement.

25 We are here in a hearing. The Prosecution has time during the hearing to come back to

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1 this statement, and the idea of the examination-in-chief is to enter that -- it is accepted  
2 and it has been accepted. So we think that the Prosecution should come back to what  
3 came out of the preparation stage with the witness here in the hearing today.

4 PRESIDING JUDGE SAMBA: [11:40:08] Madam Prosecutor, yes. Can you make  
5 additional submissions for us on that, please.

6 MS MAKWAIA: [11:40:12] Thank you, your Honours. I shall do so.

7 The distinction between this witness and 547, and which was the reason behind ruling  
8 492, your Honours, is that this witness has been admitted by the Court to appear before  
9 you under Rule 68(3). Witness P-0547 was not. He was not admitted to appear before  
10 you under the same conditions this witness has been admitted.

11 Hence, there is a clear distinction between the two and your ruling pertaining to that  
12 particular witness, whom you heard fully viva voce, your Honours.

13 It is our submission, therefore, that the witness preparation log is not independent of  
14 the statement of this witness who's been admitted to appear before you under Rule  
15 68(3). The witness preparation log is clarifications or explanations of the statement that  
16 he gave (Redacted) to OTP investigators. It is, therefore, our submission,  
17 Madam President, and your Honours, that it forms a logical extension of that statement  
18 that he has clarified or explained too. Hence, our request to have it admitted as part of  
19 his (Redacted) statement.

20 My learned friend has also made submissions as to the reliability or other issues arising  
21 because of these explanations or clarifications. It is our submission, your Honours, that  
22 the Defence will have ample opportunity to cross-examine this witness. They can  
23 cross-examine this witness on these issues as well.

24 I think I addressed the other issues of whether or not it was read to him or signed. This  
25 preparation log, which forms part of now what we call Annex A, of Witness P-2400,

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1 was read back to him in a language that he understood and then was signed by him  
2 and the interpreter who interpreted in Sango for the witness.

3 For these reasons, your Honours, we request you to dismiss the Defence objections and  
4 to admit as part of his statement under Rule 68 the preparation log. There is a clear  
5 distinction between the scenario that led to your decision in P-0547's statement being  
6 tendered into the evidence. Thank you.

7 PRESIDING JUDGE SAMBA: [11:43:16] I'm going to ask for a short stand-down for  
8 like five -- just five minutes or thereabouts, and we'll come back.

9 I rise the Court, please.

10 (Recess taken at 11.43 a.m.)

11 (Upon resuming in open session at 12.12 p.m.)

12 THE COURT USHER: [12:11:52] All rise. Please be seated.

13 PRESIDING JUDGE SAMBA: [12:12:04] Good afternoon, all.

14 We have a short ruling to deliver.

15 The Chamber has considered the Defence's objection and the Prosecution's response.

16 We sustain the Defence's objection. All documents must be submitted according to the  
17 Rules of Procedure and Evidence. Should the Prosecution want to introduce additional  
18 information provided by the witness that did not form part of the prior recorded  
19 testimony previously ruled on by the Chamber, it must request the authorisation of the  
20 Chamber to do so, pursuant to Rule 68(3) of the Rules of Procedure and Evidence.

21 Therefore, should the Prosecution wish to make use of the witness preparation log and  
22 its annex for this witness, it must do so through live questioning of the witness in court.  
23 That would be our ruling. Thank you.

24 MS MAKWAIA: [12:13:06] I am obliged, Madam President, your Honour. We shall  
25 adhere to the Court's ruling.

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1 Madam President, I, therefore, propose to adopt the (Redacted) statement before we  
2 proceed any further.

3 Q. [12:13:28] Mr Witness, earlier today I showed you a document of --

4 PRESIDING JUDGE SAMBA: [12:13:35] Sorry, Madam Prosecutor. Maybe before you  
5 do that, may I ask the witness whether or not he stands by the contents of that  
6 statement.

7 Do you stand by the contents of your statement that the Prosecutor has now adopted,  
8 please?

9 MS MAKWAIA: [12:14:04] I hadn't adopted it yet, Madam President.

10 PRESIDING JUDGE SAMBA: [12:14:06] Before your adoption. That the Prosecutor has  
11 referred to, let me rephrase. Do you stand by the statement you made to the  
12 investigators?

13 THE WITNESS: [12:14:33](Interpretation) Yes, I confirm that I do. I confirm.

14 PRESIDING JUDGE SAMBA: [12:14:36] Thank you very much, Mr Witness.  
15 Madam Prosecutor, please.

16 MS MAKWAIA: [12:14:44] Thank you, your Honours.

17 Q. [12:14:45] Therefore, Mr Witness, the procedure that we are using requires me to  
18 put these questions to you further. Do you accept that the Judges can use your  
19 statement and the documents you've just looked at as part of your evidence in this trial  
20 to help them decide the truth and that you do not object to them doing so?

