

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

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 Tuesday, 11 October 2022  
9 (The hearing starts in open session at 9.34 a.m.)  
10 THE COURT USHER: [9:34:20] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE SAMBA: [9:34:46] Good morning, everyone.  
14 Madam Court Officer, can you please mention the case.  
15 THE COURT OFFICER: [9:34:53] 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: [9:35:07] Thank you very much.  
20 Can counsel announce representation, please, beginning with the Prosecution.  
21 MS MAKWAIA: [9:35:13] (Interpretation) Thank you, your Honour. For this  
22 morning I've got Holo Makwaia, senior trial lawyer, and Leonie von Braun,  
23 Vanessa Hernández, Le Bailly Brunhild, Yuichiro Omori and Ramu Bittaye.  
24 Thank you.  
25 PRESIDING JUDGE SAMBA: [9:35:43] Thank you very much, Madam Prosecutor.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Ms Pellet, for the victims, please.

2 MS PELLET: [9:35:51](Interpretation) Thank you, your Honour. The victims are  
3 represented by Adeline Bedoucha and myself, Sarah Pellet, counsel for the \*Office of  
4 Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [9:36:04] Thank you very much.

6 Ms Naouri for the Defence, please.

7 MS NAOURI: [9:36:07](Interpretation) Thank you, your Honour. I have  
8 Counsel Jacobs, Léa Allix, behind me, François-Jacquemin and Simon Appriou, and  
9 I've got Capucine Banet. And I am Jennifer Naouri, the lead counsel.

10 PRESIDING JUDGE SAMBA: [9:36:26] Thank you very much, Ms Naouri.

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

12 Mr Said, good morning to you.

13 MR SAID: [9:36:38] (Interpretation) Thank you. Good morning, your Honour.

14 PRESIDING JUDGE SAMBA: [9:36:48] And good morning, Mr Witness.

15 WITNESS: CAR-OTP-P-0338 (On former oath)

16 (The witness speaks French)

17 THE WITNESS: [9:36:58](Interpretation) Good morning, your Honour.

18 PRESIDING JUDGE SAMBA: [9:37:00] Welcome to today's hearing. I hope that  
19 you had a restful night.

20 THE WITNESS: [9:37:11] (Interpretation) Thank you, your Honour. I had a good  
21 night.

22 PRESIDING JUDGE SAMBA: [9:37:15] Thank you.

23 We shall continue today's session by counsel for the Defence putting questions to you.

24 Thank you very much.

25 Ms Naouri, please continue with your cross-examination. Thank you.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 MS NAOURI: [9:37:31](Interpretation) Thank you, your Honour.

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

3 Q. [9:37:34] Good morning, Witness.

4 A. [9:37:36] Good morning.

5 Q. [9:37:38] So we're going to start from where we left yesterday. We were talking  
6 about the intervention of the operations squad. And my next question is: What  
7 was the manning strength of this department?

8 A. [9:38:01] Are you talking about the *service d'intervention*? Yes, the operations  
9 squad was managed by Captain Mangabas. Now, there were two brigades of  
10 30 elements in each of them. So there were 60 elements in the operations squad.

11 Q. [9:38:32] \*Thank you, Witness. Was there some kind of hierarchy within the two  
12 brigades you just mentioned?

13 A. [9:38:44] Yes. Each brigade had a chief or a leader.

14 Q. [9:38:52] Can you tell us who were the chiefs or the leaders of the two brigades  
15 in 2012?

16 A. [9:39:10] \*The -brigades would switch, we would regularly change the leaders  
17 for the operations.

18 Q. [9:39:26] Can you tell us how often would the leaders of the brigades switch?

19 A. [9:39:37] Every 24 hours.

20 Q. [9:39:46] Now, the -- do the -- the two brigades, were they (indiscernible)  
21 present at the OCRB -- at the same time, were they present at the OCRB at the same  
22 time?

23 A. [9:40:00] The -- if there was an operation -- a field operation to be carried out, we  
24 would bring both the brigades together.

25 Q. [9:40:11] Thank you. Could you specify, you say that when there was a field

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 operation, both brigades would be brought in. \*But generally speaking, would only  
2 one brigade be present? How did you decide to bring the two brigades in?

3 A. [9:40:29] Now, there is a timetable that's drawn up, so the brigades know when  
4 they have got to come into the department.

5 Q. [9:40:48] Thank you, Witness. Can you also give us an example of a field  
6 operation, as you just said?

7 A. [9:40:59] You see, I cannot talk about it because it's a professional secret.

8 Q. [9:41:07] I'm not sure I understand you. Are you saying that you would like to  
9 go into private session to talk about the operations that are carried out by the  
10 brigades?

11 A. [9:41:20] \* A forceful operation. I mean, for example, if there is a vehicle stolen  
12 and we glean from the information reported to us that there are at least two armed  
13 robbers involved, we bring the two brigades together in order to conduct a large-scale  
14 operation aimed at neutralizing the armed robbers. That's what we call a forceful  
15 operation. It's when armed men are involved that we need to hunt them down and  
16 neutralize them.

17 Q. [9:42:11] Thank you so much for this example, Witness.

18 Now I would like to very quickly come to Sophil who you spoke about yesterday  
19 who was in charge of the criminal investigation department. Now, did he continue  
20 working for the OCRB in 2013?

21 A. [9:42:39] After the arrival of the Seleka, Sophil did not come back to the OCRB.

22 Q. [9:42:53] Thank you, Witness.

23 We now are going to the third department we spoke about yesterday, which is the  
24 police station. Who was in charge of the police station in 2012?

25 A. [9:43:16] In 2012 it was the -- it was Patianga. He is now -- he's now retired.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [9:43:29] Thank you. Can you tell us in detail, what was the job of this  
2 department?

3 A. [9:43:41] The police station or the police control unit or the urban department is  
4 the department that's in charge of maintaining the upkeep -- maintaining the security  
5 and upkeep of the division. They also appoint someone who is in charge of  
6 welcoming visitors and also upkeeping the cells, so this is the department that's in  
7 charge of all these functions.

8 Q. [9:44:33] Thank you, Witness. How many people were in this department?

9 A. [9:44:48] Now, this department had about 10 elements in it. If need be, they  
10 could also call upon elements from the brigade to beef up security within the  
11 department.

12 Q. [9:45:15] When you say "brigade", you're talking about one of the brigades of the  
13 operations unit?

14 A. [9:45:23] Yes, it's one of the brigades who is on duty on that day.

15 Q. [9:45:37] What was -- what were the working times of the police station or the  
16 police control unit?

17 A. [9:45:47] They would work from 6 -- this was around-the-clock service, working  
18 24 hours from 6 to 6.

19 Q. [9:46:05] Thank you, Witness.

20 I just want to talk about the security in OCRB. Have I understood you well that it's  
21 the people in the police control unit who would ensure the security within the OCRB,  
22 or were there specifically dedicated people who would take on that role?

23 A. [9:46:33] It's the staff of the police station or the urban service, urban department,  
24 they're the ones who would guard the two main entrances of the OCRB and they also  
25 would organise the arrival or the reception of people coming to the OCRB.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [9:47:00] Thank you, Witness.

2 \*Can you tell us how many guards were posted at each of the two main entrances you  
3 mentioned, page 7, lines 1 and 2.

4 A. [9:47:19] Normally, there is one element in each entrance, but sometimes we  
5 would beef up security at the entrance when there is a situation that needs to be  
6 managed, so in such an event we would ramp up security at the entrances.

7 Q. [9:47:51] How many -- how long would the guard be on duty at the entrance?

8 A. [9:48:02] It was 24 hours. The entrance was guarded 24 hours a day.

9 Q. [9:48:12] Right. Can you tell us if people were on duty at -- if people were on  
10 call at the OCRB, that means, if people could be called in if the need should arise?

11 A. [9:48:33] The OCRB team, whether it's the police station or the operations squad,  
12 they would be there 24 hours. Every day one officer from the criminal investigation  
13 unit would be on call and the subordinate elements were there at the OCRB 24/7.

14 Q. [9:49:08] Thank you, Witness. And how could we contact the criminal  
15 investigation officer?

16 A. [9:49:20] You see, there is an administrative -- this is an administrative  
17 organisation. There's a timetable that's drawn up for the entire week and it's  
18 displayed.

19 Q. [9:49:33] Witness, can you tell us who was in charge of drawing up the  
20 timetable?

21 A. [9:49:41] It was the director.

22 Q. [9:49:49] So you were in charge of drawing up the timetable, if I've understood  
23 you well?

24 A. [9:49:57] Yes.

25 Q. [9:50:00] Thank you, Witness. Now, just to understand the functioning of the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 OCRB, can you tell us how was the supply organised to the staff?

2 A. [9:50:23] Well, the supplies would come from the police headquarters. If there  
3 are events and we, the two brigades, need to be brought in, then the headquarters  
4 would find -- would find food, bread that would be sent in the evenings to the OCRB  
5 to provide supplies, to provide food for the elements.

6 Q. [9:51:17] Thank you. Just to understand, you just said that if there are events  
7 and we must have both the brigades in, then the management would organise itself to  
8 find canned food and bread that would be sent every evening for the supplies. My  
9 question is, you just said when there is an event, now what would happen if there is  
10 no special event and how things -- how would things be organised on a day-to-day  
11 basis?

12 A. [9:51:54] The elements go to work on a day-to-day basis. There is no  
13 supplies -- there are no supplies organised. There are no rations provided on a  
14 day-to-day basis for the elements, no. This -- during normal work, they would  
15 go -- they would go and work. It's only when they are brought in, whether  
16 instructions, all the elements are on duty, it's the government that provides money to  
17 the police headquarters to feed the elements who are on duty on that day for that  
18 event. If there are no events, in normal times, when it's business as usual, it's their  
19 stately functions to work.

20 Q. [9:52:52] Thank you for this clarification.

21 Can you tell us what type of weapons did the elements bear in 2012?

22 A. [9:53:09] We used -- first of all, for the officers -- for the officers who are higher  
23 up in the hierarchy, I had my pistol, my automatic pistol, and an assault rifle AK-47  
24 with me. And the elements of the -- the chief of the elements of the brigade had an  
25 AK-47.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [9:53:54] Thank you, Witness.

2 Can you tell us approximately how many weapons were there at the OCRB.

3 A. [09:54:10] Each element had -- each element was carrying a weapon as we were  
4 an elite unit.

5 Q. [9:54:18] Thank you so much. It's very clear.

6 So where were these arms stored?

7 THE INTERPRETER: [09:54:24] Correction: Where were these weapons stored?

8 THE WITNESS: [9:54:31] (Interpretation) So each element would carry its weapon  
9 on him.

10 MS NAOURI: (Interpretation)

11 Q. [9:54:42] Thank you. Who -- for instance, when an element would finish his  
12 duty, who would record the weapons?

13 A. [9:54:55] The weapons registry was at the police control unit or the police station  
14 and it's the head of the police control unit who would record or register the weapons.

15 Q. [9:55:14] Thank you, Witness. Can you tell us in 2012 how many vehicles were  
16 there at the OCRB?

17 A. [9:55:24] When I was the director of the OCRB, I had two vehicles.

18 Q. [9:55:35] Could you please describe them to us.

19 A. [9:55:40] I had two -- a double-cabin Hilux and one other vehicle which was an  
20 OG80 -- BJ80, a Land Cruiser BJ80.

21 Q. [9:56:12] Thank you, Witness.

22 Can you tell us, what were these vehicles used for?

23 A. [9:56:20] Both vehicles were basically vehicles for carrying out operations. The  
24 double-cabin Hilux was also a command vehicle. I was actually -- that vehicle was  
25 used to drive me back and forth, my home and the OCRB.



1 Q. [9:56:52] Thank you. I just wanted to come back to what we talked about the  
2 storage of weapons. You said yesterday when the Prosecution questioned you that  
3 the weapons were stored in a room and you spoke about the room. It was  
4 CAR-OTP-2033-6871, and that was in transcript T-18, page 51, line 14, page 52, line 5.  
5 Can you explain what was the procedure to store weapons in the jail that was turned  
6 into a weapon storage depot?

7 A. [9:58:07] On this particular issue, I can say that there's no comparison with  
8 respect to the normal functioning of the OCRB administration and the arrival of the  
9 Seleka in 2013 because when the Seleka arrived, I told you that they ransacked the  
10 barracks. They had weapons in abundance. So all -- they had weapons of all  
11 calibres and it was basically stored in a holding cell I spoke about yesterday. And  
12 each person had their AK.  
13 And I think it's Colonel Said who can tell you more than me, but the normal  
14 functioning of the OCRB was you come to the OCRB with your weapon and we will  
15 check your weapon; we will also count the ammunitions. Then you join the brigade.  
16 The weapons are recorded, the ammunition is recorded, and then you leave. So each  
17 weapon carries a registration number and -- in fact, each -- sorry, each weapon is  
18 registered with a particular individual of the brigade.

19 Q. [10:00:12] Thank you, Witness.

20 I'm going to read an extract of the -- of a previous statement you gave the  
21 investigators of the OTP. \*It's tab 1 for the English version and tab 2 for the French  
22 version. ERN 2130-5761 at page 5778, paragraph 89.

23 And you're saying the following thing:

24 "The Seleka used one of the holding cells for a powder store for organising -- for  
25 putting weapons in there, and this building was at the back of the courtyard next to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 the big tree and along a wall. So the Seleka deposited their weapons in the powder  
2 store when they arrived at the OCRB and they retrieved them before leaving this  
3 latter. Only the guards remained armed".

4 All right. So, Mr Witness, tell us, there's a contradiction between your written  
5 statement where you say that only the guards remained armed within the premises of  
6 the OCRB as opposed to your previous evidence, there's a contradiction where you  
7 said they were armed all the time.

8 A. [10:01:47] I think in 2018 I said that on the premises of the OCRB, it was -- the  
9 colonel can tell you about the details of their internal organisation, but I -- I spoke of  
10 the powder store, the location where the weapons were stored. Now, were they  
11 organised in their formal brigade? In any case, there are always people carrying  
12 weapons within the OCRB. I was talking about the functioning of the base of the  
13 OCRB, and I can't tell you anything more because I had no control over those  
14 particular elements. On the base there are always people carrying weapons, always.  
15 They were there and they were carrying weapons. And the Seleka came and went  
16 and their vehicles came and went at the OCRB base, came and went. And we didn't  
17 have that right, that entitlement to see what was going on or having any oversight  
18 over their base. Colonel Said is here, he can tell you that those elements were there  
19 day in, day out. And these were elements that were not controlled.

20 Q. [10:02:57] My thanks, Mr Witness.

21 Now, let's turn to the OCRB branches. How many OCRB branches were they in  
22 Bangui, can you tell us?

23 A. [10:03:18] The OCRB branches, I think there were five of them in total.

24 Q. [10:03:33] And were -- where were they, those five branches?

25 A. [10:03:39] It's quite difficult to pinpoint. There was one in 92 Logements, one

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 in Gbangouma, another one in PK13, another one in \*Ngouciment and I think one  
2 near Sakai, if I'm not mistaken.

3 Q. [10:04:02] And for each of these branches, what were the staffing levels? How  
4 many people worked there?

5 A. [10:04:12] In 2012, I believe -- well, I think that each branch had a maximum of  
6 30 people, 30 strong brigades. They also used the brigade system.

7 Q. [10:04:38] So, if I'm following your evidence, you're saying that each branch is  
8 made up of two brigades. So can you tell us who was the leader of these respective  
9 branches and the brigades, for that matter, if you recall.

10 A. [10:04:58] I can't remember because the shift system was quite regular so I can't  
11 remember who were the heads of these respective OCRBs and who were the heads of  
12 the individual brigades. No, I can't tell you.

13 Q. [10:05:13] Very well. What about the hours of duty prevailing in these  
14 respective OCRB branches?

15 A. [10:05:24] It was the same hours, the same working times at the central OCRB.

16 Q. [10:05:36] So these are 24-hour shifts, is that right, Mr Witness, in total?

17 A. [10:05:49] Yes.

18 Q. [10:05:51] And who is responsible for security for these respective branches?

19 A. [10:05:58] Within each branch, really, you saw the same structure as the central  
20 OCRB. There was a police station, a small criminal investigation unit. It was the  
21 same thing but on a smaller scale in these individual OCRB branches.

22 Q. [10:06:20] Very well. So with these smaller sized structures, who -- what were  
23 the manning -- what was the manning strength, on average, of these police stations?

24 A. [10:06:34] I can't remember.

25 Q. [10:06:39] And do you remember possibly the number of criminal investigators

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 that were manning these respective branches?

2 A. [10:06:55] Two such officers per branch maximum at that time.

3 Q. [10:07:03] And can you tell us, Mr Witness, what weapons equipped these  
4 respective branches?

5 A. [10:07:15] They had AK-43 -- no, AK-47s. They only had those weapons.

6 Q. [10:07:26] And all the branch staff members, were they all armed?

7 A. [10:07:32] No.

8 Q. [10:07:35] So how were the weapons allocated on these various branch sites?

9 A. [10:07:46] The weapons were apportioned to the various branches in equal  
10 numbers. They didn't have enough weapons to equip every individual element with  
11 a weapon. If there were field operations, then it would -- it was the elements that  
12 was appointed by the heads of these intervention squads that had the weapons given  
13 to the elements that would then go into the field alongside the head of that particular  
14 intervention squad.

