

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-3056

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 1
8 Thursday, 13 October 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:13] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:31:35] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:31:43] 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: [9:31:56] Thank you very much.
20 Can counsel please announce their representation.
21 MS MAKWAIA: [9:32:03] May it please the Court, for the Office of the Prosecutor
22 this morning, myself, Holo Makwaia, senior trial lawyer; Leonie von Braun, trial
23 lawyer; Yuichiro Omori, Le Bailly Brunhild and Sanyu Ndagire. Thank you.
24 PRESIDING JUDGE SAMBA: [9:32:21] Thank you, Ms Makwaia.
25 Ms Pellet, for the victims, please.

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1 MS MAKWAIA: [9:32:31] Sorry, Madam President. I forgot one in the Prosecution
2 team, our case manager, Ramu Bittaye.

3 PRESIDING JUDGE SAMBA: [9:32:36] Noted. Thank you very much.

4 Ms Pellet, please.

5 MS PELLET: [9:32:40](Interpretation) Thank you, your Honour. The victims are
6 represented by Tars Van Litsenborgh and Sarah Pellet, counsel at the Office of Public
7 Counsel for Victims, OPCV.

8 PRESIDING JUDGE SAMBA: [9:33:06] Thank you very much, Ms Pellet.

9 Ms Naouri, for the Defence. I see you in a different seat today. State your
10 representation.

11 MS NAOURI: [9:33:19](Interpretation) Yes, it's provisional. I've changed places.
12 I've got François-Jacquemin, Simon Appriou; behind me, Counsel Jacobs, Léa Allix;
13 and to my side, it's Ms Sarah Valduriez; and myself, Jennifer Naouri. Thank you,
14 your Honour.

15 PRESIDING JUDGE SAMBA: [9:33:40] Thank you very much, Ms Naouri.

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

17 Mr Witness, a very good morning to you.

18 WITNESS: CAR-OTP-P-3056 (On former oath)

19 (The witness speaks French)

20 THE WITNESS: [9:33:51](Interpretation) Good morning, your Honour.

21 PRESIDING JUDGE SAMBA: [9:33:55] Yes. So we're going to continue with your
22 direct examination by the Prosecutor this morning.

23 Madam Prosecutor informed us, as she indicated yesterday, that she would spend just
24 30 minutes to wrap up. We look forward to you maintaining that time, if you may.

25 So carry on with your direct examination, please.

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1 MS MAKWAIA: [9:34:20] Thank you, your Honours. I'll do my best to keep within
2 that time.

3 QUESTIONED BY MS MAKWAIA: (Continuing)

4 Q. [9:34:27] Good morning, Mr Witness.

5 A. [9:34:30] Good morning, Counsel.

6 Q. [9:34:34] Before -- yesterday when we took the adjournment for the day, we
7 were discussing a sketch that you had made and given to investigators. Do you
8 recall that?

9 A. [9:34:58] Yes, I do.

10 MS MAKWAIA: [9:35:03] At this point, Madam President, your Honours, I would
11 like this sketch displayed.

12 MS NAOURI: [9:35:08](Interpretation) Objection. Objection.

13 PRESIDING JUDGE SAMBA: [9:35:13] Yes, Ms Naouri.

14 MS NAOURI: [9:35:14](Interpretation) Yes, your Honour. The witness is viva voce.

15 It's not someone who falls under 63(8) rule. So he has to testify in the hearing, and he
16 cannot use his previous testimony. * The sketch that we're talking about is an integral
17 part of the previous statement. It was commented upon in his previous statement. It
18 exists only because it was drawn while the OTP investigators were questioning the
19 witness. So this is not an annex. It's an integral part of the previous statement.

20 So, in the absence of any procedure by virtue of Rule 63(8), we have to make a
21 distinction between a viva voce witness and a witness 63(8). Otherwise, it would be
22 completely deprived of its meaning, the Rule 63(8), because at this point of time we
23 could actually bypass this rule and show evidence from previous statements.

24 It's a viva voce witness. If the representative of the Prosecution would like to ask the
25 witness to draw another sketch, because it has to be done in hearing, because it's only

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1 the sketch that is drawn in the hearing that will be part of the case.

2 So we object to the use of the sketch. And the representative of the Prosecution can

3 actually ask the witness to draw the sketch during the hearing so that it can be part of

4 the case. Thank you, your Honour.

5 PRESIDING JUDGE SAMBA: [9:37:00] The Prosecution would have to confirm

6 whether the sketch you are talking about, is it the -- was it an underground -- a sketch

7 of underground or pistol? But, in any case, please respond to counsel's objection.

8 MS MAKWAIA: [9:37:16] Thank you, Madam President.

9 Simply because a witness gave a sketch as part of his statement, that, in our humble

10 submission, does not exclude the witness from commenting on a sketch, on any other

11 documentation that he gave during the course of his interview, whether it's a sketch

12 like this, whether it's other notes, or even photographs, Madam President.