21 A. [12:15:10] Yes, I accept. I have no objection.

22 MS MAKWAIA: [12:15:33] Your Honours, it's our submission the procedural  
23 requirements under Rule 68(3) are now satisfied, unless you rule otherwise.

24 PRESIDING JUDGE SAMBA: [12:15:45] That's fine. Thank you. Carry on, please.

25 MS MAKWAIA: [12:15:56] Thank you, Madam President. And I believe for my next

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- 1 set of questions, we can go to a public session.
- 2 PRESIDING JUDGE SAMBA: [12:16:01] Madam Court Officer, can you get us back  
3 into open session, please.
- 4 THE COURT OFFICER: [12:16:19] We're already in open session, Madam President,  
5 your Honours.
- 6 PRESIDING JUDGE SAMBA: [12:16:21] Madam Prosecutor, carry on. We're in open  
7 session.
- 8 MS MAKWAIA: [12:16:26] Thank you, Madam President.
- 9 Q. [12:16:28] Mr Witness, you met officers of the Prosecution team, including myself,  
10 on 26 and on 28 October 2022 when you arrived here. Do you recall that?
- 11 A. [12:16:48] Yes, I recall.
- 12 Q. [12:17:07] And during the course of those two meetings, your statement of  
13 (Redacted) was read back to you. Do you remember that?
- 14 A. [12:17:16] Yes, I recall.
- 15 Q. [12:17:30] And during the course of these two sessions, you made clarifications  
16 and explanations to that statement. Do you also recall that?
- 17 A. [12:17:40] Yes, indeed.
- 18 Q. [12:17:54] And you also identified certain photographs and you gave descriptions  
19 of those photographs tied to your statement of (Redacted). Do you remember?
- 20 A. [12:18:06] Yes, I recall that.
- 21 Q. [12:18:25] And one of the clarifications that you gave was --
- 22 MS NAOURI: [12:18:31](Interpretation) Objection, your Honour. Excuse me, your  
23 Honour, but this is highly leading. We allowed the first questions through, but this is  
24 very leading.
- 25 PRESIDING JUDGE SAMBA: [12:18:49] Upheld, Ms Naouri. Let's go on. Yes, upheld.



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- 1 Madam Prosecutor, please avoid leading questions.
- 2 MS MAKWAIA: [12:19:05]
- 3 Q. [12:19:07] Mr Witness, I would like to refresh your memory, and I shall be reading
- 4 --
- 5 MS NAOURI: [12:19:11](Interpretation) Your Honour, I'm sorry, but the witness has
- 6 not yet said a word, so his memory cannot yet be refreshed. A question must first be
- 7 put to him with respect to the witness preparation log, he will then respond, and
- 8 following that his memory may be refreshed or not.
- 9 PRESIDING JUDGE SAMBA: [12:19:32] You met recently, did you, for the preparation
- 10 of this witness. When did you meet again?
- 11 MS MAKWAIA: [12:19:40] This witness was met on the 26th and 28th October.
- 12 PRESIDING JUDGE SAMBA: [12:19:44] Of October. And he made certain
- 13 clarifications, according to you. You could ask him what clarifications those were and
- 14 then you take it from there.
- 15 MS MAKWAIA: [12:20:06] Thank you, Madam President.
- 16 Q. [12:20:07] Mr Witness, when you were met by myself and another member of the
- 17 Office of the Prosecution, you made some clarifications to your statement of
- 18 (Redacted). Do you remember that?
- 19 A. [12:20:14] Yes, I remember that.
- 20 Q. [12:20:26] What type of clarifications did you make?
- 21 A. [12:20:27] With respect to a number of photographs which I brought and also
- 22 other information which I had forgotten at the time and which I was able to provide
- 23 later.
- 24 Q. [12:21:08] And these clarifications, Mr Witness, were made to a translation of your
- 25 statement, the French version; correct?

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1 A. [12:21:30] That's right.

2 Q. [12:21:38] Now, you said you made a number of clarifications. Can you be a bit  
3 more precise and give some examples of these clarifications?

4 A. [12:21:45] Well, some examples of clarifications. Well, I could refer to the  
5 photographs which I added and also clarifications regarding incidents which I had  
6 forgotten about. It was essentially those clarifications that I gave.

7 Q. [12:22:31] Mr Witness, in the witness preparation -- all right. Let me take that up  
8 again. During the course of the witness preparation, were you shown photographs of  
9 what you told investigators was the area you were held at in Bangui?

10 MS NAOURI: [12:23:07](Interpretation) Excuse me, your Honour. Leading question.  
11 The answer was in the question.

12 PRESIDING JUDGE SAMBA: [12:23:15] Yes, but the area in Bangui is not in the  
13 question.

14 MS MAKWAIA: [12:23:23] At this rate, Madam President, we might as well do a viva  
15 voce.

16 Q. [12:23:27] Mr Witness, where were you held in -- where were you held in Bangui  
17 in 2013? Where were you detained?