15 Q. [10:08:25] Well, can you tell us approximately how many AK-47s you would see  
16 typically in an OCRB branch in 2012?

17 A. [10:08:37] I couldn't tell you.

18 Q. [10:08:43] That's not a problem, Mr Witness.

19 How many vehicles did these branches have?

20 A. [10:08:55] The branches didn't have vehicles.

21 Q. [10:09:07] Okay. And how did you interact at the OCRB with these various  
22 OCRB branches in 2012?

23 A. [10:09:29] The central OCRB in 2012 had a radio receiver/emitter unit and a  
24 walkie-talkie, and all the branch heads were equipped with walkie-talkies and that  
25 was the way that I communicated with them.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [10:10:03] And as director, what were your responsibilities in respect of these  
2 various branches?

3 A. [10:10:14] I was responsible for coordinating all information that circulated and  
4 all operations conducted.

5 Q. [10:10:26] So what type of operation, Mr Witness?

6 A. [10:10:33] Various police operations.

7 Q. [10:10:38] Can you give us an example of the many police operations you  
8 conducted with these OCRB branches?

9 A. [10:10:51] Going into the field, the -- dealing with the bandits and major  
10 offenders. That's part of our responsibilities. Incidents triggered by men carrying  
11 weapons, even with bladed weapons, it's the OCRB that's responsible for neutralising  
12 those offenders and bringing them into our premises.

13 Q. [10:11:26] Thank you very much for that clarification, Mr Witness.

14 Now, staying with these OCRB branches, from March 2013 they had ceased  
15 operations; is that right?

16 A. [10:11:41] No.

17 Q. [10:11:49] Thank you. Well, in 2012, who gave instructions for field operations  
18 to be conducted by the OCRB?

19 A. [10:12:05] The OCRB was one of the elite police units in 2012, and even today  
20 they can receive instructions directly from the minister for public safety and security.  
21 They also receive instructions coming from the director general of the police directly  
22 from that person. And upon the initiative of the director of the OCRB, a field  
23 operation could be conducted.

24 Q. [10:12:51] My thanks, Mr Witness.

25 Now, can you provide us a clarification. You say -- you mentioned the police

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 director general. Who was it in 2012, please?

2 A. [10:13:07] I was talking about Henry Linguissara.

3 Q. [10:13:28] And the minister of safety and security in 2012, can you name that  
4 person, please?

5 A. [10:13:34] In 2012, there were a number who came and went at that particular  
6 ministry so ...

7 Q. [10:13:53] Mr Witness, let me just read out an excerpt from the statement you  
8 made before the OTP investigators.

9 Tab 1, French version, tab 2, this is page 2130-5767, paragraph 29.

10 PRESIDING JUDGE SAMBA: [10:14:14] Madam Prosecutor, are you referring to  
11 your own bundle of documents or the Prosecution's bundle of documents?

12 Reference to tab 1.

13 MS NAOURI: [10:14:25](Interpretation) I'm making reference to our list of  
14 documents served. I'm referring really by default to my list.

15 Q. [10:14:35] Mr Witness, paragraph 29 we read:

16 "I made an inventory of the weapons that we had seized upon the orders of the police  
17 director general, Mr Linguissara, and in his presence this list, as well as the record I  
18 drew up, had to be given to Minister Binoua."

19 Now, would that refresh your memory going to the identity of the minister  
20 Mr Binoua?

21 A. [10:15:11] Your Honour, this section of my statement reveals the fact that in 2012  
22 in that particular period in time where the Seleka were progressing in the northern  
23 areas, in the airport, there was a seizure of telephones, a seizure made by the police,  
24 Thuraya telephones. This telephone was to be sent into the provinces to the Bria, the  
25 head of the Seleka there for communication purposes. And when that particular

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 telephone was seized at the airport, the administrative police, a senior official, the  
2 leader of that division, in fact, arrested the individual who was at that airport who  
3 sought to send that telephone to Bria. He was -- he was subsequently questioned on  
4 the same day. In fact, all through the night.

5 And the next morning, the case was referred to the OCRB with very vigorous  
6 instructions to make a search and seizure operation at the domicile of the arrested  
7 person, the person who had been arrested at the airport, in order to gather more  
8 information.

9 So I constituted an OCRB team and instructions came to me before the operation to  
10 say that the zone that was targeted for the search and seizure operation was a  
11 dangerous neighbourhood inhabited by Seleka. At the time, they hadn't yet reached  
12 Bangui, but -- but there was -- there was a gendarme belonging to a Seleka group near  
13 Bria. Anyway, the OCRB would be, therefore, managed by a presidential security  
14 team because they had more logistical resources than the OCRB.

15 So I appointed my deputy, Colonel Beltoungou, I made him responsible for  
16 conducting the mission. And so they conducted that mission during the search and  
17 seizure operation and they retrieved weapons. In particular, a marksman's rifle, a  
18 sniper's rifle with a sight and rounds of ammunition and an automatic pistol with  
19 several rounds of ammunition for that item as well.

20 They arrested all the inhabitants in that house, women and children. And they took  
21 them to the OCRB where I was awaiting them on site. And I turned to my assistant  
22 for him to take the identity details of all the arrested persons, something which he did.  
23 And with him, we were able to count the amount of ammunition seized, and we  
24 recorded, we registered the two weapons and we placed them under seal. And I  
25 called the director general, who was waiting for me in the office, and I took him the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 sealed weapons and ammunition.

2 Now, there was an electricity problem in his office and we went with the director

3 general to another office, an office in -- in the gendarmerie premises where the

4 electricity was on. And it was in that particular place that I drafted my report, my

5 detailed report.

6 Then I handed over the weapons and the ammunition under seal to the director

7 general, who on that very night was to take that -- those seized items to the minister,

8 because the president of the republic was waiting for the latest information of that

9 search and seizure operation conducted by the police in that particular

10 neighbourhood.

11 And in my report, my first statement, I said that the president of the republic was to

12 call me later on because he had received information according to which I had

13 immediately released the relatives of the supposed Seleka that had been arrested and

14 had been taken under guard to the OCRB.

15 The president received me, and this was 48 hours later on, and I took him all the

16 records of the interviews of the people who had been arrested and I told him that

17 there was -- there were weapons and ammunition that had been seized and all the

18 inhabitants of the house had been arrested and kept under guard.

19 The only people that I ultimately released was a teenager who had to sit his English

20 exam at the university. And when he told me that -- I mean, his mom, his uncles

21 were there. It was pointless that he -- he was an underage, he was a minor. It was

22 pointless that he would remain under guard and compromise therefore his future.

23 So he was the only one I released. All the other people were still there at that point

24 at the OCRB.

25 The president of the republic, he replied by saying, "This is not what I was told. If



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 they're there, that's not a problem, go off and carry on with your work." And so I  
2 did that, I went back to the OCRB.

3 So that's the answer that I can offer in relation to the weapon inventories that I stated  
4 to having made, the weapons and ammunition. So that's the answer I can offer,  
5 your Honour.

6 Q. [10:24:35] Thank you very much, Mr Witness.

7 So you would confirm that the minister was Minister Binoua? You are confirming  
8 your written statement, is that right, your previous written statement?

9 A. [10:24:49] That's exactly the case.

10 Q. Thank you.

11 A. [10:24:47] And we recall that Minister Binoua returned twice as minister of  
12 public safety and security. In 2012, he was a minister, and when the Seleka arrived,  
13 he left office. And later on, he was reappointed in that position. So if you reread  
14 my -- my written statement, you'll see that Binoua returned to that office twice, 2012  
15 and 2013.

16 Q. [10:25:23] Thank you very much, Mr Witness.

17 All right. Now, you stated, page 18, lines 13 to 14, the OCRB was managed by a  
18 team of the presidential security detail. So which presidential security detail are you  
19 referring to, Mr Witness?

20 A. [10:25:53] The presidential security detail, are you talking about the unit that's  
21 responsible for the president's personal safety? They are -- they enter into play when  
22 there's information likely to imperil the security of the nation, and so in such a case,  
23 the gendarmerie or the police in the field are called upon to offer assistance.

24 Q. [10:26:36] Thank you very much for that clarification, Mr Witness.

25 A further clarification. Which president are we referring to here in 2012, please?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [10:26:46] President Bozize. It was still him in office at that time.

2 Q. [10:26:51] My thanks, Mr Witness.

3 Let's hark back to the OCRB. Now, the time during which you were director of the  
4 OCRB, the building, did it change?

5 PRESIDING JUDGE SAMBA: [10:27:15] Which year, Ms Naouri? Before -- in 2012  
6 or you are talking about when the Seleka came in or after the Seleka? Can we have  
7 an idea of the time period you are talking about, please.

8 MS NAOURI: [10:27:32](Interpretation) Of course, your Honour.

9 Q. [10:27:38] Both are of interest to me. That's why I said the period during which  
10 you held the position as director of OCRB. So that's for 2012 and 2013. Over those  
11 two periods was -- did the building remain unchanged?

12 A. [10:27:53] Even up to today, the building houses the OCRB. It's the same.  
13 There hasn't been any new constructions and even the building hasn't been changed  
14 an iota.

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

16 And during the two periods where you were director of the OCRB in 2012 and 2013,  
17 did you occupy the same office?

18 A. [10:28:28] It was the same office. It was the same office that -- currently used  
19 by the current OCRB director.

20 Q. [10:28:43] Thank you, Mr Witness.

21 Now, I'm going to ask you to draw the layout of the main OCRB building. So to that  
22 end, you're going to be given a piece of paper and a pen. It will be the court usher  
23 that will be equipping with that. So I'd like you to draw a layout -- the layout of the  
24 main buildings, indicating all the -- all the rooms, rather, in that main building.

25 Now, once you've done that, we'll look at the drawing you've made together, and I'd

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 like you to do a key, if you will, we'll do that together. By way of example, perhaps  
2 you could indicate number "1" for the main entrance of the OCRB. All right?  
3 So you're going to be given a piece of paper, you'll be given a pen and we're going to  
4 ask you to do this drawing that we're then going to go through together and comment  
5 upon it.

6 Is that all right, Mr Witness?

7 A. [10:29:40] I'm not a drawing expert and I did this exercise yesterday. I  
8 described the OCRB. I described the main building. We all saw me do that. So  
9 why should I make a drawing? I'm not -- I'm not a good drawer anyway.

10 Q. [10:30:02] You're absolutely right, we talked about different photos, but the idea  
11 is really to understand how all that fits into a layout, that such an office was next door  
12 to such an office, basically to understand the spatial arrangements and how the  
13 photos fitted into that.

14 So I think this is a different exercise. But, as I understand it, you're not very at ease  
15 with this type of exercise; is that right?

16 A. [10:30:31] I answered the various questions that were -- that was put to me from  
17 the Prosecution yesterday going to the description of the OCRB. We all saw that.

18 And I don't think I got that wrong in relation to the photos that I saw.

19 Now, regarding the drawing, to be totally honest with you, I've -- I've never done that  
20 in my life. I've never drawn even caricatures or cartoon characters. And if you  
21 want to bring up the photos that we saw yesterday, then I'm ready to take your  
22 questions going to the images that we saw yesterday.

23 Q. [10:31:31] Thank you, Witness.

24 I'm going to ask you to describe certain things in specific. So the first question: Can  
25 you tell us, in 2012, what office was on the side of yours? Who -- to whom did that

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 office belong to?

2 A. [10:32:15] In 2012, when you enter the OCRB, there was a single entrance to the  
3 OCRB. It was on the side of the director's office. It was the eastern entrance, that  
4 was the main entrance you enter the OCRB, you would find the police station. Just  
5 in front of you there would be the police station. You take the corridor to the left, it  
6 would be the secretariat of the director. And then you had the director's office, that  
7 was again on the left, again it was eastward. You come back to the police station,  
8 then to the right you had the head of the operations unit. There is a corridor just on  
9 the side of his office that will lead you to the second room which is the office of the  
10 criminal investigation department. Again, to the right, you will find the office of the  
11 commander of the police control unit at the police station. You cross over and  
12 you -- Said's office was near the police criminal investigator's office. On the right  
13 you have -- straight down you have Sophil's office. His office is right in the middle.  
14 To the left, he had an office for one of the criminal investigation officers and to the  
15 right there was the other one.

16 So this is the description of the various offices when I was the director of the OCRB  
17 in 2012.

18 Q. [10:34:41] Thank you, Witness.

19 The office that was next to you, was it Mangabas' office or the secretariat?

20 A. [10:34:59] It was the secretariat.

21 THE INTERPRETER: [10:35:01] Could you please request the witness to wait.

22 MS NAOURI: [10:35:05](Interpretation)

23 Q. [10:35:06] Can you please tell us where was Mangabas' office.

24 A. [10:35:07] You see, when you enter, you had the police control room and -- to  
25 the left and you could see the office to the right, the blue door, and that was

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Mangabas' office. And until today, this office, now things have become normal, the  
2 various departments exist even today in the same office.

3 Q. [10:35:36] Thank you, Witness.

4 Can you tell us where are the archives of the -- or where were the archives of the  
5 OCRB in 2012?

6 A. [10:35:56] In 2012, when I came, most of the archives were in the secretariat of  
7 the director.

8 Q. [10:36:04] Thank you. Can you also tell us what office was used for  
9 questioning purposes, again in 2012?

10 A. [10:36:21] There was no specific room for questioning. Each criminal  
11 investigation officer would receive the accused where he was sitting.

12 Q. [10:36:39] Thank you, Witness.

13 Now let's move on to another theme.

14 I just want to come back to certain people with whom you worked. When you were  
15 answering the Prosecution's questions on the previous -- on the period prior to the  
16 \*arrival of the Seleka, you said - and I quote - French transcript, page 54, lines 7 to  
17 13 - you were saying: "During the period prior to the Seleka's taking over power, it  
18 was the -- there was the director general, Yves Gbeyoro, who then became the cabinet  
19 director. The ministers kept changing under the regime of President Bozize."

20 So my question is: The director general you're referring to, is it Yves Valentin  
21 Gbeyoro?

22 A. [10:37:53] Yes.

23 Q. [10:37:54] Thank you for this clarification.

24 Gbeyoro is G-B-E-Y-O-R-O. I'm just saying it for transcription purposes.

25 Now do you know when he became Bozize's cabinet director?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [10:38:17] Gbeyoro was not Bozize's cabinet director. He was the director of  
2 the home minister's cabinet.

3 Q. [10:38:32] Thank you for this clarification.

4 A. [10:38:40] May I remind you that he became the home minister's cabinet and it  
5 was the same ministry that ordered -- that appointed me in November as the director  
6 of the OCRB. It was in this order that his appointment came through as well.

7 Q. [10:38:58] Thank you again for this clarification, Witness.

8 Can you tell us what Yves Valentin Gbeyoro is doing today, if you know?

9 A. [10:39:16] He left, he left Bangui with the arrival of the Seleka. I don't know  
10 what he's doing today. He would be in Europe.

11 Q. [10:39:32] Thank you, Witness.

12 You spoke about Linguissara. Can you give us another example of an operation that  
13 you would carry out in 2012 with Linguissara?

14 A. [10:40:01] Now, with the director general Linguissara, it was mainly operations  
15 to secure the city of Bangui. It was done on a daily basis. It was done to comfort  
16 the population, appease the population with respect to rumours that were running  
17 amuck. I told you that there was a mixed team, a hybrid team of police and  
18 gendarmes. It was a hybrid patrol team to secure the city.

19 Q. [10:40:53] Thank you, Witness.

20 And is it right that Linguissara was maintained in 2013 as the director general of the  
21 gendarmerie?

22 A. [10:41:09] Of the police.

23 Q. [10:41:13] I'm sorry, you're right, he was the director general of the police.

24 You're right, Witness.

25 Now, can you tell us, to the best of your knowledge, where was Linguissara's office in

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 2013 when he was the director general of the police services?

2 A. [10:41:49] Now, the director general Linguissara, we had one office for all  
3 director generals who succeeded. He was within the headquarters.

4 Q. [10:42:14] Thank you, Witness.

5 Can you tell us where is this office in with respect to the OCRB?

6 A. [10:42:30] The headquarters with respect to OCRB is separated by a road that  
7 leads to the river. So when you take the road, the police, the headquarters is just  
8 opposite a school. It is the Central African Chinese school and the police station of  
9 the 1st arrondissement. The police headquarters is just opposite. There's a road  
10 separating the police headquarters and the OCRB.

11 Q. [10:43:09] Thank you, Witness.

12 To the best of your knowledge, what position did Henry Linguissara occupy  
13 subsequently, for instance, between 2017 and '21?

14 A. [10:43:36] Linguissara then, he occupied a senior position and then became the  
15 minister of homeland security. He then managed us as a minister. It was a political  
16 appointment. I really don't remember that because he became the home  
17 minister -- sorry, the minister for security.