13 Listening to counsel, one would wonder, are they disputing that this witness was

14 interviewed and, in fact, sketched this sketch before the investigators, gave it to the

15 investigators, therefore, it formed part of his statement?

16 It is my humble submission, your Honours, that I'm entitled to use this sketch of this

17 witness, drawn by this witness in front of investigators of the Office of the Prosecutor.

18 Unless they're saying, they're disputing that he was interviewed and that this does

19 form part of a sketch that he gave to the investigators during the course of his

20 interview.

21 Further to that, Madam President, your Honours, the witness has given evidence

22 before you. He's given evidence that Mr Said -- I can get you the transcript. And

23 this would be the transcript of yesterday, at page 39, lines 14:55:39 to 14:57:14, on that

24 page, and it goes on to line 14:57:44, at page 40, during his testimony of yesterday.

25 The witness testified about the pistol and how the accused, Mr Said, used it against

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1 him. It is our submission, therefore, Madam President, to complete his evidence,
2 that I be allowed to rely on this sketch, which he's told the Court yesterday. We laid
3 the foundation for this. He's told the Court how it came about that he drew this
4 sketch of the pistol.

5 Thank you, Madam President.

6 PRESIDING JUDGE SAMBA: [9:39:35] Ms Naouri, did you refer to Rule 63(8) of the
7 Rules of Procedure and Evidence?

8 MS NAOURI: [9:39:48](Interpretation) No, it's 68(3) rule, by which written
9 testimony can replace oral testimony. And I was making a distinction between viva
10 voce testimony and 68(3) rule, because the question is, what do we do in the hearing
11 and what is part of the previous statement? * And if I've understood the
12 representative of the Prosecution properly, she's talking about the previous statement.
13 So the entire question is, what is part of the viva voce in examination-in-chief? If it is
14 a witness 68(3), then there would be no problem. But since this is a viva voce
15 witness, this is precisely why we're raising the question. I hope my explanations are
16 clear.

17 PRESIDING JUDGE SAMBA: [9:40:46] Yes, your explanation is clear, and I've heard
18 the response given by the Prosecution. Our position is that that sketch was a pistol,
19 not, as you said, a photo of the under hole that was drawn by this witness when he
20 was being interviewed by the investigators, and that forms part of his testimony, part
21 of the evidence and documents that was given. That, obviously, as you know, must
22 be taken by this Court. So I overrule that objection.

23 Counsel, please carry on.

24 MS MAKWAIA: [9:41:21] Thank you, Madam President, your Honours.

25 And for the court Registry, please, that would be at tab 3, CAR-OTP-2130-6655.

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1 Q. [9:42:09] Mr Witness, can you tell the Court what is displayed before you on
2 your screen.

3 A. [9:42:26] What's displayed on my screen is a pistol with a silencer, fitted with a
4 silencer.

5 Q. [9:42:42] And we see some writing on this sketch. What is that?

6 A. [9:42:55] What's written on the image is my signature.

7 Q. [9:43:10] And is that the date when you drew this sketch? We're seeing some
8 numbers there. What is that?

9 A. [9:43:24] Yes. The date on this sketch is the date on which I was interrogated,
10 and it's also the day I drew the sketch.

11 Q. [9:43:42] Witness, you have previously given testimony that the accused drove
12 around with you for at least two to three hours in his vehicle. Do you recall?

13 A. [9:44:04] Yes, I do recall that.

14 Q. [9:44:12] And during this driving around, can you tell the Court what, if
15 anything, he had said to you.

16 A. [9:44:35] As I said earlier, that Mahamat Said arrived at the OCRB, it's on the
17 same day when we were transferred from the OCRB in Ngouciment to the main one.
18 He asked for us to be removed from the cell, and he asked me to get into the car.
19 It was a Land Cruiser. And he had come in with a military escort. And once we set
20 up for the roads, he said that he received information according to which a reputed
21 person --

22 PRESIDING JUDGE SAMBA: [9:45:39] Excuse me, Mr Witness.

23 Madam Prosecutor, I think that witness yesterday answered that question. So, you
24 know, not to waste time, if you can move on.

25 MS MAKWAIA: [9:45:48] I will move him along.

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1 Q. [9:45:53] Mr Witness, just focusing your attention -- let me just remind that you
2 had already testified to the Ngaikouesse aspect. Did Mr Said say anything else apart
3 from this? What other questions did he put to you?

4 A. [9:46:26] The question on the involvement of one of us, or the relation we had
5 with the person under the Bozize -- under Bozize's regime, and he also asked me to
6 tell him to what ethnicity I belonged to. He said he wanted to know my ethnicity
7 and he would save me. I told him that I am -- I belong to the N'Zakara by virtue of
8 my parents and we come from the east.

9 And he then said, "Tell me the truth. If you tell me the truth, I will save you." I told
10 him that there is no truth to be told. So he said, "As you do not want to tell me the
11 truth, pray. I will send you to the Father." That means I will kill you.