18 PRESIDING JUDGE SAMBA: [12:23:52] Just to note that we're in open session, Madam  
19 Prosecutor. If that's okay by you, we can go on, but we're in open session. Is that fine?

20 MS MAKWAIA: [12:24:03] That is fine for now, Madam President.

21 PRESIDING JUDGE SAMBA: [12:24:05] That's fine.

22 Yes, Mr Witness. Where in Bangui were you held?

23 THE WITNESS: [12:24:23](Interpretation) In the city centre OCRB in Bangui. That's  
24 where I was detained.

25 MS MAKWAIA: [12:24:32]

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- 1 Q. [12:24:32] Who detained you there?
- 2 A. [12:24:33] Mahamat Said.
- 3 Q. [12:24:49] Who is or was Mahamat Said?
- 4 A. [12:24:54] Mahamat Said was in charge of the OCRB at the time.
- 5 Q. [12:25:12] How do you know he was in charge?
- 6 A. [12:25:14] At the point in time where I was held in the underground cell, it was
- 7 Yaya who told me that it was him that was the commander of the OCRB. And I also
- 8 saw him personally. I observed him personally.
- 9 Q. [12:25:44] Which year was this?
- 10 A. [12:25:49] It was in 2013.
- 11 Q. [12:25:57] When you observed him personally, what was he doing?
- 12 A. [12:26:05] Mahamat Said was the OCRB commander. He was the one who
- 13 ordered that I be taken to the underground cell.
- 14 Q. [12:26:34] And where is the underground cell found?
- 15 A. [12:26:45] It was within the OCRB.
- 16 Q. [12:27:01] When you were taken to -- first of all, how do you know it was
- 17 Mahamat Said who ordered you should be taken to the underground cell?
- 18 A. [12:27:14] When I was taken from Camp de Roux, it was said that we had to wait
- 19 until Mahamat Said arrived before I would be put in a cell. And when he arrived, he
- 20 gave the order that I be taken to the underground cell.
- 21 Q. [12:27:47] And how many of you were taken to the OCRB on this day?
- 22 A. [12:27:54] There were four of us. There was a woman and three men.
- 23 Q. [12:28:13] And how many of you did he order to be taken to the underground
- 24 cell?
- 25 A. [12:28:22] I was the only one who was taken to the underground cell. And when I

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- 1 arrived there or when I was taken to that hole, there were already three people there.
- 2 Q. [12:28:56] And what gender were these three people?
- 3 A. [12:29:05] They were all men.
- 4 Q. [12:29:16] And what happened to the other persons who were taken to the OCRB
- 5 with you?
- 6 A. [12:29:27] When I was arrested in that (Redacted), I was taken to Camp de Roux
- 7 where I was held for some time. Then I was beaten. Then a vehicle transported me.
- 8 When I was being held, I was with (Redacted). There were two of us. Then afterwards
- 9 when I was being held, there were two other people.
- 10 MS MAKWAIA: [12:30:11] Madam President, if we could move into a private session.
- 11 PRESIDING JUDGE SAMBA: [12:30:17] Madam Court Officer, can we move, briefly,
- 12 into private session, please.
- 13 MS MAKWAIA: [12:30:30]
- 14 Q. [12:30:32] Sorry, Witness. I should have cautioned you not to give names.
- 15 (Private session at 12.30 p.m.)
- 16 THE COURT OFFICER: [12:30:40] We are in private session, Madam President. Thank
- 17 you.
- 18 MS MAKWAIA: [12:30:53]
- 19 Q. [12:30:53] Mr Witness, you can now continue your testimony. You can proceed
- 20 and you can give names now. We're in a private session.
- 21 A. [12:31:20] The day when I was arrested, I was driven to the Camp de Roux at first.
- 22 And I was tied up, and then they began to beat me up. And then they brought me
- 23 back. And when we arrived, there were already -- well, I saw two people beside me. I
- 24 did not know them. We were two. Two of us were arrested at (Redacted). And when
- 25 we got to Camp de Roux, after having been subjected to all that, I was brought back

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1 and I saw two people, and I did not know why they had been arrested.

2 Before I was taken to the cell, I was hit again. And another one came and called me. I

3 was put into a vehicle together with the others. We went to the OCRB.

4 Q. [12:32:29] Thank you, Mr Witness.

5 MS MAKWAIA: [12:32:30] Your Honours, I see the time is up for the session. I am in  
6 your hands.

7 PRESIDING JUDGE SAMBA: [12:32:37] Yes, we'll stop here for now.

8 Mr Witness, we're going to stop here so that we all have a short break, and we'll come  
9 back at 1.00 to continue with your testimony -- at 2.30. I'm already beginning to think  
10 about lunch. We'll come back at 2.30 to continue with your testimony.