18 Q. [10:44:18] Thank you, Witness.

19 Indeed. You say that he "managed us as a minister". In what capacity did  
20 you -- did he manage you? What was your position, your role when he managed  
21 you?

22 A. [10:44:41] When Linguissara was a minister, I was at the criminal investigation  
23 department.

24 Q. [10:44:59] Thank you, Witness.

25 Now, currently Henry Linguissara is the head of intelligence?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [10:45:18] Yes, at the president's office.

2 Q. [10:45:21] Thank you, Witness.

3 Now, with regards to Minister Binoua, under Djotodia's government, he was the  
4 minister in charge of religious affairs; am I right?

5 A. [10:45:42] He was in charge of public security. Now, whether they added  
6 religion, as a police officer, he was -- for me, he was the minister of public security.

7 Q. [10:46:00] Thank you, Witness. I should have specified this. Before being  
8 appointed as the minister of security and replacing Nouradine Adam, he was the  
9 minister in charge of religious affairs, so he was part of Djotodia's government right  
10 from the onset; am I right?

11 A. [10:46:25] I -- this nomination -- this appointment skipped me.

12 Q. [10:46:33] No, problem. You can just tell us what you know.

13 Can you tell us what was Binoua's position after December 2013, so after the exit of  
14 whom you call the Seleka?

15 A. [10:47:00] Binoua, the minister Binoua, I think he left before the Seleka because  
16 when he replaced Nouradine Adam as the minister of security, the Seleka did not like  
17 it. Who -- now, according to the information we received, the -- they would have  
18 said that Minister Binoua had weapons on him and he was on the point of  
19 orchestrating a coup d'état, and the Seleka went to his house and completely  
20 ransacked his residence and then minister -- the minister Binoua left Bangui for good  
21 until today.

22 Q. [10:48:02] Thank you for this clarification, Witness.

23 Now, I would like to talk about Tolmo, the prosecutor. Was he the prosecutor after  
24 March 2013, that is to say, the arrival of the Seleka?

25 A. [10:48:32] I think the Seleka came and found him. I think -- when he was



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 replaced, I think it was the judge, Gresenguet, who was the prosecutor.

2 Q. [10:49:05] So my question, Witness, is: When you were at the OCRB in 2013,  
3 during that period, to the best of your knowledge, did Prosecutor Tolmo question  
4 people who were detained at the OCRB during that time?

5 A. [10:49:28] To the best of my knowledge, no, because the people who were  
6 detained by the Seleka could not be interrogated at all and so that they couldn't tell  
7 the truth to what's happening to them.

8 Q. [10:49:45] Right. So would he have allowed people to be transferred to the  
9 OCRB?

10 A. [10:49:56] No. To the best of my knowledge, when I was there, no.

11 Q. [10:50:10] Now, the people who were detained at the OCRB, were they  
12 summoned before the prosecutor?

13 A. [10:50:26] No. I was the director of the OCRB in charge of the criminal  
14 investigation department, who was in charge of presenting the people detained at the  
15 OCRB to the prosecutor. Now, once this was over, people were to leave with their  
16 files, but this was never done at the OCRB and no one was summoned before the  
17 prosecutor. I have never done that.

18 Q. [10:51:02] Thank you, Witness.

19 To the best of your knowledge, Alain Tolmo, did he work with Nouradine Adam?

20 A. [10:51:15] No.

21 Q. [10:51:29] To the best of your knowledge, did Alain Tolmo play a part in freeing  
22 the people detained at the OCRB?

23 MS VON BRAUN: [10:51:51] Sorry. If I may.

24 PRESIDING JUDGE SAMBA: [10:51:52] Yes, Madam Prosecutor.

25 MS VON BRAUN: [10:51:54] On that -- just on that last question, it's not clear which

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 time frame counsel is referring to exactly.

2 PRESIDING JUDGE SAMBA: [10:52:05] Thank you.

3 Yes, Ms Naouri.

4 MS NAOURI: [10:52:08](Interpretation) Exactly for all previous questions in 2013,

5 all -- I'm referring to 2013 for all -- for all questions. It's quite clear for the witness.

6 So we're talking about 2013.

7 PRESIDING JUDGE SAMBA: [10:52:24] During this -- during the Seleka period.

8 Yes, Mr Witness, please.

9 Ms Naouri, you want to put the question again so that the witness can give you an  
10 answer, please.

11 MS NAOURI: [10:52:39](Interpretation) Of course, your Honour.

12 Q. [10:52:45] I'm going to repeat the question, Witness.

13 To the best of your knowledge, in 2013, did Alain Tolmo play a part in freeing the  
14 detainees held at the OCRB?

15 A. [10:53:00] I would say to the best of my knowledge, no, because the prosecutor  
16 is represented at the OCRB by the legal representatives of the administration that we  
17 were. Starting with me, I was the director and I was the spokesperson, the direct  
18 spokesperson for the prosecutor. If the prosecutor wanted to have more information  
19 about the accused or the people detained, he would speak to me. I was the port of  
20 call. And if he had done it without me being aware of this or by circumventing me,  
21 I would not be aware of any role played by the prosecutor in freeing up the people  
22 detained at the OCRB.

23 Q. [10:54:07] Thank you, Witness.

24 Now, I'm going to read an extract from -- by a person who worked for the OCRB  
25 in 2013.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 And please do not show the extract on the screen that I'm going to read because the  
2 other paragraphs need not be shown. It is exhibit 84 -- sorry, it's tab 84, 85 in our  
3 binder it's \*OTP-2110-0745, page 0759, paragraph 60. The person says:  
4 "The prosecutor organised with Mamia Nicole, who was the senior counsel, to check  
5 the cells of the OCRB. They would organise visits. Mamia would come, and  
6 sometimes Mamia and Tolmo would come together. There were other times there  
7 could be a third senior trial lawyer who would come, but I don't remember their  
8 names. They would come on every week, they would take down notes, the identity  
9 of the detainees and they would ask what was the cost -- cause of arrest. Sometimes  
10 they would actually send the prisoners to the prosecution's office and free them up if  
11 there were no grounds to hold them prisoners. Sometimes they would free certain  
12 prisoners on the spot if they saw that a prisoner was actually imprisoned without  
13 grounds and without a complaint for more than a week." End of quote.

14 So, Witness, these elements, do they jog your memory? Do they refresh anything?  
15 Do you have anything to add?

16 A. [10:56:12] Yes, I think I mentioned this in my statement. This was the stately  
17 duties of the prosecution in normal times, not during the Seleka period.

18 Q. [10:56:28] So, Witness, as I said, this is the testimony of a person who worked  
19 in -- who worked at the OCRB in 2013 and we're referring to 2013 to someone who is  
20 describing things that happened in 2013. So if you have anything to add --

21 MS VON BRAUN: [10:56:47] Madam President, I'm sorry to interrupt, but I don't  
22 think it's sufficiently clear what -- what is being put to the witness here. It's leading  
23 to confusion. It is -- it is using -- the using -- the use of a statement of somebody else  
24 is also not testimony. So I would -- I would like to, yeah, point out that this line of  
25 questioning using other people -- what other people may have said or may not have

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 said at some point be approached with considerable caution, please.

2 PRESIDING JUDGE SAMBA: [10:57:31] Thank you.

3 Ms Naouri.

4 MS NAOURI: [10:57:33](Interpretation) \*Your Honour, we're just applying the  
5 additional information on the conduct of proceedings of 16 September 2022, decision  
6 479, paragraph 19, that says that the parties can submit previous statements in  
7 hearings and statements of other witnesses without reading the names. The  
8 interrogating counsel must quote the relevant passage and indicate the exact  
9 references. And this is exactly what we did. We gave the reference. We quoted  
10 the relevant passage and the official -- without identifying the person, because anyone  
11 could work at the OCRB at that point of time in 2013. \*So we completely understand  
12 where the witness's -- witness's testimony is coming from: a person that worked for  
13 the OCRB in 2013 provided very important information concerning the functioning of  
14 the OCRB -- according to that person -- and we have the right, pursuant to your  
15 decision, to put this testimony to the witness. That's all we're doing, your Honour.

16 PRESIDING JUDGE SAMBA: [10:58:47] Yes, Ms Naouri. Well, the witness,  
17 I think -- say, if you want, you have anything else to say. I note that your own  
18 testimony is that the position just put to you by counsel for the Defence, by  
19 Ms Naouri, is that this is what happened at normal times but that during the period  
20 concerned, something different happened and that, you know, the prosecutor had no  
21 authority, so to speak, to release or free any detainee at the OCRB.  
22 Ms Naouri, does that -- because that's the testimony that we have. Does that answer  
23 your question?

24 MS NAOURI: [10:59:31](Interpretation) Yes, the witness has the opportunity to  
25 comment on this -- on this testimony that was just read out. Thank you, your

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Honour.

2 PRESIDING JUDGE SAMBA: [10:59:47] Mr Witness, is that your testimony? In  
3 respect of what the -- the paragraph that Ms Naouri just read, is that your testimony  
4 that what happened at normal times is what she read, but what happened during the  
5 Seleka period in 2013 was quite different? Do you have any comment to make in  
6 respect of that paragraph that she just read?

7 THE WITNESS: [11:00:23](Interpretation) Thank you, your Honour. I followed  
8 what the counsel just read out. I mentioned this in my previous statement. I said  
9 this is what happened during normal times.

10 Now, the counsel spoke about 2013. Yes, the person said 2013, but this happened  
11 until 24 March 2013 until the Seleka arrived. When I was the director, the prosecutor  
12 would come or send senior trial lawyers to check the cells. This is during normal  
13 times. The counsel said 2013, but this was before the Seleka arrived. And this is  
14 what's happening in all criminal investigation departments. The prosecution's check  
15 is spontaneous and it could happen at any time. If the prosecutor can't make it, it's  
16 one of the senior trial lawyers who would come to the criminal investigation  
17 department. And at the OCRB this was a regular affair. And this is exactly that  
18 would happen before the Seleka arrived on 24 March 2013.

19 Yes, this would happen in January and February in 2013, but not when the Seleka  
20 were there. And especially when I came back to the OCRB with the Seleka and with  
21 Colonel Said, no one could extract anyone from the OCRB and summon them before  
22 the prosecutor and free him.

23 If the prosecutor provided instructions, I would do the job. If the prosecutor wanted  
24 to release someone, he would make that note with respect to minors. For instance,  
25 for people who stayed for a very long time, and if the custodial remand had expired,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 then they were automatically freed and they were actually noted. But in the  
2 Seleka -- during the Seleka time, this administration did not exist and I was there  
3 when the Seleka left the OCRB.

4 PRESIDING JUDGE SAMBA: [11:02:50] Thank you very much, Mr Witness.

5 I'll rise the Court and ask that we come again in 30 minutes. Thank you very much.

6 THE COURT USHER: [11:03:03] All rise.

7 (Recess taken at 11.03 a.m.)

8 (Upon resuming in open session at 11.32 a.m.)

9 THE COURT USHER: [11:32:36] All rise.

10 Please be seated.

11 PRESIDING JUDGE SAMBA: [11:33:01] Good morning, everyone, again.

12 Mr Witness, we are going to continue with your cross-examination by Ms Naouri.

13 Ms Naouri, your witness, please.

14 MS NAOURI: [11:33:21](Interpretation) Thank you, your Honour.

15 Q. [11:33:26] All right, then, Mr Witness, let me just pick up where we left things

16 before the midmorning break. I'd like to talk a little bit further on the matter of

17 Prosecutor Tolmo.

18 Now, I'd like to read you an excerpt of a statement offered by a detainee dating back

19 to June 2013. That was the time of that person's detention at the OCRB.

20 86 on our -- on the documents that we've served. We haven't found an English

21 \*version of this document. And it's CAR-OTP-2130-6004, page 6913, I want to zoom

22 in on paragraph 48. And this excerpt should not be publicly displayed.

23 So the detainee says the following: "Towards 2 p.m. Tolmo arrived at the OCRB.

24 Tolmo told the Seleka guards to release me at the behest of Nouradine. Everybody

25 asked me whether I had any belongings that I need to take with me. And I answered

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 that I didn't have any belongings to retrieve. Then Tolmo freed me. I understood  
2 that Tolmo hadn't properly understood Nouradine's message. Tolmo asked Seleka  
3 elements to take me out. Tolmo was sitting in front -- behind a desk under the  
4 mango tree, and he asked the person who had an exercise book who was responsible  
5 for releasing me. Tolmo wrote something in that exercise book. And then I was  
6 free. I was a bit confused to such an extent that I took a taxi towards the Combattant  
7 neighbourhood instead of Boy-Rabe."

8 So, Mr Witness, according to you, when you were at the OCRB, was it possible that  
9 that person's account be true and that Tolmo had indeed freed him?

10 MS VON BRAUN: [11:36:23] Madam President.

11 PRESIDING JUDGE SAMBA: [11:36:24] Madam Prosecutor.

12 MS VON BRAUN: [11:36:26] I'm sorry to interrupt, but that's a highly speculative  
13 question asked by the Defence.

14 MS NAOURI: [11:36:32](Interpretation) Your Honour, it's anything but. The  
15 witness's account is that that person was at the OCRB from August 2013. He made  
16 mention of what he saw. And the question is: Is it possible that people who were  
17 detained at the OCRB when he was could have seen Tolmo and be freed by this latter?  
18 It's possible. I mean, it's, you know, based on that. The request is that the witness  
19 respond going to the likelihood of that occurring when he was the director and on site  
20 at the OCRB. My thank you -- thank you, your Honour.

21 PRESIDING JUDGE SAMBA: [11:37:17] Just for the record, I think what I'm reading  
22 from the transcript, the month there is June 2013, but what I just heard is August 2013.  
23 Madam Prosecutor, I'm sure the witness can answer that question.

24 Mr Witness, can you answer the question, please. Thank you.

25 THE WITNESS: [11:37:48](Interpretation) Thank you, your Honour. Now, this

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 account goes to June 2013, June 2013. I wasn't at the OCRB. The Seleka based at the  
2 Seleka base in the OCRB were no longer there either, and the idea that the -- Tolmo  
3 could come and -- to the OCRB and release somebody, I've said a number of times  
4 here at the stand that that was not possible. Why was it not possible? Because the  
5 prisoners, first off, those people who were in the basement, when I initially asked  
6 Colonel Said, he told me that these were Djotodia's prisoners and, therefore, it was  
7 Djotodia alone who could give the instructions to Nouradine, who had overall  
8 responsibility for the OCRB for releasing those people.

9 When the prosecutor comes to a criminal investigation unit, there's an administrative  
10 procedure that has to be abided by. Namely, you have to go to the chief of unit,  
11 namely, me at the OCRB, but I never saw Prosecutor Tolmo or his senior prosecutors  
12 come to see me to carry on -- to pass on a request to Colonel Said to release a detainee  
13 at the OCRB. I didn't see that.

14 Q. [11:39:53] Thank you very much for your clarification.

15 Now, let me turn to another topic. I'd like to address myself to the matter of the  
16 inmates at the OCRB. Now were there common law prisoners at the OCRB,  
17 Mr Witness?

18 A. [11:40:14] Perhaps I can answer that question by referring to what happened in  
19 the normal course. In the normal course, in the normal period of time, you might  
20 have common law prisoners, yes. But when the Seleka were present at the OCRB, I  
21 said that the judicial procedure per se didn't exist. It no longer existed. Those who  
22 were -- who could be deemed common law prisoners are those who were brought to  
23 the OCRB through patrols and they were kept for the relatives to come and to pay to  
24 have them released. And that -- those are the people that you could potentially  
25 construe as common law prisoners. But there wasn't a specific procedure to identify



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 all those who were arrested by the Seleka at the time. That, no.

2 Q. [11:41:47] Thank you, Mr Witness.

3 Now, we've talked about a French person, we talked about the Red Cross, we talked

4 about a number of people who entered into the scene at the OCRB but didn't work for

5 all that at the OCRB. Now, one of these external people coming into the OCRB said

6 that you spoke to him during a visit and you allegedly said, going to people who

7 were waiting in front of this house, and let me quote.

8 Tab 62 for English version, 61 for the French version, CAR-OTP-2116-0725, tab 61.

9 This doesn't need to be shown on our screens.

10 Here we read that these were thieves and looters, common law prisoners. So here's

11 my question, Mr Witness: Were there looters and thieves held as inmates in 2013 at

12 the OCRB?

13 A. [11:43:14] You're talking about 2013 in the normal course or when the Seleka

14 were present on the ground?

15 Q. [11:43:22] Let me clarify. When I say 2013, and whenever I say 2013 henceforth,

16 I'm referring to the time in 2013 when the Seleka were indeed present.

17 A. [11:43:37] I refer you to my previous answer. Common law prisoners were

18 those outside the prison population that Colonel Tahir held in the basement. Now,

19 people went out on patrol and they brought them back to the OCRB and put them

20 into the cells for a number of reasons. I asked the question and I was told these are

21 thieves, these are bandits, and they were those people who are mistreated and

22 relatives would come to seek their release if they paid money. And that's what

23 I would refer to by way of common law prisoners. For a number of reasons they

24 were arrested in the street and that's how things went. But there wasn't a judicial -- a

25 judicial procedure to properly identify the offences that these individuals allegedly

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 had committed.