12 So I started praying, and I put myself in the hands of God. And the last images that
13 came to my mind was that of my mother, who is 80 years old, and my daughters, who
14 stayed on in (Redacted).

15 And then he said, "Have you finished your prayers?"

16 I told him, "Yes, I have."

17 And we were driving. And the time we reached the destination where he was about
18 to kill me, that is, in front of the prime minister's office, he came there and he gave the
19 order that I should get down from the vehicle.

20 Q. [9:48:41] Thank you, Witness. I think you covered that part.

21 Can you tell the Court, when he was asking you about your ethnicity and the other
22 subsequent questions that followed, in what manner was he asking you these
23 questions? Can you tell the Court.

24 A. [9:49:12] I don't know. But, nevertheless, what I observed, the information he
25 wanted to know was if I had a biological link with the dignitaries of the regime. The

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1 president who was ousted, Francois Bozize, was from the ethnic group Gbaya.

2 Q. [9:49:50] Thank you, Mr Witness.

3 Madam President, the sketch can be removed.

4 Now, Mr Witness, you have given evidence that you were held at the OCRB

5 Ngouciment and OCRB central. With the leave of the Court, I would like to show

6 you a few photographs and then I will ask you questions.

7 Madam President, your Honours, can I have displayed, at tab 14,

8 CAR-OTP-2069-3226, please.

9 Mr Witness, you have displayed before you a photograph. Can you tell the Court if

10 you recognise any of the persons in this photograph, please.

11 A. [9:51:26] Yes. On this photo, the person wearing -- in traditional attire is His

12 Excellency Djotodia, and he is shaking hands with the commissioner of the main

13 OCRB at that time. On his side, or to his right, more specifically, we have the photo

14 of my torturer.

15 Q. [9:52:02] You have before you, I believe, a marker or a pen. Can you see it?

16 Perhaps he could be assisted, your Honours.

17 Now, with that marker, can you first put a "1" on the person you identified as His

18 Excellency Djotodia.

19 And then can you put a "2" on the person you identified as the -- I think you said real

20 director of the OCRB.

21 PRESIDING JUDGE SAMBA: [9:53:15] He said he's shaking hands with the

22 commissioner of the main OCRB. That's what I see from the transcript.

23 MS MAKWAIA: [9:53:23] I stand corrected, Madam President.

24 Q. [9:53:26] Mr Witness, can you put a number "2" on that person.

25 And then can you continue -- who else can you identify on this photo?

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1 A. [9:54:02] The person who is to the right of the commissioner of the main OCB,
2 who is wearing -- who is in camouflaged military attire ...

3 Q. [9:54:28] Who is that, Mr Witness?

4 A. [9:54:33] It's my executioner -- sorry, it is my torturer.

5 Q. [9:54:41] Please put a number "3" on that person.

6 Thank you, Madam President, your Honours. Can we have -- I'd like to tender this
7 as a Prosecution exhibit.

8 PRESIDING JUDGE SAMBA: [9:55:09] Madam Court Officer, can we have an ERN
9 mark, please.

10 THE COURT OFFICER: [9:55:15] Of course, Madam President. This item will bear
11 the reference CAR-REG-0002-0031.

12 MS MAKWAIA: [9:55:28] Can I now have displayed, at tab 15, CAR-OTP-2069-3227,
13 your Honours.

14 MS NAOURI: [9:55:59](Interpretation) Your Honour.

15 PRESIDING JUDGE SAMBA: [9:56:04] Yes, Ms Naouri.

16 * MS NAOURI: [9:56:06](Interpretation) The first time we let the lack of a foundation
17 go by, because the person was reminded that he had been detained at the OCB, and
18 then photos were shown that were not photographs of the OCB. But it was just
19 recognising people that the witness spoke about. And here, we are showing him a
20 photo with no foundation at all. What is the link between this foundation -- with
21 this photo and the witness?

22 The first photo was not at the OCB, and the person -- we asked -- and I'm referring
23 to page 9, line 2 and 5. Mr Witness said that you were detained at the OCB in
24 Ngouciment and at the main OCB. With the leave of the Chamber, I would like to
25 show some photos. And these were not the photos of the OCB. We did not say

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1 anything because there are people who were -- but here, these photos have nothing to
2 do with the testimony of the witness. So we object to the use of this photo without
3 foundation and without link to the testimony provided by the witness.

4 Thank you so much, your Honour.

5 PRESIDING JUDGE SAMBA: [9:57:23] Which of the photos are you now objecting
6 to? This, as in tab 16, or both -- or the one that the Prosecutor had earlier referred to,
7 which is tab 14, I think.

8 MS NAOURI: [9:57:41](Interpretation) Yes, I'm specifying that we did not object to
9 the first one, even though there was no foundation. There was an overall foundation,
10 so we did not object to the first. But we object to the use of this photo because there
11 is no link with the testimony and no foundation.