11 So I rise the Court and ask that we come at 2.30, please. Thank you.

12 (Recess taken at 12.33 p.m.)

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

14 THE COURT USHER: [14:31:57] All rise. Please be seated.

15 PRESIDING JUDGE SAMBA: [14:32:25] Good afternoon, everyone.

16 Mr Witness, we're going to continue with your direct examination. The Prosecutor will  
17 put questions to you and you'll answer the questions slowly and clearly. Thank you.

18 Madam Prosecutor, please.

19 MS MAKWAIA: [14:32:49] Thank you, Madam President, your Honours.

20 I've been advised by the court officer that I'm already beyond the one hour we had  
21 projected for the evidence of this witness. I seek the Court's indulgence to get at least  
22 15 more minutes, maximum 20, but I think 15 should do it.

23 (Trial Chamber confers)

24 PRESIDING JUDGE SAMBA: [14:33:27] Okay, Madam Prosecutor. We'll grant you 20  
25 minutes. Thank you.

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- 1 MS MAKWAIA: [14:33:34] Thank you, your Honours.
- 2 Q. [14:33:36] Good afternoon, Mr Witness.
- 3 A. [14:33:47] Good afternoon.
- 4 Q. [14:33:50] Now, Mr Witness, when you met myself and Ms Ndagire during your  
5 witness preparation on 28 October this year, apart from images showing yourself, were  
6 you shown anything else?
- 7 Mr Witness, did you hear the question?
- 8 A. [14:35:06] I would ask that you please repeat the question.
- 9 Q. [14:35:29] Okay. During your sessions with myself and Ms Ndagire here in The  
10 Hague on 28 October and 26 October, apart from the photographs of yourself that you  
11 were shown, were you shown anything else?
- 12 A. [14:35:59] I have understood well. No. I was not shown anything else besides  
13 that.
- 14 Q. [14:36:38] Mr Witness, were you shown any photographs of the location --
- 15 A. [14:36:47] (No interpretation)
- 16 Q. [14:36:51] -- that --
- 17 A. [14:36:51] (No interpretation)
- 18 PRESIDING JUDGE SAMBA: [14:36:52] Madam Prosecutor, allow us to get what he's  
19 saying, because we're not getting --
- 20 MS MAKWAIA: [14:37:00] Sorry, Madam President.
- 21 THE WITNESS: [14:37:18](Interpretation) The photos that were presented to me  
22 indicated the place where I had been detained. And here I'm talking about the OCRB,  
23 because that was where I was imprisoned.
- 24 MS MAKWAIA: [14:37:38]
- 25 Q. [14:37:40] All right, Mr Witness.

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- 1 MS MAKWAIA: [14:37:42] Madam President, your Honours. Can I have displayed the  
2 following image at tab 9: CAR-OTP-2033-6838, please.
- 3 THE WITNESS: [14:38:32](Interpretation) That is the building of the OCRB that I see  
4 here.
- 5 MS MAKWAIA: [14:38:48] Can we have now displayed - thank you, Witness - CAR-  
6 OTP-2033-7154, your Honours, at tab 10.
- 7 THE WITNESS: [14:39:16](Interpretation) Here again, this is a building of the OCRB.
- 8 MS MAKWAIA: [14:39:25] Can we now have displayed CAR-OTP-2033-7555 at tab 11,  
9 Madam President, your Honours.
- 10 Q. [14:39:47] What do we see there, Mr Witness?
- 11 A. [14:39:50] This is the underground cell where I was locked up. You see the  
12 entrance is made up of these planks and cardboard.
- 13 Q. [14:40:09] And where was this underground cell found, Witness?
- 14 A. [14:40:20] It is located under the wood that you see here.
- 15 Q. [14:40:31] Thank you, Witness.
- 16 MS MAKWAIA: [14:40:33] Can we now have displayed CAR-OTP-2033-7061, your  
17 Honours, tab 12.
- 18 Q. [14:40:45] Can you tell the Court what is displayed, Mr Witness?
- 19 A. [14:40:47] It is that place where I was locked up.
- 20 Q. [14:41:04] And does this place have a name?
- 21 A. [14:41:06] It is the basement. That's the way we call it in French, sous-sol, the  
22 basement.
- 23 Q. [14:41:22] Thank you, Mr Witness.
- 24 MS MAKWAIA: [14:41:24] Madam President, your Honours, we would now like  
25 displayed CAR-OTP-2033-6871, at tab 6.

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1 Q. [14:42:02] Mr Witness, what is displayed before your eyes at the moment?

2 A. [14:42:05] That too is a building of the OCRB. When I got out of the basement, I  
3 was locked up here. And just beside is where prisoners were tortured, on the left in  
4 front of the small building.