2 Q. [11:44:46] My thanks, Mr Witness.

3 Now, during the Prosecution's questions, let me refer you to page 56, line 22 all the

4 way through to page 57, line 16. This was the transcript of your answers to

5 questions put in the examination-in-chief. The question was: "Was there any access

6 to medical support? Were there doctors on duty at OCRB? Did inmates receive

7 any treatment at the OCRB in 2013?"

8 Your answer is: "Well, it's very, very difficult in 2012 when I arrived. NGOs such

9 as the Red Cross were there to, from time to time, deal with sanitary matters and

10 toilets. The Red Cross were there to see if there were sick people and then the Red

11 Cross helped them. When the Seleka arrived, initially the NGOs weren't sheltered at

12 all. Many were systematically looted as well. And the rare senior officials came to

13 see me to see whether they could do anything, were there any sick people. And I

14 put them in touch with Colonel Said, but only for him to glance at the external

15 aboveground cells. But you need to remember that the prevailing climate was such

16 that it was very difficult for those NGOs to resume their normal activities, normal

17 operations. It was very difficult. Were members of the Red Cross when -- did they

18 go to the OCRB? I was in touch with them at the OCRB."

19 So that's what you said in oral testimony in this courtroom, Mr Witness.

20 Now let me read out a previous statement that you gave to the OTP investigators.

21 And this can be displayed on our screens. This is tab 1 in our list of service

22 documents in the English version and tab 2 for the French version. This is

23 CAR-OTP-2130-5761, page 57 to -- 5783, paragraph 117 and 118.

24 You say the following to investigators, I read: "The OCRB had no medical

25 installations to speak of. The Red Cross came once a week to see what the state of

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 health was of the prisoners."

2 PRESIDING JUDGE SAMBA: [11:47:33] Ms Naouri, Ms Naouri, can I get the  
3 reference again. The English version you said, is it page 57? And which paragraph,  
4 please.

5 MS NAOURI: [11:47:44](Interpretation) Of course. It's page 5783, paragraph 117  
6 and 118, your Honour.

7 PRESIDING JUDGE SAMBA: [11:47:55] Thank you.

8 MS NAOURI: [11:47:57](Interpretation).

9 Q. [11:48:00] So, let me just pick up where I left off. Paragraph 117:

10 "The OCRB had no medical installation to speak of. The Red Cross came once a  
11 week to see the state of health of the inmates and to help us clear out the toilets into  
12 the courtyard. They had no access to the holding cells. When the Red Cross staff  
13 asked us whether there were any sick among the inmates, I would call Said, who  
14 would go and check that. The sick prisoners were then taken out of their cells to be  
15 examined by the Red Cross personnel in the courtyard. Other NGOs came to the  
16 OCRB, Save the Children, for example, and the Central African League for Human  
17 Rights."

18 So, Mr Witness, would it be right to say that under the Seleka when Colonel Said was  
19 in his position, as you say in your previous statement, was it right to say that the  
20 NGOs came to the OCRB regularly?

21 A. [11:49:26] I think there's probably an interpretation problem. I offered that  
22 answer to the Prosecutor. This was -- well, I was -- I was asked the question such as  
23 you're doing today, Counsel, but you need to remember there was a normal time and  
24 a Seleka time. In 2012, the situation was normal. I had an ongoing and permanent  
25 contact with the NGOs, particularly the Red Cross, who came for the toilets and to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 take them out of the cells, et cetera. And when the Seleka had arrived in March 2013,  
2 when they knew that the administration was starting up again and that there were  
3 OCRB officials, they came to me and that's what I remember. I remember having  
4 spoken to Colonel Said to see whether there were any sick people.  
5 So it was the resumption of cooperation with the various NGOs and international  
6 organisations capable to come to our assistance and that's why I offered the answer I  
7 gave. When the administration began to resume its activities at the OCRB, they  
8 came to see what could be done at the OCRB, and I relayed that information to  
9 Colonel Said.

10 Q. [11:51:00] Thank you very much for that clarification, Mr Witness.

11 So you do bear out the fact that the Red Cross did indeed come once a week to the  
12 OCRB when Said was operating there?

13 A. [11:51:15] No.

14 Q. [11:51:19] Then how regularly did the Red Cross people come during that  
15 particular period?

16 A. [11:51:27] We sought to re-establish links with the NGOs who would provide  
17 assistance to us in the normal course for the upkeep of the premises and tracking the  
18 inmates at the OCRB in the normal course. And when I retook up duties, these  
19 officials came to me, and that's why there were human rights people there trying to  
20 see what the state of affairs was among the prisoners in the -- in the basement. And  
21 it was all these people came to -- came to see us because they had information to the  
22 effect that there were people being held at the OCRB and they wanted to know more  
23 about their conditions of detention, how they were being treated, so these officials  
24 came to me. And since I had already worked with them, I relayed that information  
25 on, I handed it on to Colonel Said so he could deal with it. And it was in the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 re-establishment of contact with these NGOs that -- where we -- where the OCRB  
2 ultimately was dismantled and the acts of abuses and violence had been perpetrated.

3 Q. [11:52:58] Thank you. Now, you've just said, just a moment ago, this is page 43  
4 from line 9 -- 8, forgive me. Let me repeat: "When I took up my duties again, these  
5 officials would come to me and that's how this -- these human rights people came to  
6 me to see what the state of affairs was prevailing among the prisoners in the  
7 basement."

8 Can you tell us what NGOs you're talking about and the people therefore who were  
9 requesting to understand the state of affairs of prisoners in the basement, Mr Witness?

10 A. [11:53:45] I must have been misunderstood. I said that the -- when we tried to  
11 link up again with the various officials of international organisations, it was through  
12 those contacts that once, once informed by one of the Seleka elements that there was  
13 people in the -- in the basement and the day that Said brought me one of the prisoners  
14 from the basement, I immediately called that military personnel -- military person to  
15 come and take the photos. And it was restoring contacts with these NGOs to have  
16 somebody see that there was a situation. And this was an example I just gave.

17 Q. [11:54:40] Thank you, Mr Witness.

18 Now, can you give us greater information about the contacts you had with H -- the  
19 Red Cross, rather, officials where you were in office at the OCRB during the Seleka's  
20 tenure there?

21 A. [11:55:04] This was a commander, but -- at the Red Cross, but it was  
22 among -- one among many of their activities, it's to resume their activities. Because  
23 previously they had come once a week to see whether some detainees needed  
24 potentially any medical care. They wanted to know what they could do to help,  
25 cleaning out the toilets and what have you. Those were the former activities that we

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 wanted to take up again while the Seleka were there, to resume the normal OCRB  
2 activities such as they had been in 2012.

3 Q. [11:55:53] My thanks, Mr Witness.

4 And so those activities, those prevailing in 2012 with the Red Cross, were they  
5 re-established when the Seleka was there?

6 A. [11:56:09] No. With the Seleka you couldn't circulate as before because for the  
7 Seleka, any -- any foreign element in the base was to run investigations, and so  
8 normal activities such as we've seen in 2012 could not continue in that particular  
9 period.

10 Q. [11:56:33] Thank you, Mr Witness.

11 Do you remember who was your focal point, your contact person at the Red Cross?

12 A. [11:56:43] Well, all these organisations that I had contacts with, I had their  
13 business card, but I can't remember their names, their identity details, no, but I had  
14 their business card.

15 Q. [11:57:00] Do you remember whether it was a man or a woman or whether it  
16 was a white woman or white man, or conversely, was it a black man, a black woman?

17 A. [11:57:12] It was the International Red Cross. It was a French person, it was a  
18 white French male. Like Save the Children, there was a white person and a black  
19 male from their NGO. And French cooperation, it was a white male as well.

20 Q. [11:57:40] My thanks.

21 We're now going to switch to another topic altogether, and let me read out what you  
22 said to the Prosecutor's office. This is page --

23 THE INTERPRETER: [11:57:57] Could counsel please repeat the reference. The  
24 interpreter missed the reference.

25 MS NAOURI: [11:58:04](Interpretation)

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [11:58:02] At a given point in time, have you -- this is the --

2 PRESIDING JUDGE SAMBA: [11:58:10] Ms Naouri, the interpreters didn't get your  
3 reference. And neither did we.

4 MS NAOURI: [11:58:16](Interpretation) I will repeat it, your Honour. So this is  
5 transcript T-17, that's for the French version, page 92, line 21 through to 28.

6 Q. [11:58:35] And to the question: "At a given point of time, were you -- did you  
7 become privy to conversations between Nouradine and Said?"

8 You answered: "Taken together, if Nouradine came to the OCRB to give instructions  
9 going to the movements of the head of state or movements within the city, he would  
10 include me in that because I was the professional in that field. He would give his  
11 instructions to Said. And if -- and deployment of elements in the major road arteries,  
12 it was me who organised that for the president, for the ministers and for the senior  
13 government officials. What the Seleka had to do, I was never involved and never  
14 privy to that."

15 That was the end of the quote that I'd like to read out.

16 So this leads me to my question, Mr Witness, namely, how many movements did  
17 President Djotodia, as head of state, how many of his movements did you organise?  
18 Just a ballpark figure, if you don't mind.

19 A. [11:59:54] I cannot give you an estimation of the movements of the head of state,  
20 neither the routes that the head of state would take on a daily basis. At that point of  
21 time, Djotodia was the president of the republic. He had more political duties. The  
22 armed wing of the Seleka, the real person in charge of the armed wing of the Seleka  
23 was Nouradine. Nouradine had his base at the OCRB.

24 It's the rebels that came. Many of them did not know the major routes of the city of  
25 Bangui. And Nouradine, who was in charge of the OCRB base, would say -- would

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 say if there is a movement by the minister or a senior government of -- a senior  
2 member of the government, all activities, the itineraries that would be used, the  
3 routes that would be used, he would actually come to the OCRB and would ask me  
4 what should be done, how to secure these routes, and would ask Colonel Said to lend  
5 men to secure the itineraries and the routes for the safe movement of the authorities.  
6 I cannot tell you how many movements or trips were made. So these -- this would  
7 be -- this would happen until the movement was over.

8 Q. [12:02:44] Witness, my question relates to your personal experience. What  
9 movements did you organise for the head of the state? You said that you organised  
10 movements for the head of the state, you said in the extract. You personally, can you  
11 give us an estimation of the number of movements or trips that you organised.

12 A. [12:03:15] I organised the security of the roads. I did not -- I'm not in charge of  
13 the movements. It's the protocol who does it. It's the -- it's the -- the programme is  
14 organised by the security protocol to mobilise the elements, to put them in various  
15 roads in order to facilitate the movement of the personality who has to go to an event.  
16 I do not organise the movement of the head of the state or his cabinet, as a matter of  
17 fact. I am in charge of public security -- I'm in charge of ensuring safety, security on  
18 the roads.

19 Q. [12:04:09] Thank you so much for this clarification.

20 I'm asking you this question: How many times on an average per week did you  
21 organise the security aspect, the security of roads when the president would make a  
22 trip?

23 A. [12:04:30] I cannot tell you that because it would be as many times as required.

24 If you need, the head of the state every day should go from his office to the *Palais de la*  
25 *Renaissance* where his office was, he would go up and down, and you had to make the



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 road safe. From his office, if he had to go to an inauguration ceremony or the launch  
2 of some activity, you had to secure that itinerary. So it would be done on a daily  
3 basis. The police must be present on the roads in order to make the roads safe.

4 Q. [12:05:26] Thank you, Witness.

5 Can you give us more details on how you would personally ensure the security in  
6 Bangui when the Seleka were there? For instance, you talked about the various  
7 major roads. Which roads are you talking about? How would you make the -- how  
8 would you secure them? Tell me more about your work.

9 A. [12:05:57] Now, when you're asking questions, you're going to ask questions to  
10 the accused, to secure, for instance, the Avenue des Martyrs, he would say where is  
11 the Avenue des Martyrs, and I would say I would -- I will take him with me.  
12 I would show him the crossroads, I would install men there, and I would continue  
13 doing till the trip ended, perhaps to the airport. And before the trip made by the  
14 head of state, Nouradine would actually check to see if there were men posted at  
15 strategic points. And this is the work we did.

16 Q. [12:07:04] Thank you, Witness.

17 Who would give you information -- who would give you strategic information on the  
18 strategic points where you had to post men?

19 A. [12:07:22] It's the minister Nouradine who is always alongside the president.  
20 He knows the programme of the president. He also knows what he must do. He  
21 knows he has to come to the police, inform the director general. If he doesn't come  
22 directly, he would get someone to call me and inform me about the programme, the  
23 programme of the day. So you need to prepare the men, station them at such and  
24 such time. And this is what we would do.

25 Q. [12:08:02] Thank you, Witness.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Now, in order to secure -- ensure security of the head of the state, how many men  
2 would you need?

3 A. [12:08:17] You see, with the Seleka there was no any formal organisation. It  
4 was Colonel Said and his men who would do this work. From a technical  
5 perspective, I would just tell them where to put the men. I did not have any men  
6 under my responsibility that I would have during normal times. No, that was not  
7 the case.

8 Q. [12:08:47] Thank you, Witness.

9 Can you tell us for what minister did you ensure the safety of the movement -- of  
10 their movement?

11 A. [12:09:14] The police was in charge of the security of the president and all  
12 members of the government, all the high figures, high personalities of the  
13 government when there was an event. It's not for their private travel. We were  
14 there -- we weren't -- I'm talking about official movements where we would ensure  
15 the security of the itineraries and ensure that the event ran properly. This is what we  
16 were in charge of.

17 Q. [12:09:59] Thank you so much.

18 In the extract that I read to you, again French transcript 17, page 92, line 21-28 and  
19 line 26, 27: "I would organise that for the president, the minister and for the heads."  
20 So can you tell us, when you say "the ministers and the heads", who are you referring  
21 to more specifically?

22 A. [12:10:32] I'm talking about the minister -- I'm talking about the president, the  
23 ministers and the other members of the government and all the leading lites of the  
24 government. When I talk of ministers, it's basically to -- I'm referring to the security  
25 minister. When the security minister had a meeting, I was told that the minister has

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 a meeting in such and such a place, I was informed and I would talk to the colonel  
2 and his men. Because at that time, at that point of time the police did not have men.  
3 They -- the police hadn't resumed their duties normally and they were all Seleka  
4 elements. And I would say even for security, Said would take his men and he  
5 would -- and the -- I'm specifically referring to the OCRB base.

6 Q. [12:11:48] Thank you, Witness.

7 You just said, page 50, line 28: "I'm talking about all members of the government, all  
8 the leading lites. The security minister, when the security minister had a meeting  
9 somewhere, the director would say the minister has a meeting in such and such area  
10 in such and such room."

11 Now, when you say "the director" here, what director are you referring to?

12 A. [12:12:36] I'm talking about the director general of the police. You know, in the  
13 normal hierarchy, there is a -- the director general of the police would receive  
14 instructions from the minister. The minister has the programme, the itinerary of the  
15 president. When the minister has this information on the trip and the president's  
16 programme, he informs the director general of the police for the appropriate  
17 measures to be taken. These instructions could either come to me directly, either  
18 from the minister or via the director general.

19 Q. [12:13:10] Thank you for this clarification, Witness.

20 When you say all members of the government, can you also give me other examples.

21 A. [12:13:20] There aren't any. I'm sorry, your Honour. There are so many  
22 people who are part of the government, who are members of the government. These  
23 are politicians, you see. I am not involved with the politicians and that's really of no  
24 interest to me.

25 Q. [12:13:42] Witness, just to specify my question, it's not a political -- you

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 personally, do you remember of -- do you remember other members of the  
2 government for whom you ensured the security? If you do not remember, just say  
3 you don't.

4 A. [12:13:55] I do not remember. I cannot remember the names of the members of  
5 the government. These were all ministers. When I was -- when I'm told that such  
6 and such minister -- you see, at that point of time, the Seleka would change the  
7 ministers at least two times a day, so to speak. And the following day, again another  
8 minister would be appointed. So the -- these are political programmes. The  
9 minister has the programme, he speaks to the director general, and I -- the director  
10 general would speak to me at the OCRB and I would be told that this is the road that  
11 needs to -- where the security needs to be beefed up because this is the road taken by  
12 the VVIP. So what was actually of interest to me was the road to be made safe and  
13 not exactly the programme of the delegation.

14 Q. [12:14:57] So, right, Witness, these official trips that have to be secured, were  
15 there any kind of joint coordination with the UN, with MICOPAX, with any -- were  
16 other parties involved in securing the roads for the movement of VVIPs?

17 A. [12:15:26] Now, these were institutions that were there and they had the specific  
18 missions. I don't know. They would not interfere or -- they would not interfere  
19 with the Seleka government. They were just not involved in it. No.

20 Q. [12:15:59] Thank you, Witness. Can you tell us on an average how much time  
21 would last a security mission. It's not the trip, but personally in your time, how  
22 much of time would you devote to securing the trips made by the VVIPs?

23 A. [12:16:32] When I get the programme, I take the colonel with me on the trip, I  
24 tell him what to do and then I go back to my office. I tell them what needs to be  
25 done and I go back to my office. And I know it doesn't take one or two hours. And

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 if the president is going to a meeting, I put my men and -- I put the men and the  
2 meeting's over and that's it.