12 PRESIDING JUDGE SAMBA: [9:58:02] Thank you very much, Ms Naouri.

13 Madam Prosecutor, can you lay foundation as to why you want the witness to, in fact,
14 comment on tab 16.

15 MS MAKWAIA: [9:58:13] I can, Madam President, but then I think there will be an
16 objection as to trying to influence the witness. I can reference your Honours and
17 counsel to the witness's testimony of yesterday. At page 50, for example, line
18 15:31:57 to almost the end of that page, 15:34:14. I could speak further, but ...

19 PRESIDING JUDGE SAMBA: [9:58:58] Let me first confirm with you. Did you say
20 tab 16? Because what I have in my binder -- although what is before me is a different
21 kind of photo.

22 MS MAKWAIA: [9:59:12] It's tab 15, Madam President.

23 PRESIDING JUDGE SAMBA: [9:59:15] Tab 15.

24 MS MAKWAIA: [9:59:16] One-five, yes.

25 PRESIDING JUDGE SAMBA: [9:59:31] Yes, I'm listening. Why wouldn't you want

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1 to lay foundation before you show this witness that photo?

2 MS MAKWAIA: [9:59:38] I can.

3 PRESIDING JUDGE SAMBA: [9:59:39] Please do.

4 MS MAKWAIA: [9:59:40]

5 Q. [9:59:41] Mr Witness, yesterday you spoke about a person called Tahir, and you
6 told the Chamber that this person was of the same nationality as a brother-in-law of
7 yours who was engaged to a cousin of yours. Do you recall that?

8 A. [10:00:10] Yes, I do.

9 MS NAOURI: [10:00:19](Interpretation) Your Honour.

10 PRESIDING JUDGE SAMBA: [10:00:20] Yes, Ms Naouri.

11 MS NAOURI: [10:00:21](Interpretation) Just for the transcript, because we are
12 working with the French transcripts, as you know, it would be very useful if the
13 transcript could be cited instead of a simple reference made to it. So if counsel to
14 read out the passage of the transcript which is concerned, that would be helpful to us.
15 That way we will be able to find the right passage in the French transcript and know
16 what we're talking about.

17 PRESIDING JUDGE SAMBA: [10:00:46] Okay. Well, counsel will look for the
18 reference, but even seated from -- at the Bench, we do recall that kind of a testimony
19 relating to the relationship of Tahir and the witness's relative. But let her get the
20 reference, and we shall be fine.

21 MS MAKWAIA: [10:01:05] I think I've given the English reference, but I'm more
22 than --

23 PRESIDING JUDGE SAMBA: [10:01:09] Can you give the English reference again,
24 and I'll be fine with that. Thank you very much, madam.

25 MS MAKWAIA: [10:01:17] That, your Honours, would be during yesterday's

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1 hearing, at page 50, starting at -- starting at 15:31:57 to the end of the page. And then
2 it continues at page 51, 15:34:16, again, to the end of that page, 15:37:38.

3 May I continue, your Honours?

4 PRESIDING JUDGE SAMBA: [10:02:05] Well, you've made references. Please.

5 MS MAKWAIA: [10:02:10]

6 Q. [10:02:11] Mr Witness -- apologies, your Honours.

7 Mr Witness, you have displayed before you a photograph with a number of
8 individuals. Can you tell the Court, please, if you are able to recognise any of these
9 individuals.

10 A. [10:02:53] Yes. I recognise some of these individuals.

11 Q. [10:03:01] Can you tell the Court, please, who do you recognise?

12 A. [10:03:14] The person in traditional dress is His Excellency Mr Djotodia. And
13 the, more or less opposite him, just behind, to his right, wearing camouflaged military
14 attire, is my torturer. And the person who is just about to shake his hand, in my
15 humble opinion, that must be Mr Tahir. I saw -- I saw him only once. I never saw
16 him again. So I can't be entirely sure about how he looks.

17 Q. [10:04:05] Starting with the last person you mentioned, Mr Tahir, can you put a
18 letter "A" on that person.

19 And can you put a letter "B" on the person you've referenced as your torturer.

20 And can you put a "C" on Mr Djotodia.

21 And, your Honours, can I have this tendered as an exhibit.

22 PRESIDING JUDGE SAMBA: [10:05:20] Madam Court Officer, can I have an ERN
23 number for that, please.

24 THE COURT OFFICER: [10:05:26] Yes, Madam President. Reference will be

25 CAR-REG-0002-0032.

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1 PRESIDING JUDGE SAMBA: [10:05:36] Thank you very much.

2 MS MAKWAIA: [10:05:41] Can I now please have displayed tab 22 -- at tab 22,
3 2033-7154, please.

4 Q. [10:06:22] Mr Witness, what have you got displayed before you?

5 A. [10:06:32] Well, on this image there is a house in colonial style which served as
6 the premises for the central OCRB.

7 MS MAKWAIA: [10:06:56] Thank you, Madam President. It can be removed.

8 Can we now have displayed tab -- at tab 30, 2033-7554, your Honours.

9 Q. [10:07:53] What is displayed before you now, Mr Witness?

10 A. [10:08:03] On the screen, you can see the underground cell. Now, back when
11 I was held in that cell, there was a floor which covered the entrance to the cell. Here
12 you can't see that floor. * It seems that the floor has been removed.