5 Q. [14:42:27] Mr Witness, using the pen or the marker before you, can you please  
6 indicate where it is that you've described to the Court that prisoners were tortured?  
7 Can you use that marker to point to that location.

8 A. [14:42:54] It's here. This is where I was locked up. And there were prisoners in  
9 this building. And if you go between these two buildings, behind the smallest was the  
10 place where people were tortured.

11 Q. [14:43:11] Okay, Witness, so that your evidence is clear, can you please put a  
12 number 1 where you say you were locked up. Can you do that?

13 A. [14:43:23] Of course. Here. Right here. It's at this place.

14 Q. [14:43:41] And can you put a number 2 towards the location that you say  
15 prisoners were tortured?

16 A. [14:43:46] (Witness complies)

17 Q. [14:44:09] Can you please do the 2 properly? Or if it's easier for you, just put a  
18 cross.

19 A. [14:44:24] (Witness complies)

20 Q. [14:44:40] Okay, Witness, let's take this up again. You have told the Court  
21 initially, when you put a little dot on a small white building -- do you see that?

22 A. [14:44:50] Yes, I see.

23 Q. [14:44:59] And you told the Court that it was towards that direction that prisoners  
24 were tortured. Do you recall that?

25 A. [14:45:05] That's it. I remember.



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1 Q. [14:45:18] Now, how did you know that prisoners were tortured towards that  
2 direction?

3 A. [14:45:23] When I was taken out of the basement, I was first brought here. And  
4 when I was outside, other people were brought and tortured using this passage.

5 MS MAKWAIA: [14:46:02] Thank you, Madam President. I'd like to tender this as an  
6 exhibit.

7 PRESIDING JUDGE SAMBA: [14:46:05] Can we have an ERN number for it, please,  
8 Madam Court Officer.

9 THE COURT OFFICER: [14:46:09] Yes, Madam President. CAR-REG-0002-0071.

10 PRESIDING JUDGE SAMBA: [14:46:24] Thank you very much.

11 MS MAKWAIA: [14:46:31]

12 Q. [14:46:31] You have also told the Court earlier that the person who was  
13 commander of the OCRB was Mahamat Said. Do you remember that, Witness?

14 A. [14:46:37] Yes, I remember that very well. Yes, it was indeed him.

15 MS MAKWAIA: [14:46:56] Your Honours, can we have displayed CAR-OTP-2069-  
16 3226, tab 13, please.

17 Q. [14:47:36] Mr Witness, do you recognise anybody in this photograph?

18 A. [14:47:39] Yes, I recognise some people in this photo. That is the President  
19 Djotodia in the foreground. And where I put a cross, that's Mahamat Said.

20 Q. [14:48:05] All right, Witness. Starting with Mahamat Said, can you put the letter A  
21 on that person.

22 A. [14:48:11] That is well understood.

23 Q. [14:48:39] And then can you put the letter B on the person you described as  
24 President Djotodia.

25 A. [14:48:49] (Witness complies)

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1 Q. [14:49:10] Do you recognise anybody else on this photograph?

2 A. [14:49:19] I only recognise President Djotodia and Mahamat Said.

3 Q. [14:49:29] Thank you, Mr Witness.

4 MS MAKWAIA: [14:49:30] Madam President, we'd like to tender this as a Prosecution  
5 exhibit.

6 PRESIDING JUDGE SAMBA: [14:49:34] Yes, Madam Court Officer, can you kindly  
7 help us with an ERN number, please.

8 THE COURT OFFICER: [14:49:39] CAR-REG-0002-0072.

9 PRESIDING JUDGE SAMBA: [14:49:45] Thank you very much.

10 MS MAKWAIA: [14:49:52] I would now request the assistance of displaying CAR-  
11 OTP-2069-3227 at tab 14.

12 THE COURT OFFICER: [14:50:26](Interpretation) 3227 for the French interpretation  
13 and transcript.

14 MS MAKWAIA: [14:50:34] Thank you, Madam Court Officer.

15 Q. [14:50:42] Mr Witness, you have another image displayed before you. Do you  
16 recognise persons in this photograph?

17 A. [14:50:49] Yes, I recognise the president, Djotodia, Mahamat Said. And this one, I  
18 saw him, I knew him from the OCRB, but I do not know his name. When I was driven  
19 there, he asked me many questions but I don't know his name. He too was at the  
20 OCRB.

21 Q. [14:51:30] And which year was this?

22 A. [14:51:31] It was in 2013.

23 MS MAKWAIA: [14:51:44] So for the record, Madam President, your Honours, the  
24 witness has placed the letter A on the person he described as Mr Said; the letter B on  
25 the person he described as President Djotodia; and an X on a person whose name he

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1 doesn't remember but he saw at the OCRB. I move to tender this as a Prosecution  
2 exhibit.