3 Q. [12:17:11] Thank you so much.

4 So you've actually -- you underwent a training programme on VIP protection in  
5 Tripoli?

6 A. [12:17:30] Yes.

7 Q. [12:17:31] Could you tell us where did you do this training?

8 A. [12:17:34] This was at the Tripoli police academy.

9 Q. [12:17:41] How long did this training programme last?

10 A. [12:17:45] I stayed on for three months.

11 Q. [12:18:00] How much did this training programme cost?

12 A. [12:18:03] It was the international cooperation that funded this training  
13 programme at that point of time.

14 Q. [12:18:13] Do you remember what international cooperation was it?

15 A. [12:18:22] It was the Libyan leaders who organised this. My -- it was -- I was  
16 not the only person. I was part of the Central African trainees delegation that was  
17 appointed to go and do this training programme.

18 Q. [12:18:45] Right. Witness, under Djotodia's presidency when you were  
19 working at the OCRB, were you paid?

20 A. [12:19:04] Djotodia arrived in 2013. I was already a former civil servant. I  
21 joined the civil services in 2001. So I was a civil servant of the Central African  
22 Republic. They would pay me regularly. Even under Djotodia's regime, I would  
23 get my salary, I would draw my salary just like any other Central African civil  
24 servant.

25 Q. [12:19:37] Thank you, Witness.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Do you remember what was your salary in 2013 under the Seleka regime?

2 A. [12:19:46] I would -- I earned minimum 250,000 CFA.

3 Q. [12:20:00] Thank you, Witness.

4 Alongside your activity of organising -- of securing the trips and travels made by  
5 VVIPs, can you tell us what other tasks would you perform when you were at the  
6 OCRB during the Seleka regime?

7 A. [12:20:28] During that, it was the stately duties. I've actually come back to this  
8 at several occasions. This mission with the arrival of the Seleka, I was -- I was no  
9 longer in a position to secure the country as I would do so during normal times. It  
10 was the Seleka. I was just passing on information and instructions from the director  
11 general or the minister to Colonel Said, who had men at his beck and call.

12 Q. [12:21:16] Thank you, Witness.

13 I'm going to read an extract of a testimony that a person who was detained at the  
14 OCRB gave. And this is transcript dating back to 29 September 2022, T-12, French  
15 transcript, page 67, line 28 to page 68. Right?

16 This person who was detained said: "At the end of the authorised time, we were  
17 taken to the different jails or cells. Then the director of the OCRB, with the police  
18 officer with -- accompanying him was another police woman who would open the  
19 cells to get the freshly arrested people, to summon them before the prosecution -- the  
20 prosecutor. When they came, they saw me and I would say that this -- when -- the  
21 evening they took me he was not there and when they saw me, they asked me the  
22 question when was I arrested. I said I was arrested yesterday evening. And he  
23 said -- and they said I -- they had to basically get me out. And they put me with  
24 other people to be summoned in front of the prosecutor. And he said that generally  
25 in the morning we would summon certain detainees to the prosecutor and with a

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 little bit of luck, once we are there, the prosecutor could free me."

2 So this person is talking about the director of the OCRB, so that's you. Now, do you  
3 remember if you inspected the detained people in the holding cells, Witness?

4 A. [12:23:40] I do not remember this person. I said on several occasions here that I  
5 did -- during this period when the Selekas was there at the OCRB, I did not have the  
6 power to go and remove someone from the holding cell and summon him in front of  
7 the prosecutor.

8 The criminal investigation department of the police was purely ornamental. We  
9 would just see the exactions at the base, the Seleka base. The prisoners who were  
10 there were the Seleka prisoners. We did not receive any complaints and we weren't  
11 investigating and we were not basically arresting and having a due process to  
12 summon them. This would happen only in normal times. I don't know when this  
13 happened. But when the Seleka were at the OCRB, it was simply out of the question  
14 because the colonel was there and he would say that the prisoners are Djotodia's  
15 prisoners. And when they would go on patrol operation, they would bring in  
16 people, and they wanted to basically get something from the parents before freeing  
17 them up. I did not arrest anyone on a complaint. There should be a due process to  
18 summon the person in front of the prosecutor.

19 Q. [12:25:42] Thank you, Witness.

20 So the person also says that there was a police officer and a police woman who  
21 opened the cells. Now, do you think, to the best of your knowledge, this was  
22 possible during the Seleka's tenure?

23 A. [12:26:04] I said that I did not have any subordinates under me and  
24 the -- I would go to the cells when -- in fact, when I called the prosecutor, it's the  
25 colonel who opened the cell. Now, in order to open the cell and get someone out,

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 you needed Colonel Said's permission.

2 Q. [12:26:34] Thank you, Witness.

3 Now, when you were at the OCRB, you would prepare weekly reports on what was  
4 happening at the OCRB. Am I not right in saying that?

5 A. [12:26:54] Yes, I had the responsibility. I had to prepare these reports and  
6 submit them to the director general or the -- or the minister, if he asked me, with  
7 respect to the activities carried out. At that time, it was monthly, but Nouradine said  
8 it should be done on a weekly basis. So if I -- I would go to Said and -- and if he gave  
9 me -- and he would give me a paper and I would ask -- he would ask what  
10 would -- what happened on that particular day, was there any event at the OCRB.  
11 Because every day there were incidents when there are -- when people would take  
12 drugs. There were incidents -- there were -- there was a detonation of weapons.  
13 And all this had to be noted and -- or reported. So this is what we call a report that's  
14 prepared on a regular basis.

15 Q. [12:28:27] Right. So I understand that you submit a report to the director  
16 general of the police, who would -- who would pass on your reports, submit your  
17 reports to the minister, Nouradine.

18 A. [12:28:49] It depends. If Minister Nouradine came and he wanted the report,  
19 he would ask me orally, "So tell me, Mr Director, what happened this week?" And  
20 I would give him an oral report of everything that happened during that week.  
21 Otherwise, it's a sheet of paper. I remember the events and I would -- and  
22 he -- I would give -- I'm the director and there are two, three criminal investigation  
23 officers, I would give the names and then what happened on the side of the Seleka.  
24 There was a detonation of weapon on either Thursday, Friday or Saturday, and  
25 I would prepare these reports. These are reports with substantial facts because if



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 there is a detonation, if there is a gathering of troops at the OCRB and even if the chief  
2 sees that there is a gathering of troops and if the Seleka arrested someone who is  
3 important, the population is curious about what's happening. So the director  
4 general needs to be informed so that the minister can be informed in return so that  
5 everyone is aware of what's happening at the OCRB. So it was within this  
6 framework that I would prepare those reports.

7 Q. [12:30:37] Thank you very much, Mr Witness.

8 And these written reports, who handed them on to Nouradine?

9 A. [12:30:45] Well, it would be along the hierarchical lines to the DG if he is on site.  
10 Sometimes Said, if he was going to see the minister, I said, "Well, look, you can give  
11 the minister what he needs." And if the minister himself comes, when he comes, he  
12 would ask for something and it would be asked verbally like that.

13 Q. [12:31:15] Thank you, Mr Witness.

14 And did you contact the minister for security directly?

15 A. [12:31:26] If he were to come to the OCRB, yes. But on -- by the telephone or  
16 going to him off my own bat, no. If he came to the OCRB and I had concerns, then  
17 I would speak to them -- speak to him about it directly.

18 Q. [12:31:51] Thank you.

19 \*Now in your previous statement made to the Prosecution's investigators - tab 1 for  
20 the English version, tab 2 for the French version, this is CAR-OTP-2130-5761, page  
21 5774, paragraph 68 - now you say at this juncture the following, and I read:

22 "Nouradine came to the OCRB at least twice a day: once in the morning to make  
23 sure that his elements had enough provisions, enough supplies, and once in the  
24 afternoon for the daily report of what had happened and what activities had been  
25 done. Nouradine always brought food for his elements working at the OCRB, such

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 as meat, manioc, and sometimes he also gave cash to Said so that he could make  
2 purchases. I witnessed that on a number of occasions. Additionally, it did happen  
3 that Said would send me to ask money or food of Nouradine because he was  
4 frightened of asking it himself when Nouradine was in a bad mood or bothered by  
5 press coverage about the blunders and theft made by Seleka elements."

6 So does this refresh your memory about when you may have contacted Nouradine  
7 about supplies for people or elements located at the OCRB?

8 A. [12:33:29] That particular statement is correct. As I said, Nouradine came to  
9 the OCRB and it may happen that I tell him orally what I had to tell him. And it also  
10 would happen, as I stated in my written statement, that he was in a -- in a bad -- that  
11 he would come to the OCRB a bit agitated based on what he heard and he didn't want  
12 to hear anything about Colonel Said. Nouradine would come to OCRB in a state of  
13 vexed agitation, and then when he would come in that state of mind, it was me who  
14 would go up to him. It would be me who would try to sooth him, calm down the  
15 state of tension and then I would tell him, "Yes, Mr Minister, the children, since this  
16 morning, they haven't eaten, et cetera, et cetera. You have to think about them."  
17 And it did happen, indeed, that if Colonel Said, who was taken -- was taken up rather  
18 briskly by the minister, then I would tell the minister what the colonel was to report  
19 to him.

20 Q. [12:35:18] My thanks, Mr Witness.

21 All right. You were involved in a field operation in 2013 when the Seleka were at the  
22 OCRB; that's right, isn't it?

23 A. [12:35:39] Yes, once.

24 Q. [12:35:45] So what was this particular field operation? What did it consist in,  
25 can you tell us?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [12:35:56] I was in the office with my assistant and Nouradine came to the office  
2 to ask Said to get the men ready, that there would be an operation that very night in  
3 the Miskine neighbourhood.

4 The DG of the police called me up over the phone to tell me, Mr Director, are you in  
5 your office? And I said, "Yes, I still am." He said, "Tell your assistant not to move.

6 We've got an operation that we're going to be running tonight." And I said "Okay."

7 And I told my assistant and we stayed where we were.

8 And it was maybe 7 p.m., half past 7, possibly. It was night. It was dark.

9 Nouradine and the DG arrived. Colonel Said's team was ready. My assistant and  
10 me, up till that point, we didn't know what the -- what this operation involved.

11 Nouradine said, "Right, off we go." So we -- so we went out.

12 At the time, the OCRB had two vehicles. The president had equipped the OCRB  
13 with two vehicles. Said had one and Tahir had another one. When the two vehicles  
14 were there, so we mounted into the two vehicles. And there was also the minister's  
15 vehicles and the DG's vehicle.

16 So we left the OCRB premises and we followed only the minister. In all likelihood,  
17 the message had been passed on and the colonel was *au fait* with what the operation  
18 was to consist in, but my assistant and myself, we were in the -- in the car, but that's  
19 it.

20 And we went, we went into a neighbourhood straightaway and the elements got out  
21 of the car to encircle a house. And the DG, the director general, said, "Mr Director,  
22 where are you and the criminal investigation unit squad?" And I said, "Well, I'm  
23 here. My assistant is here". And he said, "Okay. This is the house that we've  
24 come to do a search and seizure on, so off you go, do your job." So I said, "Well,  
25 Mr Director General, we weren't informed of the mission. We have no paper and

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 pens." And he said, "Come on, off you go. You'll do the report afterwards."  
2 Nouradine was there, the DG was there, I was there and my assistant was there.  
3 And so I opened up the entrance and he said, "Go on, off you go." So I opened  
4 things up and there was nobody in the house. My assistant and myself, we opened  
5 the -- opened up the rooms and saw the bedrooms and that's where we stumbled  
6 across a weapons stash of heavy -- of all type of calibres. There were AK-47s there.  
7 There were rocket launchers. There were shells. All that. In cases. And so we  
8 gathered up all those weapons and then we loaded them into Colonel Said's car.  
9 And for me, you know, well, we found weapons to work with. So we loaded up all  
10 those weapons and the minister said, "Right, let's go."  
11 So we left and we took the road in a single convoy and we followed the minister's car.  
12 And we went -- instead of actually returning directly to the OCRB, the minister went  
13 into the Assimeh, it's a Sudanese base, with the fire -- firemen. So we all went in,  
14 into the compound area, and the minister got out and he went up to the General  
15 Assimeh and he went up to him and they spoke with each other. And then the  
16 minister gave him instructions, and gave instructions that the weapons should be  
17 unloaded. All the weapons were unloaded in the Assimeh -- in General Assimeh's  
18 base. And we drank some tea with them.  
19 And then the minister said, "Right, that's it. Off we go." And so we left and we  
20 followed the minister's car. He was in front and I was with Said. And then we  
21 followed and then he accelerated in front of us and then he went into the hotel. The  
22 president was no doubt there. So he went to Hotel Ledger and he said, "Right, the  
23 mission is over. Off you go to the OCRB." So we did just that. And I said to the  
24 colonel, "Well, it's finished. We're off. We're going back because the mission is  
25 over." And we hadn't even done a written report, nothing was handed in the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 following day and that's where it started and stopped.

2 Q. [12:43:54] My thanks, Mr Witness.

3 Now, let me read an excerpt from a statement you made prior to this to the

4 Prosecution investigators.

5 Tab 1 English, CAR-OTP-3130-6761, page 5779. These are paragraphs 91, 92 and

6 then 93. Tab 2 for the French version. So at this point you say:

7 "As I indicated earlier, we, as police officers, official police officers at the OCRB, were  
8 not informed of the Seleka's activities. We were never called upon to be involved in  
9 said activities either. The only -- the sole time that Nouradine asked us to go with  
10 him, it was a disarming mission, a Seleka element under Miskine. Nouradine said  
11 that this was a false Seleka, a fake Seleka. And I don't know why. I don't  
12 remember the name of that fake colonel. And he wasn't at home during the  
13 operation. There was nobody in the home when we ran said operation. I think this  
14 disarming operation was conducted in April 2013. Nouradine called this operation  
15 disarming a false or fake Seleka. Nouradine, Said, Tahir and the DG of the police,  
16 Henry Linguissara, my assistant, Colonel Beltoungou, and myself, we were involved  
17 in this operation. When we arrived, Nouradine ordered his Seleka from the OCRB  
18 to encircle the colonel's compound and then we went into the compound itself. We  
19 seized a number of boxes of ammunition, Kalashnikovs and rocket launches. I drew  
20 up an inventory of the weapons seized and I gave the list to Nouradine." End of  
21 quote.

22 So here is my question, Mr Witness: Did this refresh your memory going to the  
23 purpose of that particular mission that Nouradine said that this was about disarming  
24 a fake Seleka colonel?

25 A. [12:46:24] Yes, that's right. It's exactly that. But -- sorry, but the -- but I told

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 you that we weren't informed of the assignment, so the report -- the report is just  
2 interpretation. There was no written report that I gave to Nouradine.  
3 They -- they -- we did the disarming, we took the weapons out and we unloaded the  
4 weapons in the place I told you. The fake Seleka and all that, that's what -- that's  
5 how Nouradine put it. He said, "You know, this is a fake colonel." And that's the  
6 way he put it.

7 Q. [12:47:11] Thank you very much. Thanks very much for that clarification,  
8 Mr Witness.

9 All right. So you would confirm then that in addition to Nouradine and Said, Tahir,  
10 Linguissara was also there at that operation?

11 A. [12:47:27] Yes, I believe so. Everybody, the minister wanted everybody to be  
12 on site.

13 Q. [12:47:36] Thank you very much, Mr Witness.

14 All right. Then, Mr Witness, you told us what you told the Prosecutor, T-17, page 94,  
15 lines 7 to 13, we -- "With Said, we would telephone each other from time to time, only  
16 when there were small problems in the office. Well, if he wasn't in the office, if there  
17 was a problem, I would call him up so that he would sort out the problem. And me,  
18 if I was at home and something that was of an administrative nature, he would call  
19 me for doing what had to be done."

20 So here's my question, Mr Witness: Do you remember how many times on average  
21 per day you and Mr Said would call each other on the phone?

22 MS VON BRAUN: [12:48:49] Can I -- sorry to interrupt and I'm interrupting a bit  
23 slow, I know. But I am going a bit further down the transcript and basically this  
24 question has been asked. I asked him that.

25 PRESIDING JUDGE SAMBA: [12:49:03] It's cross-examination, Madam Prosecutor.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 MS VON BRAUN: [12:49:04] I know, but it's the same question.

2 PRESIDING JUDGE SAMBA: [12:49:09] Yes, allow the witness to answer so that we  
3 can move on from here.

4 Ms Naouri, please.

5 MS NAOURI: [12:49:16](Interpretation) My thanks, your Honour.

6 Q. [12:49:17] Would you mind answering the question, please, Mr Witness.

7 Do you want me to refresh your memory about the question? Here it is again: Do  
8 you remember on average how many times you and Mr Said would call each other  
9 over the phone?

10 A. [12:49:40] No. I can't remember. I can't remember the number of times, but in  
11 any event, it was -- it was, you know, when there was an emergency, if there was a  
12 problem. But I can't remember how many times. Two, three, wouldn't go beyond  
13 four times a day.