13 Q. [10:08:31] And --

14 THE INTERPRETER: [10:08:36] Interpreter adds: This could be translated as a
15 board which has been removed.

16 MS MAKWAIA: [10:08:44] Thank you, your Honours. I can have this also
17 removed.

18 Can I have displayed, at tab 23, 2033-7060, CAR-OTP-2033-7060, please.

19 Q. [10:09:18] Mr Witness, what do we see in this photograph?

20 A. [10:09:23] On that photo, I see the same cell, the one in which I was put, but this
21 time you have the floor above the entrance.

22 Q. [10:09:47] And where was this located in -- at the OCRB?

23 A. [10:10:02] The underground cell was located under the main OCRB building.

24 MS MAKWAIA: [10:10:13] Thank you, your Honours.

25 Can I have this removed.

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1 Can we have displayed, at tab 28, CAR-OTP-2033-7041, please.

2 Q. [10:10:58] Mr Witness, what is this photograph depicting?

3 A. [10:11:09] Now, on this photo we see the desk of my torturer.

4 Q. [10:11:22] Can you please draw a circle around this desk.

5 And how do you know it was his desk?

6 A. [10:11:58] I knew it was his desk because just beside his desk is our

7 underground cell.

8 Q. [10:12:15] Are you in a position to draw where the underground would be

9 located from this photograph, Witness?

10 A. [10:12:38] That underground cell is located -- is located more to the foreground

11 with respect to the desk. We don't see the foreground in this picture. All we see

12 is -- on this picture is, however, the desk and the opening of the desk. So the

13 entrance to the underground cell is to the fore. There is a trap door that -- over the

14 cell which consists of floorboards.

15 MS MAKWAIA: [10:13:29] Thank you, your Honours. I would like to tender this

16 as an exhibit.

17 PRESIDING JUDGE SAMBA: [10:13:46] Madam Court Officer, can we give it an

18 ERN, please.

19 THE INTERPRETER: [10:13:51] The interpreter corrects: The opening of the desk

20 should be the opening, that is to say, the window.

21 THE COURT OFFICER: [10:14:00] Yes, Madam President. CAR-REG-0002-0033.

22 MS MAKWAIA: [10:14:10] Can we now have displayed, at tab 27,

23 CAR-OTP-2033-7064, your Honours.

24 Q. [10:15:10] Mr Witness, what is depicted in the photograph before you at the

25 moment?

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1 A. [10:15:22] On this photograph we see one of the exterior cells of the OCRB
2 central.

3 Q. [10:15:40] Do you recognise anything else in this photograph, Witness?

4 A. [10:15:51] Yes. Adjacent to that, that is to say, to my right, looking at this
5 photograph, there is a sink.

6 Q. [10:16:07] Can you draw -- can you pinpoint to this sink, please.

7 A. [10:16:22] At the corner of that external cell, you see the sink.

8 Q. [10:16:30] Apologies, Witness. Can you put a mark on it so that it's clear what
9 it is you're talking about.

10 And how did you know there was a sink there, Mr Witness?

11 A. [10:17:03] Well, I knew that there was a sink there because when Mr Tahir
12 visited the OCRB, when he ordered that we be removed from our underground cell,
13 when we were in the courtyard before him, he ordered us to go and drink water and
14 to wash. And that's how I know that there's a sink there and that that is the sink.

15 MS MAKWAIA: [10:17:35] Thank you, your Honours. I would like to tender this
16 as an exhibit.

17 PRESIDING JUDGE SAMBA: [10:17:46] Madam Court Officer, can we have an ERN
18 number for that, please.

19 THE COURT OFFICER: [10:17:51] Yes, Madam President. CAR-REG-0002-0034.

20 PRESIDING JUDGE SAMBA: [10:18:05] Thank you.

21 MS MAKWAIA: [10:18:08]

22 Q. [10:18:10] Now, Mr Witness -- and I am about to conclude, your Honours.

23 Now, Mr Witness, I would like to direct your attention to a part of your testimony
24 yesterday - and for reference purposes, your Honours, that would be page 21,
25 line -- in English, line 12:28:15 - where, Mr Witness, you testified that you lost a

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1 considerable sum of money at the OCRB central. Do you recall that?

2 A. [10:18:48] Of course.

3 Q. [10:19:02] How did you lose this money?

4 A. [10:19:08] I was transferred from Ngouciment OCRB to central, the central OCRB.

5 * Having arrived at the central OCRB, having been registered, and when the elements
6 of the central OCRB were about to take us down to the underground cell, I was
7 wearing trousers. Under my trousers I had underwear on, and I put the money in my
8 underwear. I didn't have a bank account at the time as I didn't have an identity card
9 or a passport, and also, in the house where I lived, it wasn't very secure, * so that day,
10 I had to put the money in my underwear, in the pouch of my underwear. My -- and
11 I had it with me when we went -- or when I was picked up for the Ngouciment OCRB.
12 Then on the selfsame day that I was transferred to the central OCRB, before going
13 into the cell, that money was taken from me by one of the central OCRB elements.
14 As I had put the money in my underpants under my trousers, you could see there
15 was a bump there, they saw that, and they got me to pull down my trousers, and they
16 took my money from me.