3 PRESIDING JUDGE SAMBA: [14:52:08] Thank you.

4 Madam Court Officer, can you help us with an ERN number, please.

5 THE COURT OFFICER: [14:52:15] CAR-REG-0002-0073.

6 MS MAKWAIA: [14:52:37]

7 Q. [14:52:37] And, Mr Witness, can you tell the Court who -- first of all, were you  
8 married in 2013?

9 I asked a question. Shall I repeat it?

10 A. [14:53:18] I would ask that you repeat it because I did not understand it.

11 Q. [14:53:41] Mr Witness, in 2013 did you have children?

12 A. [14:53:50] Yes, I had three children.

13 Q. [14:54:03] And I just caution you, don't give any names. We're in public session.  
14 And were you married?

15 A. [14:54:08] No, I was not officially married, but I was living with a woman.

16 Q. [14:54:31] When you were in prison at the OCRB, who was looking after these  
17 children? Don't give the name, please.

18 A. [14:54:45] It was the manager of the (Redacted) who was taking care of my  
19 children simply because I was working for him.

20 Q. [14:55:10] Thank you, Mr Witness.

21 MS MAKWAIA: [14:55:12] Madam President, your Honours, I have no further  
22 questions for the witness.

23 PRESIDING JUDGE SAMBA: [14:55:23] Thank you very much, Madam Prosecutor.  
24 And, Mr Witness, the other lawyer for the Defence will now ask you questions -- oh,  
25 sorry. I'm sorry. Your lawyer, Ms Pellet, will ask you questions. Okay?

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- 1 Ms Pellet, your witness, please.
- 2 MS PELLET: [14:56:00](Interpretation) Thank you, Madam President. \*I reassure you,  
3 I will try to be quite brief, because following your decision on the Conduct of  
4 Proceedings and your oral decision this morning, I will limit my questions because the  
5 testimony -- well, because the record of the statement of the witness has been admitted  
6 into evidence, and so I will limit myself to the victimisation and the impact of the  
7 events on my client's family and on himself.
- 8 QUESTIONED BY MS PELLET: (Interpretation)
- 9 Q. [14:56:48] Good afternoon, Witness.
- 10 A. [14:56:49] Good afternoon.
- 11 Q. [14:56:54] \*We know each other, but for the record, and as the Presiding Judge just  
12 mentioned, I am your legal representative, since you were authorised to participate in  
13 the proceedings on 27 May on the basis of a form we filled in together on 22 March  
14 2022 via videolink and over the phone, when the network did not allow for the  
15 videolink. Do you remember this?
- 16 A. [14:57:18] Yes, I remember.
- 17 Q. [14:57:27] Following the torture which you described during your interviews with  
18 the Office of the Prosecutor \*and which is described in your witness statement, were  
19 you provided treatment by the prison wardens of the OCRB after your transfer to the  
20 OCRB?
- 21 A. [14:57:51] No, in no way.
- 22 Q. [14:58:02] Mr Witness, do you have any trauma from the torture that was inflicted  
23 on you in 2013?
- 24 A. [14:58:16] Yes, yes, I -- I do have this trauma still.
- 25 Q. [14:58:29] Could you perhaps be more specific, Mr Witness? What type of

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1 trauma? What are the traces that remain?

2 A. [14:58:34] Thank you. When I was arrested at the (Redacted), already at the  
3 (Redacted) they started to beat me up. They used the butts of their rifles to hit me, and  
4 they forcibly transported me in a vehicle. I was with the lady, and we were driven to  
5 the Camp de Roux. And when we got to the Camp de Roux, they asked me a question.  
6 They asked me for my ID card, my national ID card. I gave it to them. And they asked  
7 me if I had a military ID card. And I said, "Well, why would I have one? I am not a  
8 military service person." But they insisted.

9 They began to threaten me. Shortly thereafter, a gendarmerie vehicle arrived and I was  
10 asked. \*One said, okay, if I was telling the truth, they would release me. And if I was  
11 lying, they would maintain me, they would keep me. He insisted on knowing if I was a  
12 soldier. I told them I was not a soldier and I never had been. And he got back into his  
13 vehicle and left. They talked about me, they said: because I was not telling the truth,  
14 they used a rope. They tied me up using the arbatachar method. They used a rope --  
15 MS PELLET: [15:00:46](Interpretation) For more safety and security, I would like to  
16 take this into closed session.

17 PRESIDING JUDGE SAMBA: [15:00:50] Why, Ms Pellet? He's just describing the  
18 method.

19 MS PELLET: [15:01:00](Interpretation) I'm in your hands, your Honour. If you find  
20 that it is not identifying, then we can continue.