14 Q. [12:50:03] Thank you very much, Mr Witness.

15 \*So we have a table here drawn up by the Prosecution based on your calls. This is 13  
16 tab 65, CAR-OTP-2135-4318. It's a call sequence table. And if we base ourselves on  
17 these statistics, you spoke pretty much every day with Mr Said over the phone.

18 Would you confirm that, Mr Witness?

19 A. [12:50:42] Yes. Yes, I would confirm that. At the OCRB every day. When

20 I was at the OCRB, we were with Said. If I went out and I go to the DG, well, he

21 wants to know, you know, where we are. And it's over the telephone, he wants to

22 know where I am. And I said, "Well, I'm over the road. I'm coming back." And

23 if -- for my part, if there were situations which required his presence, then if I saw he

24 wasn't in the office, then I would call him. And he was with the Seleka, let's say, and

25 so I would say over the phone, "Look, I need you to come back to the office. Could

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 you come back to your office?" And it's possible that we had daily telephone calls  
2 because in our working practice, we often telephoned each other.

3 Q. [12:51:35] Thank you, Mr Witness, for that answer.

4 In your statement, in your prior statement, tab 1 English, tab 2, French version,  
5 CAR-OTP-2130-5761, page 5773, paragraph 60, you say at that point the following, I  
6 read: "Colonel Said always treated me with respect. One day when Said was  
7 taking me back home after work, I told him that Seleka had looted my home and had  
8 shot at me and that shocked him." End quote.

9 So, Mr Witness, is that right then, that, for example, Mr Said took you home after  
10 work?

11 A. [12:52:37] Well, I arrived at the OCRB. The instructions to take me home, it  
12 was Nouradine who gave those instructions to Colonel Said. It was he who will take  
13 you back if you finish late. He said to Said, "Look, if you finish late, then you'll take  
14 him back home." And those were Nouradine's instructions that he gave to Said. At  
15 a certain time, it was too risky to move about. It's true that I don't live too far away  
16 from the OCRB, but if you are on foot after 6 p.m., 7 p.m. and you're wearing a  
17 uniform and the -- the traffic is less dense, there's too much risk. That's, hence,  
18 Nouradine's instructions.

19 Now, if I was in the OCRB after half past 6 at night, or 7, he took me home, Said  
20 would take me home. That was when things were calm at the OCRB. Because  
21 when the Seleka were -- got -- took drugs, then I would just go, I would just go and he  
22 didn't know how I got out. But all the time that we spent together, you know, with  
23 Said at the OCRB, I -- he never, as I said this, he never showed me disrespect, contrary  
24 to the elements under his orders that were really -- that stayed rebels. Said, however,  
25 never showed lack of respect to me. And this is what I said.



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [12:54:38] Thank you very much for that clarification, Mr Witness.

2 Now, I turn to another area. The keys. Now, you said at transcript 18, French

3 version, page 31, line 8 through to 38, you said in answer to the Prosecution's

4 questions here, I read:

5 "It was the three senior officials of the OCRB. Me, when I arrived at the OCRB,

6 everything was turned on its head, everything was ransacked. And some cells

7 hadn't any keys at all. And when I arrived, for Minister Nouradine in taking up

8 normal practice of the administration, it was his preference -- well, I put the question

9 to him, and he preferred to reman, restaff the teams. And that was -- it was at that

10 point when he bought mats for the cells -- and so he accepted. He bought these mats

11 and we started off by cleaning the cells. We put down the mats and then he gave me

12 these new keys. The new keys, he gave me a set and he also gave a set to Said and to

13 Tahir. So they had keys as well. So those are the two officials of the OCRB. And

14 myself, I was the legal representative of the OCRB administration. So in virtue of

15 that, I had a key."

16 So here's my question: Can you describe to us what type of keys they were?

17 A. [12:56:26] These were big padlocks with keys. The cells were closed with

18 padlocks.

19 Q. [12:56:43] All right. Then how many keys did you receive, Mr Witness?

20 A. [12:56:53] Three keys for the cells that were used for the detainees.

21 Q. [12:57:05] Thank you, Mr Witness. Thanks for that clarification.

22 \*All right. When you were questioned by the Prosecution, you said - this is T-17, page

23 99, line 26 to page 100, line 5. Question: "You gave the name of a colleague. Can

24 you name the other colleagues and the other police officers that returned to the

25 OCRB?"

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 And you answer: "Yes. There was Colonel Abel Beltoungou and Commander  
2 Kotolingar Jean Claude and (Redacted). The exact name escapes me. And  
3 there was another name, which I can't remember, but there were three officers and  
4 one operational member of staff."

5 In addition to the people that you have named at that particular point, were there  
6 other career policemen that came to work at the OCRB in 2013 when the Seleka were  
7 present?

8 A. [12:58:25] When I was at the OCRB, no other element came afterwards, no.

9 And when tension was such at the OCRB, that -- I mean, even (Redacted), he  
10 withdrew at a given point of time because there was a huge amount of threats. So  
11 the OCRB elements couldn't even resume their duties.

12 Q. [12:59:06] Thank you very much, Mr Witness.

13 So Brice Theodore Doctor Bomesse, does that name ring a bell?

14 A. [12:59:23] I don't remember that name.

15 Q. [12:59:29] Very well.

16 What about this one: Guy Pierre, does that ring a bell?

17 A. [12:59:41] No.

18 Q. [12:59:43] Guy Mangabas, was he with you in 2013 when you said that the  
19 Seleka were there?

20 A. [12:59:55] No. Guy Mangabas was, in 2012, my intervention squad head of  
21 service. And when the Seleka arrived, he no longer held any function.

22 Q. [13:00:13] Thank you very much, Mr Witness.

23 Commander Baraba, does that name mean anything to you?

24 A. [13:00:24] Commander Baraba was with me in 2012, but he did not resume  
25 duties when the Seleka were there.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [13:00:30] Do you know what he's doing today?

2 A. [13:00:34] Currently he is the director of the OCRB.

3 Q. [13:00:44] Was Patianga with you during the Seleka tenure?

4 A. [13:00:50] He did not return to the OCRB. He was the head of the police station,  
5 police control unit. He did not come back to the OCRB.

6 MS NAOURI: [13:01:00](Interpretation) Your Honour, I've got a few more questions  
7 to finish off. I'm requesting your indulgence.

8 Q. [13:01:09] Captain Charadé (phon)?

9 A. [13:01:13] Charadé (phon) was one of the officers of the criminal investigation  
10 unit in 2012, but he did not return.

11 Q. [13:01:22] Do you know what he's doing today?

12 A. [13:01:27] He is the head of the 92 Logements branch of the OCRB.

13 Q. [13:01:33] Thank you. And Noiro, does that ring a bell?

14 A. [13:01:41] It's Bonaro.

15 Q. [13:01:44] Bonaro, can you tell us who he is?

16 A. [13:01:47] Bonaro was the head of a branch, I think -- or was he at the main  
17 branch, main OCRB?

18 Q. [13:02:00] Sorry. I was wondering -- I was about to ask you whether you knew  
19 what he was doing today.

20 A. [13:02:06] Before I came, he was the head of the Gbangouma OCRB branch.  
21 But there was a move before I came. I don't know where he's posted. He's there  
22 somewhere, but I don't know exactly where he's posted.

23 Q. [13:02:23] Thank you, Witness.

24 Last question on this theme. Now in -- during the Seleka tenure, you had another  
25 cap on. You were the director of the OCRB --

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 THE INTERPRETER: [13:02:37] Had another code name. Sorry.

2 THE WITNESS: [13:02:43] (Interpretation) The code name was Missile.

3 MS NAOURI: (Interpretation)

4 Q. [13:02:50] And you were -- you had -- your were Missile with a number or just  
5 Missile?

6 A. [13:02:54] I was just Missile.

7 Q. Thank you.

8 MS NAOURI: [13:02:56](Interpretation) Your Honour, I've finished on this line of  
9 questioning. I don't think I've got a lot of time after the break. I think maximum  
10 30 minutes. Just to give you an idea. Of course, it really depends upon the answers  
11 of the witness, but given how things are going on, I don't think I'll have more than  
12 30 minutes after we resume. Thank you, your Honour.

13 PRESIDING JUDGE SAMBA: [13:03:24] Okay. Thank you very much, Ms Naouri.  
14 Thank you, Mr Witness. I'm going to crave your indulgence so that we come back  
15 after lunch so that you can continue supporting the Court with answers for  
16 Ms Naouri.

17 So at this stage I will rise the Court and ask that we come back at 2.30. Thank you.

18 THE COURT USHER: [13:03:56] All rise.

19 (Recess taken at 1.03 p.m.)

20 (Upon resuming in open session at 2.41 p.m.)

21 THE COURT USHER: [14:41:19] All rise.

22 Please be seated.

23 PRESIDING JUDGE SAMBA: [14:41:46] Good afternoon, again.

24 Good afternoon, again, Mr Witness. Good afternoon. We are going to  
25 continue with your --

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 THE WITNESS: [14:41:58] (Overlapping speakers)

2 PRESIDING JUDGE SAMBA: [14:42:00] -- questioning by counsel for the Defence.

3 Ms Naouri, your witness, please.

4 MS NAOURI: [14:42:09](Interpretation) Thank you, your Honour.

5 Q. [14:42:17] Good afternoon, Witness.

6 A. [14:42:21] Good afternoon.

7 Q. [14:42:25] I'd like to return to some information which you provided when you  
8 were being questioned by the representative of the Office of the Prosecution -- Office  
9 of the Prosecutor, and that was regarding the government of Francois -- or the  
10 presidency, rather, of Francois Bozizé. And I'll give you the -- the references for that  
11 now. \*It's transcript 017, French transcript, from line 60, my apologies, from page 60  
12 and more specifically, page 61, lines 24 to 27. And you referred to there having been  
13 a big change in behaviour because things had become more ordered, and this was in  
14 the Bangui area, but to the north, there was still insecurity.

15 "So my question is: How did the government react with respect to those changes in  
16 Bangui? Can you tell us what you recall, what you remember, and basically what  
17 the reaction of the authorities was."

18 Now, that question was put to you, and you answered that the government sought by  
19 all means to establish peace and to establish reconciliation between the various classes  
20 of society, and that that was what the government continued to do to this day.

21 So, Witness, could you tell us more about the measures taken by Francois Bozizé's  
22 government to re-establish peace, as far as you were aware.

23 A. [14:44:35] Now, that question was put to me with respect to the current situation,  
24 not with respect to Bozizé's time, and I responded to the question with respect to the  
25 current situation.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [14:44:52] So, Witness, if I could back a little bit to give some context to what  
2 you're saying. I'm on page 60 of the French transcript, starting from line 11. You  
3 said that the rebellion started in the north, in the far north. You said that that was an  
4 area which was inhabited largely by a Muslim population, and that for them, the  
5 regime of President Bozizé was a Christian administration and that they lived in a  
6 mining area. And to control that mining area, abuses had been carried out, and that,  
7 therefore, they saw it as being -- abuses being aggressive actions against Muslims.  
8 And that was the root of their discontent. And that they began to organise and  
9 began to attack the various structures of the state, and that this had grown in  
10 amplitude until Bangui was taken. And then, in the last line, you said, "They began  
11 to attack." Could you specify who "they" were.

12 I have another question, and that is, that I want to know who you were referring to  
13 when you say "they attack". And your answer was: "The birth of the rebellion was  
14 in the north amongst the Muslim population. And then afterwards, the ministry of  
15 mines took measures. And further to that, they began to attack the structures of the  
16 state. That was the modus operandi of the Seleka. They would attack the  
17 structures of the state to demonstrate their discontent with the measures which had  
18 been carried out and the abuses, as they saw it, with respect to mining activities in the  
19 north."

20 Then the question was: "Was there a change of behaviour or conduct in Bangui?  
21 Did you notice such a thing?"

22 And it was in response to that you explained to us that, before the Seleka arrived,  
23 back in March 2013, the government was trying to establish -- re-establish peace by  
24 any means possible and to bring by reconciliation between the various classes in  
25 society.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 So, once again, Witness, my question is: Could you tell us more about the measures  
2 taken by Francois Bozizé's government to re-establish peace.

3 A. [14:47:38] Well, I think that there is a misunderstanding about these various  
4 questions.

5 I responded to the Prosecutor. And when I responded, I was talking about the  
6 situation which prevails today in Bangui, so whether there had been a change in  
7 behaviours with respect to today.

8 Now, when I was talking about the time of Bozizé, there I talked about the birth of the  
9 rebellion in the north, in the northeast. I told you the story of the genesis of the  
10 rebellion. And we were talking about Said and the OCRB, and you wanted to know  
11 more about movements of the Seleka. And it was Colonel Said who explained to me  
12 how the movement had come about and how -- what the genesis of the thing was.

13 And that is what I related to you.

14 I told you that it was after government activities with respect to mines and the  
15 carrying out of checks and a mission which was carried out in the north, it was in the  
16 wake of that that discontent arose, because the people there had been stripped of their  
17 assets. And the merchants and people involved in trade mobilised, calling upon the  
18 regime in Bangui to be overturned. That's what I understood from my various  
19 discussions with Colonel Said.

20 Q. [14:49:26] Thank you, Witness.

21 So, to your knowledge, what was the purpose of the -- the Libreville agreements of 1  
22 January 2013?

23 THE INTERPRETER: [14:49:48] Interpreter corrects: 11 July 2013.

24 THE WITNESS: [14:49:53](Interpretation) I'm not familiar with the Libreville  
25 accords.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 THE INTERPRETER: [14:50:04] The interpreter corrects: 11 January 2013.

2 MS NAOURI: [14:50:10](Interpretation)

3 Q. [14:50:11] Transcript 17, page 59, starting from line 4, and I'm referring to the

4 French transcript. In response to the question, "How do you know that they

5 managed to concur, to take the various villages," and your reference was to the Seleka,

6 your answer was, "By means of the media."

7 Question: "How did you learn about this red line of which you spoke with respect to

8 the negotiations?"

9 Answer: "It was by means of the media and communications of the government."

10 Now, my question is this: Can you tell us a bit more about what the media were

11 saying about the negotiations which were underway, and what did the notices, the

12 releases by the government say on the topic?

13 A. [14:51:08] Well, I'm afraid I can't recount here everything that the government

14 issued and what the public and private radio stations were saying about what was

15 going on at the time in the Central African Republic. I couldn't say. It was a

16 situation -- a country that was seeing a resurrection -- an insurrection, rather, which

17 was focused on Bangui -- at Bangui at the time. Even the international press were

18 talking about it every day.

19 Q. [14:51:48] Thank you, Witness.

20 Now, regarding the OCRB - and I would refer to transcript 18, page 79, lines 8 to

21 14 - you said that there was a clear difference before Seleka. We had the rule of law

22 and institutions worked correctly. We at the OCRB, in the judicial section, in the

23 criminal investigations unit were working under the control of the national

24 prosecution service, and that national prosecution's office would send information to

25 the OCRB upon which we were to work. And that's what you said to the



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Prosecution.

2 \*Now, I would refer to tab 1 of the English version and to tab 2 of the French version,  
3 CAR-OTP-2130-5761, page 5765, paragraph 17. And you said: "In 2011, when I was  
4 the director for planning, I began to hear colleagues saying that the OCRB had  
5 become a kind of private prison where political prisoners were held, but also civilians  
6 who were accused of being opponents of the Bozizé regime or who were considered  
7 to be such. It was general knowledge. Even the media were talking about. I was  
8 against those arbitrary arrests, and I didn't want to be involved in it. I also explained  
9 to my colleagues that being a police officer, I didn't want to get entangled into that  
10 politics. I said that I did not work directly for Bozizé and that I wanted to maintain  
11 my professional ethics. My colleagues must have relayed my opinion to Bozizé  
12 because, shortly thereafter, I was sacked from my job by means of a presidential  
13 issuance. I was then out of work for a period of two years."

14 Now, Witness, my question is the following: To your knowledge,  
15 during -- how -- what period of time under Francois Bozizé's presidency were there  
16 arbitrary detentions at the OCRB?

17 A. [14:54:31] In 2011, as I said, I was director for planning, and back then, small  
18 groups or pockets of rebellion had already developed in the hinterland of the country.  
19 And there was information circulating in Bangui, and the information was that an  
20 administrative inquiry was taking place and that those who were suspects were being  
21 held at the OCRB. Now, that's the information that I heard.

22 Now, as I said, later, in November 2012, I was appointed director of the OCRB, and I  
23 found two prisoners at the OCRB, two young people, and I was told that those were  
24 Bozizé's prisoners. So that tallied indeed with the information which I had heard  
25 back in 2011.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 So I dealt with those two young people, and they were treated as should be until the  
2 Seleka came in and -- and freed them. So that's the information which I had, and I  
3 did indeed find those two prisoners at the OCRB. I questioned them also on their  
4 presence at the OCRB.

5 Q. [14:56:33] And what did they tell you about their presence at the OCRB?

6 A. [14:56:40] Well, they told me that, basically, they had been tricked. The police  
7 had put a weapon in their car, and then they had been stopped by the police. The  
8 police had then searched their vehicle and have found, so to speak, this weapon. So  
9 they were then accused of preparing a *coup d'état* against Bozizé, and that is why they  
10 were detained at the OCRB.