17 Q. [10:21:11] Who among the Seleka leaders was present when this took place?

18 A. [10:21:29] Well, when that happened, my torturer was in his office.

19 PRESIDING JUDGE SAMBA: [10:21:35] Sorry, Mr Witness, a moment.

20 MR FRANÇOIS-JACQUEMIN: [10:21:38](Interpretation) I think that that question
21 was too leading.

22 PRESIDING JUDGE SAMBA: [10:21:52] Unfortunately, the witness has answered.

23 Maybe, Madam Prosecutor, you could have just asked who was present. But wasn't
24 that the Seleka base? But the question has been answered anyway.

25 Yes, Madam Prosecutor, I'll ask that you avoid leading questions. Carry on, please.

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1 MS MAKWAIA: [10:22:16]

2 Q. [10:22:18] Mr Witness, did you ever get your money back?

3 A. [10:22:27] No, I never recovered it.

4 Q. [10:22:32] Now, focusing your mind on the day of your release, who was
5 present when you were being released at the OCRB?

6 A. [10:22:51] When I was released from the central OCRB, my torturer was present,
7 as was the lieutenant who was the commander of the Ngouciment OCRB unit.

8 Q. [10:23:12] Thank you, Mr Witness.

9 Madam President, I have relied on three documents at tab 22, tab 33 and 23.

10 I believe -- and the Registry can confirm, perhaps. I believe they are part of the
11 eCourt. Therefore, I don't need to tender them. If not, I would then like to do so.

12 PRESIDING JUDGE SAMBA: [10:23:41] Tab -- can you give the tab numbers again.

13 MS MAKWAIA: [10:23:44] That is tab 22, CAR-OTP-2033-7154.

14 PRESIDING JUDGE SAMBA: [10:23:54] Tab 30 and 23, is it?

15 MS MAKWAIA: [10:23:56] Tab 22, tab 33 and tab 23.

16 PRESIDING JUDGE SAMBA: [10:24:35] I see that 30 and 33 are the same. But, you
17 know, while you were leading the witness just now, you referred to tab 30, as far as I
18 see it.

19 MS MAKWAIA: [10:24:49] That's correct, Madam President.

20 PRESIDING JUDGE SAMBA: [10:24:55] So it's 22, 30 and 23, Madam Court Officer.
21 Can you confirm, please.

22 THE COURT OFFICER: [10:25:51] Madam President, I'm checking -- I'm checking
23 the document we have used, and I have tab 22, tab 30 and tab 23 that have been used.
24 So I can confirm those have been indeed used with P-3056.

25 MS MAKWAIA: [10:26:16] The question is, are they part of the eCourt or not?

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1 THE COURT OFFICER: [10:26:30] I believe these items were disclosed by the Office
2 of the Prosecutor. It's in the list of material communicated to the parties and the
3 Chamber. It's, therefore, in the case record.

4 MS MAKWAIA: [10:26:43] Thank you.

5 THE COURT OFFICER: [10:26:45] So there's no action at this stage requested from
6 the -- required from the Registry, unless this is to be considered for formal submission
7 according to the conducted of proceedings.

8 MS MAKWAIA: [10:26:54] Thank you. I wish to tender them all as exhibits.

9 PRESIDING JUDGE SAMBA: [10:27:00] Well, it was my understanding that, you
10 know, the witness did not make any marks on those tabs that you just referred to, so
11 it's in the record, please, Madam Prosecutor.

12 MS MAKWAIA: [10:27:15] Thank you, Madam President. I was being given some
13 advice by my learned friend to my left. But with a brief closed session, Madam
14 President, I have one question in private session I would like to put to the witness,
15 and then I have concluded the examination-in-chief of the witness.

16 PRESIDING JUDGE SAMBA: [10:27:33] Can we go briefly into private session,
17 please, Madam Court Officer.

18 (Private session at 10.27 a.m.)

19 THE COURT OFFICER: [10:27:53] We're in private session, Madam President.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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12 (Redacted)

13 Q. [10:29:59] Thank you, Mr Witness.

14 Your Honours, that concludes the examination-in-chief of the witness.

15 PRESIDING JUDGE SAMBA: [10:30:09] Thank you very much, Madam Prosecutor.

16 You may be seated.

17 Ms Pellet, 20 minutes for questioning.

18 And, Mr Witness, if you want a break, please let us know. If not, we'll go on for

19 some -- okay. You want a break, Mr Witness?

20 THE WITNESS: [10:30:36](Interpretation) Yes, I would like a break, your Honour.

21 PRESIDING JUDGE SAMBA: [10:30:39] Okay.

22 Can -- Mr Court Clerk, can you help with the movement of the witness, please.

23 Can you pull the curtain.

24 (The witness exits the courtroom)

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE SAMBA: [10:35:07] Thank you very much, Mr Court Officer.