21 Q. [15:01:13] Excuse us, Witness, we are going to continue now. But I would just  
22 remind you that you should bear in mind that currently we are in open session. That  
23 means that you need to take care not to provide any information which might identify  
24 you. Do you understand?

25 A. [15:01:25] I do.

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1 Q. [15:01:30] I'm sorry I interrupted you. You may continue.

2 A. [15:01:40] \* Then I was taken to a small room, and they tied me up. I was stripped.

3 There were two of them. During this time, the chiefs were outside. I was taken to that

4 small room. I was tied up using the arbatachar method. They beat me. And I asked

5 them, "Why? Why are you going to kill me?" And they told me it was because I hadn't

6 spoken the truth, and if I did not tell the truth, they would use their weapon to beat me

7 on my neck.

8 I told them even if they beat me, that wouldn't change anything, in the name of God.

9 One of them saw me and asked for a small rope from one of his accomplices. Given

10 that I was totally naked, they used that -- the cord to tie it (Redacted)

11 (Redacted). And they continued questioning me as to whether I

12 was a soldier. I said I wasn't, that I wasn't a soldier.

13 Now, whether they were convinced by what I said, I do not know. But by the grace of

14 God, in any case they did untie me. \*And they also took away that cord that had been

15 (Redacted). They

16 told me to get up, but I didn't have any strength. So one of the men used his foot and

17 helped me to stand up. I didn't have any strength left. My hands were totally

18 paralysed. He dressed me and he put my remaining clothes in my arms, and that's

19 when he asked me to sit down. They spoke to each other in Arabic. And then I was

20 taken to a small jail. And it was going -- as I went between them, one of them said that

21 if she had had her knife, she would have slit my throat. And she said, "We'll see what

22 we're going to do." I think I was escorted by two people, one in front of me and one

23 behind. And one used a belt to strike my head. My head was pouring blood. So I went

24 into the place where they took me, and I lay right on the ground there. I continued

25 bleeding. And then sometime later, somebody came and asked me to get out. When I

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1 got out, he saw me and I was covered in blood, and he was afraid. And he said, "Well,  
2 who hit your head?" And I said, "Well, as I was passing by, I was struck on the head."  
3 And that person said, "Well, I ordered you to not to be beaten anymore. Why did they  
4 then do that?" He told me to make an effort to bend down to the tap to wash the blood  
5 off myself, which I did. I started to shiver. He told me to try and stand up and to do  
6 my best. He took me to a vehicle. It was a black vehicle which was awaiting me at  
7 Camp de Roux. And they opened the door. The two women too. The other people  
8 who were arrested were also there. And they took us to the OCRB.  
9 Now, I had never been to the OCRB --

10 Q. [15:06:43] \*Excuse me, Mr Witness. So you have described being tortured using  
11 the arbatachar technique, and you've also described the torture inflicted upon you  
12 using (Redacted) placed on your (Redacted). Now, do you still have scars today?  
13 You've described that just after that technique, your hands were hurting.

14 A. [15:07:12] Yes, I still have scars.

15 Q. [15:07:18] Could you tell the Judges what scars you have.

16 A. [15:07:26] (No interpretation)

17 MS PELLET: [15:07:58](Interpretation) We don't hear the interpreter.

18 THE INTERPRETER: [15:08:11] Could the witness be asked to answer the question  
19 anew? Message from the interpreter.

20 MS PELLET: [15:08:19](Interpretation)

21 Q. [15:08:20] \*Mr Witness, I'm sorry. I'm going to have to ask you to repeat your  
22 answer, because there was an interpretation problem and we didn't hear what you said  
23 in the other language.

24 PRESIDING JUDGE SAMBA: [15:08:42] And the question is which scars do you have.

25 THE COURT OFFICER: [15:09:01] I'm sorry to interrupt, Mr Witness. We still don't

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- 1 hear the French interpretation. Yes, now we do receive the French interpretation.
- 2 Thank you.
- 3 MS PELLET: [15:09:23](Interpretation)
- 4 Q. [15:09:25] I'm very sorry, Witness. But as the Presiding Judge indicated a moment
- 5 ago, \*my question relates to the after-effects that you still have due to the torture to
- 6 which you were subjected.
- 7 A. [15:09:58] I have problems with my head and I have a hernia.
- 8 Q. [15:10:00] Where do you have a hernia, Witness?
- 9 A. [15:10:04] I have a hernia in the (Redacted).
- 10 Q. [15:10:32] \*I think there is an issue of interpretation. Did you mean your (Redacted)?
- 11 A. [15:10:35] Yes, that is what I meant.
- 12 Q. [15:10:38] Thank you, Witness. Now, Witness, today do you still think back to the
- 13 events that led to you being victimised back in 2013?
- 14 A. [15:10:56] Yes, the thoughts continue to return.
- 15 Q. [15:11:09] And what do you feel when you think back over those events?
- 16 A. [15:11:13] As I said, I have problems in my head but also all over my body. And
- 17 the most important thing, the biggest problem I have is that (Redacted) no longer
- 18 works as it did before.
- 19 Q. [15:11:52] And do you feel angry when you think back over those events?
- 20 A. [15:11:56] Well, you know, I'd never been through anything like that before. I
- 21 never had any interest in those kind of things. Unfortunately, I was mistreated for no
- 22 reason at all and that's a tremendous source of distress and hurt to me.
- 23 Q. [15:12:22] \*Thank you, Mr Witness. Now, since your release from the OCRB, did
- 24 you receive any psychological treatment?
- 25 A. [15:12:30] \*Me? I did get care in Bangui thanks to my elder brother. And when I