11 Q. [14:57:20] Okay. Thank you, Witness.

12 Now, when you arrived at the OCRB in November 2012, who -- who was staffing the  
13 OCRB at the point -- at that point in time?

14 A. [14:57:38] Well, all of the police officers that you enumerated before the break,  
15 they were already on site at the OCRB. There were two directors. So all of the  
16 people that you listed were present at the OCRB then.

17 Q. [14:57:58] So if I understand correctly, all of the people who were working  
18 before Bozizé, before November 2012, continued to work at the OCRB after the coup  
19 with the exception of the director; is that correct?

20 A. [14:58:17] Yes.

21 Q. [14:58:19] Thank you, Witness.

22 So we're talking about Mangabas, for instance?

23 A. [14:58:30] Yes.

24 Q. [14:58:31] Patianga?

25 A. [14:58:34] Yes.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Q. [14:58:35] Beltoungou.

2 A. [14:58:40] Beltoungou, no, I don't think so. I think he actually came later.

3 Q. [14:58:47] Okay. Jean Claude Kotolingar?

4 A. [14:58:58] Yes.

5 Q. [14:59:00] And (Redacted) ?

6 A. [14:59:03] (Redacted).

7 Q. [14:59:11] Thank you, Witness.

8 \*Now, we're going to move on to a different topic now, namely the presence of the  
9 French. \*Let me just quote back to you what you said on 18 October, T-18, page 21,  
10 lines 10 to 22. You say that: "The OCRB was an elite police unit, and if you are  
11 appointed the head of the OCRB, then you work with all the security services or the  
12 various outfits, interior, units working in conjunction with the French authorities in  
13 CAR, or the French offices working in the field of security, close protection, human  
14 rights and what have you. All those people. They came on a regular basis to the  
15 OCRB just to see what was going on there, and that's how it was that this French  
16 person came regularly to the OCRB, because they also, from time to time, they also  
17 lent us assistance in the form of information and equipment, if we needed equipment.  
18 And so that's why I had that particular person's business card."

19 So, Mr Witness, so you're talking about all the French officers working in the field of  
20 security, close protection and human rights. So can you give us the name of other  
21 French officers with whom you were working.

22 PRESIDING JUDGE SAMBA: [15:00:49] I just want to caution that we are in open  
23 session. These names that the witness keeps mentioning ...

24 MS NAOURI: [15:01:03](Interpretation) Thanks, your Honour. There are no  
25 problem regarding these names. These are people working in official -- in their

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 official capacity and discloses absolutely nothing, aside from the fact that they were  
2 working at that particular point, which is just general knowledge. But my thanks.  
3 I'm grateful for reminding me that we are operating in open session.

4 Q. [15:01:32] So, Mr Witness, can you tell us, if you recall, of course, to name  
5 French -- allegedly French officers with whom you interacted and worked.

6 A. [15:01:44] Those that came on a regular basis to see me in my office, well, I can't  
7 remember their names, but it was Thierry that I mentioned in my previous statement.  
8 Both people whose Christian name was Thierry, which I mentioned in my previous  
9 statement.

10 PRESIDING JUDGE SAMBA: [15:02:25] We -- Ms Naouri, I know you know that we  
11 are receiving redaction requests from the Prosecution in respect of these names. So  
12 I'll still ask that, you know, you be careful, you watch it as you put questions for  
13 which names are solicited.

14 MS NAOURI: [15:02:49](Interpretation) I'm grateful, your Honour. I've taken due  
15 note.

16 Q. [15:02:53] So, Mr Witness, tell us more about how the French people gave you  
17 assistance in the form of information, in the form of equipment, if such equipment  
18 proved necessary. Can you tell us what that involved in greater detail, this French  
19 assistance.

20 A. [15:03:19] All right. This question will lead me into trying to provide some sort  
21 of explanatory comments about how the OCRB was initially established, because,  
22 unless I'm mistaken, it was at the time of President Kolingba. And given the rise of  
23 major crime, the unit -- the police unit responsible for the repression of banditry was  
24 established in conjunction with French cooperation. It was the French cooperation  
25 which helped Central African police authorities to establish this particular

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 department.

2 Now, the first OCRB members of staff were trained by the French, and it was the  
3 French who provided support to that particular department in its operations, in its  
4 inner workings, and that on a regular basis right the way through to the arrival of the  
5 Seleka. I believe that even today things are coming back to an even keel, and the  
6 French continue to have a watchful eye over the inner workings of the OCRB. And  
7 this is why it was those senior officials in the security, the French senior officials that  
8 came to Bangui from time to time. And when they do so, they came to the OCRB to  
9 see how things were operating there.

10 Q. [15:05:21] Thank you, Mr Witness.

11 So what was the subject of your conversation with these French officials about the  
12 inner workings, the operations at the OCRB?

13 A. [15:05:34] It was above all to see whether the OCRB had remained true to its  
14 initial mandate. Whether there were information, for example, that were going off  
15 on a tangent, to say that torture was being conducted at the OCRB, well, then they  
16 should come to check, if the director wanted to receive them. Well, I was, of  
17 course -- I received everybody. I was open to everybody. I gave information to  
18 everybody.

19 Q. [15:06:03] (No interpretation)

20 THE INTERPRETER: [15:06:20] Interpreter requests: Can counsel repeat her  
21 question, please.

22 THE WITNESS: [15:06:26](Interpretation) I had no report to give to the French  
23 authorities. They were employees -- French employees, partners, that came to  
24 provide us assistance. My report I gave to my hierarchical superior.

25 THE COURT OFFICER: [15:06:41](Interpretation) Could you please repeat the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 question because the English booth did not hear it.

2 MS NAOURI: [15:06:50](Interpretation) Of course. I repeat it.

3 Q. [15:06:53] Did you make any reports to the French authorities, Mr Witness?

4 And just to pick up on the answer you gave to that question, I'm just going to read out

5 an extract from your previous statement, the statement you made to the Prosecutor

6 investigators. This is tab 1 for the English version and tab 2 for the French version of

7 that document, CAR-OTP-2130, 5761, page 5784, paragraph 126. And here you say:

8 "When Said left the room, I telephoned a French commandant of the French

9 gendarmerie. The head of squad, Thierry Cassagnes-Gourdon, who regularly came

10 to the OCRB with another lieutenant of the French gendarmerie, he came to check the

11 security conditions prevailing at the OCRB. So he arrived a little -- shortly after my

12 call and taking photos of the detainee in my office. And then he left without talking

13 or interacting with the prisoners. As I said earlier on, Thierry came on a regular

14 basis to the OCRB to have a report on the prevailing security conditions on site."

15 Now, in this extract, what report are you talking about here exactly?

16 A. [15:08:37] It's not, properly speaking, a report. You know, when you're on

17 mission, when you're going somewhere to do a particular type of work, well, then

18 you report back to your hierarchy. But the -- the movements of this partner, in other

19 words, coming to or their movements, in this case to the OCRB, to see me, those visits

20 were to design or double-check on the information they had already received, and,

21 more specifically, during this period, where the Seleka had arrived at Bangui. The

22 sole unit, the only police unit - and I reiterated this a number of times on the stand

23 here. The only one that was operating, really, was the OCRB. And the

24 OCRB -- well, those -- the members of staff based in the OCRB, the information

25 received went -- suggested that they were committing lots of violence and abuses in

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 the city.

2 So the -- these various organisations that I've made mention on -- earlier on, and in  
3 particular the French security service, came to check, to double-check, to follow up on  
4 this information. And the commandant, for example, came to see me, to ask me, you  
5 know, when I didn't have information on the people who were -- who were in the  
6 basement. He was aware, he knew that there were prisoners held at the OCRB, and  
7 he asked me. And the first time I said, "No, I'm not aware. There are people in the  
8 holding cells, yes, but -- but -- but I haven't seen any prisoners in the police section of  
9 the OCRB."

10 And it was subsequent to that, it was when I actually received information through  
11 one of Said's elements that I then insisted that Said act, and he took out a prisoner  
12 from the basement. And it was then -- I mean, it's true. And so I immediately  
13 called him to bring him over to formally note that there were prisoners held at the  
14 OCRB.

15 Q. [15:11:41] Thanks very much, Mr Witness.

16 All right, then. Just for confirmation, this French officer came to the OCRB on a  
17 regular basis, you're confirming that, are you, during the Seleka regime?

18 A. [15:11:58] Yes, I confirm that. But not only a French commander. I was  
19 received anybody who was seeking information about the violence and abuses,  
20 anybody who wanted information to that end, I received them.

21 Q. [15:12:12] Thank you, Mr Witness.

22 And right at the outset, when we are talking about the French, I read out an excerpt  
23 where you said that you had received equipment from the French, if that proved  
24 necessary. So what type of equipment did you supposedly receive from the French  
25 authorities?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 A. [15:12:37] Up until the arrival of the Seleka, the French gave our police uniforms  
2 and also accessories; teargas, shields, truncheons. It was the French who equipped  
3 our police force with these types of items.

4 Q. [15:13:03] Thank you very much, Mr Witness.

5 All right, then. Mr Witness, you stated during the examination-in-chief, T-18,  
6 page 19, line 24; page 20, line 14, that's the scope -- or the excerpt: "That's how I  
7 believe I was presented with this information to bring this person into -- that element  
8 into my office to protect his own back." This is Mr Said, of course, we're talking  
9 about. Anyway, "He brought very swiftly a prisoner into my office. And I told him,  
10 'I just want to take his identity details and then I'll bring him back.' So when he  
11 came out, immediately called -- what was his name? He was a partner, a French  
12 partner, whose first name I believe was Thierry. He came into my office. He came  
13 in through the east entrance and the gate that led directly to my office, and then very  
14 quickly he took a photo of the prisoner. He barely moved and barely spoke to me as  
15 well. I told him to do things very quickly and then go away. And so very quickly  
16 he took photos and he left. I couldn't question the prisoner very long because he  
17 found it very difficult to speak. So I called Said to retrieve the prisoner and put him  
18 back into his cell. That's how things happened."

19 So here is my question: I want to know who was there, exactly, during that  
20 particular encounter. Can you tell me very precisely who was there when that  
21 encounter took place, please.

22 A. [15:15:11] Over and beyond the Commander Thierry, who came to take the  
23 photos, there was absolutely nobody else. There was me and the prisoner, aside  
24 from Thierry.

25 Q. [15:15:26] Thank you very much, Mr Witness.



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 And, to the best of your knowledge, were there -- was there anything said between  
2 the French soldier and the prisoner?

3 A. [15:15:39] No.

4 Q. [15:15:49] Do you not remember? Were there no words exchanged? I'd just  
5 like to know what your "no" actually refers to. Would you mind clarifying, please.

6 A. [15:16:02] The situation or circumstances of the prisoner were such that you  
7 couldn't really ask him questions. You just had to look at -- at what he looked like.  
8 It was disgusting.

9 Q. [15:16:18] Thank you, Mr Witness, for that clarification.

10 All right. Mr Witness, when you were at the OCRB in the -- during the Seleka period,  
11 namely, 2013, during that period, did you see Sani Yalo or Danzoumi Yalo at the  
12 OCRB?

13 A. [15:16:53] Personally, no, I never saw them. If they were at the OCRB, possibly  
14 it was when I wasn't there. Those were the two major officials in the Seleka  
15 movement. I know that. But I never saw them. We never saw each other at the  
16 OCRB.

17 Q. [15:17:14] Thank you very much, Mr Witness.

18 And, to the best of your knowledge, can you tell us what Sani Yalo does now?

19 A. [15:17:26] Sani Yalo today, I think is the general directorate of the BARC in  
20 Bangui. It's the bureau of road, shipments. He is the general directorate of that  
21 particular outfit. The BARC, in its abbreviated form.

22 Q. [15:17:55] Thank you very much for that answer.

23 And to the best of your knowledge, Witness, Danzoumi Yalo, did he hold any  
24 position under Bozizé's government?

25 A. [15:18:17] An official post under Bozizé? Under Bozizé, I don't think so. I

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 don't think so, no. Danzoumi, he -- he -- he passes himself as a businessman, but he  
2 remained basically in his capacity as a -- as a rebel leader. But an official function  
3 under Bozizé's government, I don't think so, no.

4 Q. [15:18:58] And when you were no longer at the OCRB during the Seleka period,  
5 did you hear of information going to the arrest or detention of Sani and Danzoumi  
6 Yalo?

7 A. [15:19:29] Danzoumi Yalo and Sani Yalo? Yes, they had legal wranglings  
8 under Bozizé -- under Bozizé. But when I left the OCRB, well, it was -- it was during  
9 or after the Seleka.

10 Q. [15:20:03] But my question was, once you'd left the OCRB during the Seleka  
11 phase, at that particular point in time, when you left the OCRB, had you heard of the  
12 arrest and/or the detention of the Sani brothers, Sani and Danzoumi Yalo?

13 A. [15:20:31] Danzoumi, yes, he had been arrested, and he had been held at the  
14 OCRB, but he escaped.

15 Q. [15:20:44] And to the best of your knowledge, Mr Witness, how did he effect his  
16 escape?

17 A. [15:20:53] I was no longer at the OCRB at the time. I just learned of his escape.

18 Q. [15:21:01] And who told you that he -- he had escaped?

19 A. [15:21:10] Well, I was at the -- I was the director general in the outfit that was  
20 opposite the OCRB. So I had all the requisite information as director of the -- of  
21 logistics.

22 Q. [15:21:35] So you said you had all the requisite information. So what  
23 information would you receive at the -- at the DG of the logistics division,  
24 information going to that particular escape, Mr Witness?

25 A. [15:21:52] Well, as a divisional commissioner and a former director of OCRB, I

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 was told that that person had escaped. And we immediately learned of the  
2 circumstances of his escape. I went to see the director of the OCRB, and I asked him  
3 myself. And he told me that he had been in a security meeting with Lariss (phon),  
4 and when he returned, the elements told him that he had escaped. And he really  
5 didn't know how he had escaped, but it was the director of the OCRB that told me.

6 Q. [15:22:39] Thank you. And, to your knowledge, was anybody accused of being  
7 responsible of that escape?

8 A. [15:22:54] After the escape, I think there were two police officials that were went  
9 to prison. The two people who were responsible for the police station, those two  
10 were sent to jail.

11 Q. [15:23:09] Do you remember their names?

12 A. [15:23:13] No, I don't.

13 Q. [15:23:17] Thank you very much, Mr Witness.

14 That was my last question, your Honour. Nothing further on our side.

15 PRESIDING JUDGE SAMBA: [15:23:27] Thank you very much, Ms Naouri.

16 Can I ask counsel for the Prosecution whether or not you are interested in asking  
17 questions in re-examination, please.

18 MS VON BRAUN: [15:23:41] Yes, thank you, Madam President. I would only have  
19 one question that pertains to a topic that arose from the cross-examination of this  
20 witness.

21 PRESIDING JUDGE SAMBA: [15:23:53] Please put the question.

22 MS VON BRAUN: [15:23:59] Thank you. One minute. I have to scroll to the  
23 transcript, and then I will be right ...

24 QUESTIONED BY MS VON BRAUN:

25 Q. [15:24:23] Mr Witness, you were asked this morning by Ms Naouri, and -- in

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 cross-examination the following question, and it is at today's transcript, page 5,  
2 line -- lines 12 -- no, I'm sorry. It starts at line 10 and goes to line 15. And I'll read  
3 you this portion of the transcript, and then I have a question concerning this issue for  
4 you.

5 Now, it's the English transcript, and it says: "Now, I would like to very quickly  
6 come to Sophil we spoke about yesterday, who was in charge of the criminal  
7 investigation department. Now, did he continue working for the OCRB in 2013,"  
8 was the question.

9 And your answer was, at line 14: "After the arrival of the Seleka, Sophil did not  
10 come back to the OCRB." End of quote.

11 MS NAOURI: [15:25:49](Interpretation) Objection. Objection, your Honour.

12 PRESIDING JUDGE SAMBA: [15:25:54] Yes, let me hear you.

13 MS NAOURI: [15:25:58](Interpretation) I wanted to wait for the opposing side to  
14 finish reading out this excerpt going to people working at the OCRB in 2012, the  
15 Prosecution had done a lengthy examination about the inner workings of the OCRB  
16 in 2012, when the witness was a director in 2012. Of course, there is nothing new in  
17 the question being put. And it's using the Prosecution's foundation that we put  
18 questions going to the inner workings of the OCRB in 2012 under the management of  
19 the witness.

20 So to hark back, to scape over questions of the inner workings of the OCRB, the  
21 Prosecution could have done that during its examination-in-chief. It was a decision  
22 not to do that. We dug into this. We tried to elicit and adduce other information.  
23 And it's not the purpose, in our view, of re-examination to hark back to material  
24 which is nothing new.

25 What would be new would be matters going to the -- the Yalo brothers. That was

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 entirely new. But the inner workings, the operations of the OCRB and the staffing of  
2 OCRB in 2012, that's a logical extension. It logically flows out of the  
3 examination-in-chief effected by the Prosecution. And she had full sway to address  
4 that point at the proper time, namely, during her examination-in-chief.