2 Ms Pellet, 20 minutes, please.

3 MS PELLET: [10:35:14](Interpretation) Thank you, your Honour. I think we're still

4 in private session, if I'm not wrong, and my questions could be asked in public

5 session.

6 PRESIDING JUDGE SAMBA: [10:35:31] Madam Court Officer, can you confirm

7 whether or not we are in private session. If we are, can we go to open session,

8 please.

9 THE COURT OFFICER: [10:35:41] We are in private session. We're going to go

10 into open session.

11 (Open session at 10.36 a.m.)

12 THE COURT OFFICER: [10:36:05] We are back to open session, your Honours.

13 PRESIDING JUDGE SAMBA: [10:36:07] Thank you very much.

14 Ms Pellet, please.

15 MS PELLET: [10:36:11](Interpretation) Thank you, your Honour.

16 In compliance with your decision on the conduct of proceedings, * my questions will

17 essentially focus on paragraph 9 of my request and the impact of events described by

18 the witness on his life and that of his family.

19 QUESTIONED BY MS PELLET:

20 Q. [10:36:36] Good morning, Witness. We know each other, but for the records,

21 we -- I'm the -- I'm your legal representative. You have been authorised to take part

22 in the proceedings on 27 May on the basis of a form that you filled on 17 March.

23 Witness, can you tell us, in what circumstances did we first meet?

24 A. [10:37:01] The circumstances of my first meeting with?

25 Q. [10:37:06] With me.

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1 A. [10:37:11] Yeah. Okay, fine. It was through Counsel Bekoy. I -- we had a
2 telephone contact, and I was asked by him to meet him in his office, and I went to
3 meet him on that day. And once I was in his office, he put me in touch with you.
4 And I think that we were -- we talked via video link.

5 Q. [10:37:49] What happened in this video link discussion.

6 A. [10:37:59] Now, during this video-link discussion, you asked me questions with
7 respect to the problems that I encountered, that I suffered, the violence I suffered at
8 the hands of my torturer, and you also asked questions with regard to my household
9 and the state of mind in which I was.

10 Q. [10:38:28] At the end of the meeting, did Counsel Bekoy ask you to do
11 something?

12 A. [10:38:38] * At the end of the meeting, Counsel Bekoy asked me to sign certain
13 documents, and he also told me to keep what we were doing very secret.

14 Q. [10:39:01] Thank you so much, Witness.

15 Witness, I've specified this to the Presiding Judge at the beginning of my opening
16 remarks. I only would have a few questions on the impact that the events had
17 during your life and the impacts these events had on your family.

18 Now, in your testimony yesterday morning, you said that the conditions of detention
19 of OGRB Ngouciment was the cause. And I'm quoting transcript 20, page 20, line 6.
20 And I'm quoting: "I had many psychological problems."

21 And yesterday afternoon, you also explained, and I'm quoting again transcript 20,
22 page 41: "I did not have any injuries, but I have scars. And I have these scars -- I
23 bear these scars, and these scars have actually not healed from a psychological
24 standpoint."

25 Do you remember that?

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1 A. [10:40:12] Yes.

2 Q. [10:40:13] Now, did you receive any kind of psychological care once you were
3 released from the OCRB?

4 A. [10:40:22] Now, after I was freed from the OCRB --

5 PRESIDING JUDGE SAMBA: [10:40:24] Sorry, Mr Witness.

6 Now, you're moving too fast, Ms Pellet. Please respect the five seconds rule so that
7 you can help the interpreters.

8 MS PELLET: [10:40:37](Interpretation) Thank you, your Honour.

9 PRESIDING JUDGE SAMBA: [10:40:39] Carry on, Mr Witness.

10 THE WITNESS: [10:40:46](Interpretation) After I was freed from the main OCRB, I
11 did not receive any psychological treatment. I just dwelled on my problems.

12 MS PELLET: [10:41:03](Interpretation)

13 Q. [10:41:04] * You also said yesterday that you were revisiting the scenes of what
14 happened to you on the day Mr. Said beat you. Now, how do these thoughts appear?
15 When do these thoughts appear in your mind?

16 A. [10:41:25] Very often when I am asleep at night, in my dreams I see this. It
17 comes back to me in my dreams. * I can see people in military attire hunting me
18 down with either bladed weapons or firearms virtually daily.

19 Q. [10:41:59] When these thoughts appear to your mind, how do you feel?

20 A. [10:42:05] When these thoughts spring to my mind, I feel terrible because these
21 images have a direct link with what I experienced during my arrest. And these
22 images are kind of enshrined in my subconscious.