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1 returned to (Redacted), I also had some traditional medical treatment. Later I returned  
2 to Bangui.

3 Q. [15:13:10] What have the consequences of your arrest and detention been on your  
4 family, Witness?

5 A. [15:13:15] \*Well, there have been many consequences. This has significantly  
6 limited my lifestyle, it has also reduced my activities. Back in 2013, I had a small  
7 amount of money because I had some money-making activities, but right up until now  
8 I haven't been able to regain the standard of what I had before.

9 Q. [15:13:59] Thank you, Witness. And now my last question: What are your  
10 expectations of this trial of Mr Said?

11 A. [15:14:14] Well, we're already in the courtroom. I have nothing more to do. It is  
12 now justice which will do its work, and that's the reason why we're here today.

13 Q. [15:14:27] Thank you very much, Witness.

14 MS PELLET: [15:14:29](Interpretation) Your Honour, I have no further questions.

15 PRESIDING JUDGE SAMBA: [15:14:36] Thank you very much, Ms Pellet.

16 Mr Witness, you're going to be subjected now to questions by, I want to believe, Ms  
17 Naouri for the Defence, one of the Defence counsel.

18 Ms Naouri, will you be doing the cross-examination of this witness? Yes.

19 So please cooperate and answer the questions as best as you could. Thank you.

20 MS NAOURI: [15:15:08](Interpretation) Thank you, your Honour. In fact, it is I who  
21 will be announcing who will be questioning the witness in cross-examination, and it  
22 will be Ms Valduriez.

23 PRESIDING JUDGE SAMBA: [15:15:24] Okay. Thank you very much.

24 MS NAOURI: [15:15:40](Interpretation) Your Honour, we have a request. There are  
25 only two desks in this audience and both of them are on the other side of the

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1 courtroom, so I don't know if we could be assisted in obtaining the desktop. Thank  
2 you.

3 PRESIDING JUDGE SAMBA: [15:15:51] Okay.

4 QUESTIONED BY MS VALDURIEZ: (Interpretation)

5 Q. [15:16:28] Good afternoon, Witness. My name is Sarah Valduriez, and I am a

6 member of Mr Said's Defence team. Now, I'm going to put some questions to you

7 today. I'm going to try to not speak too fast, because when you were being questioned

8 by the Prosecutor -- or just as when you were being questioned by the Prosecutor, we

9 want to allow the interpreters to translate what is being said into English.

10 Now, I might start talking too fast but I'm going to do my best, if that happens, to stop

11 and take a short moment. But you too, I would suggest that you also make short

12 breaks. Is that okay?

13 Now, the Presiding Judge will tell us if we ever both speak at the same time, but we

14 should both try and make an effort not to do that.

15 Now, Witness, your statement has been admitted into the proceedings and it has been

16 filed in the documents of this case. Now, that means that what you told the Office of

17 the Prosecutor and your testimony is before the Court. Now, we're going to go and

18 look at some points in that information that you have provided. Is that okay?

19 A. [15:18:15] Yes, understood.

20 MS VALDURIEZ: [15:18:24](Interpretation) Your Honour, could we move into private

21 session, please.

22 PRESIDING JUDGE SAMBA: [15:18:27] Madam Court Officer, can we go briefly into

23 private session. Thank you.

24 (Private session at 3.18 p.m.)

25 THE COURT OFFICER: [15:18:39] We're in private session.

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24 MS VALDURIEZ: [16:00:13](Interpretation) Your Honour, I have an eye on the clock. I

25 am in your hands.

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- 1 PRESIDING JUDGE SAMBA: [16:00:17] Yes, we'll stop here for today.
- 2 And, Mr Witness, we'll continue with your cross-examination tomorrow. I'm going to
- 3 ask that you do not discuss your testimony with any other person when you leave this
- 4 courtroom. So tomorrow we'll come again and counsel will continue with her cross-
- 5 examination. We are very thankful for your cooperation.
- 6 So I'm going to rise the Court and ask that we meet tomorrow at 9.30. Thank you very
- 7 much.
- 8 (The hearing adjourned in private session at 4.00 p.m.)