5 PRESIDING JUDGE SAMBA: [15:27:22] First of all, are we talking about the  
6 workings at the OCRB in 2012, or was the question to do with 2013? Was your  
7 question 2013?

8 MS VON BRAUN: [15:27:34] My question pertains to this particular answer. The  
9 question that I would like to pose to the witness, which I haven't posed yet, pertains  
10 to this answer he gave prompted by the Defence question.

11 PRESIDING JUDGE SAMBA: [15:27:51] Was that new in cross-examination?

12 MS VON BRAUN: [15:27:53] Yes, it was.

13 PRESIDING JUDGE SAMBA: [15:27:55] I will allow the question, please. Put it.

14 MS VON BRAUN: [15:28:00] Thank you very much, Madam President.

15 Q. [15:28:03] Now, Mr Witness --

16 PRESIDING JUDGE SAMBA: [15:28:04] What was his answer? You were saying  
17 his answers were, as per the transcript.

18 MS VON BRAUN: [15:28:12] Yes, I will read the answer, as per the transcript.

19 Q. [15:28:22] Your answer -- the answer was: "After the arrival of the Seleka,  
20 Sophil did not come back to the OCRB." Full stop.

21 Now, Mr Witness, the Chamber will hear evidence that Mr Sophil did --

22 MS NAOURI: [15:28:42](Interpretation) No, no, objection. No, no, no, objection.

23 PRESIDING JUDGE SAMBA: [15:28:47] Are you putting a question, or ...

24 MS NAOURI: [15:28:51](Interpretation) For the time being, we've heard -- we've  
25 heard a legal argument, and this is not the right place to layout a legal argument

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 before the witness. A question needs to be put to the witness and shouldn't talk  
2 about the legal argument set forth by the Prosecution. This shouldn't be done in a  
3 hearing, particularly before a witness. This is a standard objection. And we object  
4 formally and categorically.

5 PRESIDING JUDGE SAMBA: [15:29:18] Madam Prosecutor, the question expected  
6 of you is to deal with that which was put in question to this witness or answers given  
7 to him in cross-examination which are new. So if you may want to frame that  
8 question, if not, then you may be seated.

9 MS VON BRAUN: [15:29:42] Yes, your Honour.

10 Q. [15:29:46] To your knowledge, Mr Witness, what did Mr Sophil do after the  
11 Seleka took power? Did he have a role at the OCRB?

12 PRESIDING JUDGE SAMBA: [15:30:03] You avoid leading questions. The first  
13 question is okay.

14 MS VON BRAUN: [15:30:09] Okay.

15 THE WITNESS: [15:30:33](Interpretation) When I returned to the OCRB, when the  
16 Seleka was based there, I -- as I said, the person with who I worked regularly was  
17 Colonel Beltoungou. He was my assistant. And Sophil was not with me when I  
18 was with Said at the OCRB. Kotolingar was there. Sophil was with me before the  
19 Seleka came in.

20 And when the prime minister came officially to say that the Seleka had left and that  
21 the OCRB was to be run anew by the old administration, it was then that Sophil  
22 returned, but the Seleka had already left the OCRB at that time.

23 I think that in the -- it was in the weeks after the Seleka had been removed that I was  
24 relieved of my duties at the OCRB, and I also left the OCRB. It was in the week after  
25 the department -- departure of the Seleka.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 PRESIDING JUDGE SAMBA: [15:32:08] Thank you very much.

2 Mr Witness, we've come to the end of questions put to you by counsel for both the  
3 Prosecution and the Defence. We would like to ask you a few questions before we  
4 leave.

5 You mentioned in transcript 18, and that's at page 45 for counsel of the Defence and  
6 Prosecution, that a General Rakiss regularly visited the OCRB and that he was the  
7 deputy head of the police in charge of the operations of the OCRB. Can you tell us a  
8 little bit more about the hierarchical relationship between General Rakiss and  
9 Colonel Said.

10 THE WITNESS: [15:33:39](Interpretation) Thank you, your Honour.

11 General Rakiss was the deputy director general of police. He was not responsible for  
12 the operations of the OCRB. As director general, he would come to the OCRB to  
13 have a look around and to put questions to Colonel Said to make sure everything was  
14 in good order, but he didn't have direct authority to give instructions to Colonel Said.  
15 The OCRB was a base of General Nouradine who was our minister of public security  
16 at the time that General Rakiss was director general of police.

17 PRESIDING JUDGE SAMBA: [15:34:41] Thank you very much, Mr Witness.

18 At page 83, also of transcript 18, you say that Mr Said was responsible for and had  
19 control over his elements and that all Central Africans from his own ethnic group  
20 understood him. Can you give us a bit more information about who those persons  
21 were. His ethnic group that you say understood him, who were these persons?

22 THE WITNESS: [15:35:38](Interpretation) When I was at the OCRB with Colonel  
23 Said, there were little groups, and in these groups were people who knew each other.  
24 Colonel Said had somebody like Commander Yaya, whose name I know, but also  
25 other young people, and he would know who those people were. And they were

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 people from his region or, indeed, from his village. And those relationships were  
2 very close, familial. You also have Tahir who was also close to him.  
3 So that little group, if you like, was under the authority of Said, but they were people  
4 who knew each other owing to the region from which they hailed.

5 PRESIDING JUDGE SAMBA: [15:36:52] Thank you very much, Mr Witness.

6 And these Chadians and Sudanese that you referred to earlier in T-18 who were with  
7 Tahir, what was the relationship between Mr Said and Tahir? And can you tell us  
8 whether Mr Said exercised any control over Mr Tahir.

9 THE WITNESS: [15:37:39](Interpretation) Colonel Tahir, well, I don't know how it is  
10 that he came to the OCRB. He behaved in a different way to Colonel Said.

11 Sometimes he left the OCRB. Whether he showed his position to Colonel Said, I do  
12 not know. But in any case, he had another remit. He would leave. He would  
13 head off for PK5, which was their stronghold. Tahir did not receive instructions  
14 directly from Colonel Said, as far as I could see.

15 He would be there. Colonel Tahir was a deputy to Colonel Said, but the relationship  
16 between Tahir and Said was not as good as the relationship between Said and Yaya,  
17 for instance.

18 PRESIDING JUDGE SAMBA: [15:38:52] Thank you very much, Mr Witness.

19 On your second day of your testimony - and for the counsel, I'm referring again to  
20 T-18 of the English version, at page -- I think it was page 42, lines 5, continuing - you  
21 did mention the Sudanese general who from reading the transcript, and you can  
22 confirm that, it was General Assisi, who you said was very influential and was the  
23 brain behind everything that happened in Bangui.

24 Now, tell us a bit more about the role of this general at that time. First of all, can you  
25 confirm whether you're talking about general -- the General Assisi that you



Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 mentioned, and tell us what his role was at that time.

2 THE WITNESS: [15:40:13](Interpretation) Well, it was actually Moussa Assimeh,

3 General Moussa Assimeh. It was he who was based at the *Pompiers*. Now, he was

4 Sudanese, but I don't know exactly what role he played, but he was a highly

5 influential person. Based on what we heard, it was he who had planned everything

6 and had partially financed their descent on Bangui.

7 The first time I saw that gentleman, it was by night. We were on an operation in

8 Miskine. We -- we seized weapons in Miskine. Nouradine was with us. And we

9 delivered everything to General Assimeh at the *Pompiers* base. When -- when the

10 Seleka -- when it was decided that the OCRB should be dismantled by the Seleka, it

11 was he who accompanied the elements to the OCRB that night. But what his exact

12 role was, I don't know.

13 PRESIDING JUDGE SAMBA: [15:41:43] Thank you very much, Mr Witness.

14 Further to your testimony, you did say to us that somebody who was a detainee, you

15 mentioned a prisoner who Mr Said brought to your office, you said, and you said the

16 prisoner told you he was stopped at the roadside at Boy-Rabe, and you said that the

17 witness told you -- or that person told you that he was tortured. You also told this

18 Court that that person told you that he was stopped by the roadside at Boy-Rabe and

19 that he was tortured at the police academy. Were those your words? Can you

20 please clarify whether the prisoner was tortured. That is if you know. If you don't

21 know, of course, we'll appreciate your answer, any answer you give to that effect.

22 THE WITNESS: [15:43:11](Interpretation) Your Honour, that person was my own

23 nephew. His name was (Redacted), and he lived in Boy-Rabe. After

24 the events, there was a patrol in Boy-Rabe. And when he -- when he got out, we

25 lived in the same house. And he said that himself and two or three friends were in

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 Boy-Rabe on the roadside observing what was going on when a Seleka vehicle came  
2 alongside -- alongside them and they were then arrested. Then they were taken to  
3 the police academy. There was a base there. And it was there that they were  
4 subjected to torture.

5 We looked -- we looked everywhere, looking for an older brother. We went to the  
6 United Nations and various organisations. And it was always the women who went  
7 to those bodies to try to get information regarding those who were being held at the  
8 police academy. And it was indeed at the police academy that we found him.

9 I can't -- or I don't know which body it was that negotiated with them to get him out.

10 He was locked up in a toilet, I believe, and the scars which he had were exactly the  
11 same which -- as those which you saw on the photo that was shown on the screen  
12 here. He had wounds all over him.

13 And when he got home, the next day, he explained to us how he was arrested, where  
14 he was arrested, and where he was taken to be tortured, et cetera. I'm talking about  
15 my own nephew. This is the son of my older sister.

16 PRESIDING JUDGE SAMBA: [15:45:45] Thank you very much, Mr Witness, for that  
17 clarification.

18 At T-19, page 39, for counsel, Mr Witness, you stated -- well, at least according to the  
19 English translation or transcript, that there were no Seleka at the OCRB. I want you  
20 to listen to this very well, Mr Witness. You said that in June 2013, there was no  
21 Seleka at the OCRB. Can you please confirm that we understood you well. In  
22 June 2013, the transcript reads that you say that there were no Seleka at the OCRB.  
23 Please confirm that for us.

24 THE WITNESS: [15:47:01](Interpretation) In April, May -- well, in any case, when  
25 the Seleka base at the OCRB was dismantled, it is then that I left the OCRB. There

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 were no Seleka at the OCRB.

2 Now, after I left, the Seleka regime was still in place. So maybe some Seleka  
3 elements returned to the OCRB, but I know that when I left the OCRB, there were no  
4 Seleka there, and a director was appointed to run the OCRB and to continue the work  
5 there.

6 PRESIDING JUDGE SAMBA: [15:47:44] Can I ask: When did you leave the OCRB?  
7 Give us an idea of month.

8 THE WITNESS: [15:48:02](Interpretation) I've totally forgotten the date, because that  
9 was a very troubled time.

10 PRESIDING JUDGE SAMBA: [15:48:10] That's okay, Mr Witness.

11 I want to ask you another question. When you said, in answer to questions which  
12 were put to you by the Prosecutor, when the -- I mean this Prosecutor, not Prosecutor  
13 Tolmo. Then you said, when the Prosecutor Tolmo went to the OCRB, that is after  
14 you spoke to him, upon listening to Nouradine Adam and his collaborators,  
15 according to you, and Said, after the picture of a particular detainee by the French  
16 official was taken also, now you said that the Prosecutor, before leaving, said to you,  
17 and I quote to you, you said he said to you, "It is very dangerous. Be careful."

18 My question to you is: What did you understand by that, when the Prosecutor told  
19 you, "It's very dangerous. Be careful"? What was your understanding?

20 THE WITNESS: [15:49:31](Interpretation) When the Prosecutor came to my office,  
21 he and I talked. I explained the situation to him, and I asked the Prosecutor that all  
22 of those detained be grouped together in a holding cell. I was intending to organise  
23 an escape by them, and it was in response to that that the Prosecutor said to me, "It's  
24 very dangerous. Take great care. It's extremely dangerous."

25 PRESIDING JUDGE SAMBA: [15:50:14] Thank you very much.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 I will ask my colleagues to put questions to you, please.

2 JUDGE FLORES LIERA: [15:50:33] Thank you.

3 Thank you very much, Mr Witness. It's just one question.

4 Yesterday, when you -- in the same incident that the Presiding Judge was referring

5 one minute ago, you mentioned - and this is page 24 of the transcript number 18 - that,

6 in lines 9 to 13, "he", and you are referring to Prosecutor Tolmo, "He called Colonel

7 Said and asked him to get all the detainees who were in the holding cells out.

8 Colonel Said gave instructions to his men, who released the detainees. The

9 Prosecutor spoke to them in light of due process, and all the underage individuals

10 were freed by the Prosecutor." And I end here the quote.

11 But today, when responding to the Defence question, you mentioned that you were

12 not aware of any role played by Tolmo in freeing the people detained at the OCRB.

13 And I'm referring to page 32, lines 14 and 15. Can you please elaborate more on the

14 circumstances in which Prosecutor Tolmo was involved in the release of detainees at

15 the OCRB.

16 THE WITNESS: [15:52:15](Interpretation) There seems to be a problem, perhaps, of

17 interpretation.

18 When I called upon Prosecutor Tolmo and he came, first, he came to my office and I

19 explained the situation to him. Then we went out, and he asked that all the cells be

20 opened. Then all the detainees came out, and then Prosecutor Tolmo ordered that

21 those who were minors leave automatically and that the remaining detainees be

22 returned to one cell. That was it.

23 JUDGE FLORES LIERA: [15:53:03] Thank you very much, Mr Witness. I have no

24 more questions.

25 JUDGE UGALDE: [15:53:12] Thank you, Mr Witness. I have two questions.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 First, in relation to your statement just now about the detention and torture of your  
2 nephew, can you please tell us what is the ethnicity of your nephew.

3 THE WITNESS: [15:53:51](Interpretation) My nephew, like me, he is of the ethnic  
4 group of his mother. His mother is Kaba and his father is Gbaya.

5 JUDGE UGALDE: [15:54:10] Thank you. Thank you, Mr Witness. I have a second  
6 question.

7 Mr Witness, do you remember how did the Seleka were ousted from power? I mean,  
8 how did they leave Bangui? How did they leave their power position in the  
9 Central African Republic? What were the events that led the Seleka to leave, if you  
10 remember?

11 THE WITNESS: [15:55:05](Interpretation) Thank you.

12 The events which pushed the international community to put an end to the Seleka  
13 regime were large in number. A number of events took place. I can't give you the  
14 dates, but a number of different events -- a large number of events took place.

15 There was a mass killing of women at PK12, sellers, women who were sellers. A lot  
16 of young people were held at *Camp de Roux*, and they were massacred and their  
17 bodies were found. There were a large number of abuses where the regime had  
18 taken hold.

19 At CEDAD, for instance -- I never went there myself, but at CEDAD, there was  
20 torture. There were a large number of events, and people were subjected to torture.  
21 And to my mind, it was all of those events which forced -- or, rather, which led the  
22 international community to convene a meeting, I believe, because they all left for a  
23 meeting at Ndjamena, sort of a subregional meeting, and that was where the decision  
24 was taken that Djotodia should not return to Bangui. And that was the end of the  
25 Seleka regime at Bangui.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 JUDGE UGALDE: [15:57:12] Thank you, Mr Witness.

2 I have nothing further, Madam President.

3 PRESIDING JUDGE SAMBA: [15:57:17] Thank you very much, Judge Ugalde.

4 Ms Naouri, do you have anything to say, because we are at the end of the session for  
5 this witness?

6 MS NAOURI: [15:57:34](Interpretation) No, your Honours. In light of the  
7 questions which have been put, we have no additional questions to put ourselves.  
8 Thank you for the opportunity, however.

9 PRESIDING JUDGE SAMBA: [15:57:42] Okay. Thank you very much.

10 I want to thank counsel for the Prosecution and counsel for the Defence for, you know,  
11 putting the questions to get this testimony -- to elicit the testimony of this witness.

12 Mr Witness, we have come to the end of your testimony, and we wish to thank you  
13 very much for helping the Court with what happened to the best of your knowledge.

14 We wish you well in your future endeavours. As a Chamber, we are very grateful  
15 for your being here before us all these past days. So I thank you very much.

16 I note that we shall be taking the next Prosecution witness tomorrow. That's P-0563.

17 MS MAKWAIA: [15:58:35] Madam President, if I may just address you briefly.

18 We've just received notification from the Victims and Witnesses Section that the  
19 witness is -- has been hospitalised and is under observation, at least for tonight.

20 They don't think he will be able to appear before you tomorrow. They will give a  
21 further update between now and 5 o'clock. So I'm afraid we don't have any more  
22 witnesses for tomorrow.

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

24 In that case, what we will do is, we will still keep the 9.30 session, and we will

25 listen to -- we will wait and see what comes up by way of report to you that hopefully

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0338

1 you will convey to us and the Defence and on time. But we take note of what you

2 said.

3 Thank you very much, Mr Witness.

4 Thank you very much, Counsel.

5 Thank you, Mr Said.

6 And so I will rise the Court for 9.30 tomorrow.

7 (The witness is excused)

8 THE COURT USHER: [15:59:49] All rise.

9 (The hearing ends in open session at 3.59 p.m.)