23 Q. [10:42:28] Thank you, Witness.

24 Did -- could you go back to leading a normal life after you were released from the
25 OCRB?

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1 A. [10:42:41] I did go back to my life with a lot of problems. I had psychological
2 problems, as I was speaking to you earlier, and I also bore this sentiment of being
3 humiliated, because the entire neighbourhood knew that I was arrested and they
4 made fun of me. This underground cell where I was put was actually a transit place
5 for criminals who have actually committed blood crimes who were being -- who were
6 waiting to be executed, who were on death row.

7 Q. [10:43:26] Witness, you said that -- my colleague from the Prosecution asked you
8 questions about the sum of money that was confiscated from you when you arrived at
9 the OCRB. What were the consequences for you and your family when you lost this
10 amount?

11 A. [10:43:49] * I had a lot of problems with my elder sister and my brother because
12 they did not know that the money was confiscated from me, and they said I was a
13 thief. And they thought I was trying to do my best to hide that money so that I can
14 keep it for myself.

15 Q. [10:44:16] * In a general way, what consequences did the events you described in
16 your testimony have on you? What impact do they have on you and your family?

17 A. [10:44:39] The consequences had repercussions on my life, and there are so
18 many of them. Sometimes my mother thinks of what I went through, and she breaks
19 down; she cries. * And even the steps I was taking with the local ICC office in my
20 country, I didn't want to tell my mother about it.

21 Q. [10:45:10] Now, Witness, this is going to be my last question. What do you
22 expect from this trial?

23 A. [10:45:21] What am I expecting from this trial? I am expecting justice to be
24 served. I want my torturer behind bars. And I also want reparations.

25 Q. [10:45:47] Thank you, Witness.

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1 Thank you, your Honour. I have no further questions for the witness.

2 PRESIDING JUDGE SAMBA: [10:45:55] Thank you very much, Ms Naouri -- I'm
3 sorry, Ms Pellet.

4 Ms Naouri, cross-examination, please. We have some 15 minutes. So if you want
5 to start, that's fine.

6 MS NAOURI: [10:46:10](Interpretation) Thank you, your Honour.

7 The cross-examination will be carried out by Counsel François-Jacquemin for this
8 witness, and I whispered that he can start.

9 PRESIDING JUDGE SAMBA: [10:46:26] Thank you very much.

10 Counsel, your witness, please.

11 MR FRANÇOIS-JACQUEMIN: [10:46:33](Interpretation) Thank you, your Honour.

12 QUESTIONED BY MR FRANÇOIS-JACQUEMIN: (Interpretation)

13 Q. [10:46:40] Good morning, Witness. I'm François-Jacquemin --

14 THE INTERPRETER: [10:46:42] I'm sorry, counsel is inaudible, your Honour. He
15 has to speak into a mic. I'm sorry.

16 PRESIDING JUDGE SAMBA: [10:46:52] Yes, please speak into the mic.

17 MR FRANÇOIS-JACQUEMIN: [10:46:59](Interpretation) It's going to take a few
18 moments to make the necessary arrangements so that I can actually speak into the mic
19 for everyone to listen to.

20 Q. [10:47:25] Do you remember that we met?

21 A. [10:47:26] Yes, I do remember.

22 Q. [10:47:28] What was the occasion, Witness?

23 A. [10:47:31] I think it was during the -- it was during when I was get acquainted
24 with the hearings.

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1 Q. [10:47:41] Indeed, just like other counsels, I'm going to ask you questions.

2 We're talking the same language, but we need to continue speaking slowly. And

3 there are interpreters translating, and there are also people who are listening.

4 Now, to start, I would like to be in private session, your Honour.

5 PRESIDING JUDGE SAMBA: [10:48:01] Yes.

6 Madam Court Officer, can we go into private session, please.

7 Mr Jacquemin, when you want for us to go to public session, please say so so that we

8 can have some of the testimonies in cross-examination in public session. Thank you.

9 (Private session at 10.48 a.m.)

10 THE COURT OFFICER: [10:48:34] We are in private session, your Honours.

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13 Q. [11:41:33] Thank you, Witness.

14 Now, I have a few questions regarding Levy Yakete. I would refer to the

15 transcript -- and I refer to the transcript of the hearing of 12 October, T-20, in French.

16 And at the time you were talking about the arrival of the Seleka in Bangui and you

17 said the following: "Upon their arrival in the city of Bangui, they were confronted by

18 young volunteers. We couldn't say military men or militia. No. They were young

19 people who were feeling patriotic and who had been provided with bladed weapons

20 by Levy Yakete, who has since passed way." That is the quotation from Transcript

21 20, French, page 11, lines 5 to 9.

22 Witness, could you tell us, did you know Levy Yakete personally?

23 A. [11:42:53] I didn't have a particular link with him.

24 Q. [11:42:57] Did you ever meet him?

25 A. [11:42:59] No, not even that.

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7 Q. [11:44:07] How did you know that the young volunteers had received bladed
8 weapons from Levy Yakete?

9 A. [11:44:18] (Redacted), and there
10 were these young volunteers throughout the city, more or less. If I had wanted to
11 become a volunteer, I could have become one. In my own neighbourhood, there
12 were volunteers. There was no secret about it. I saw it myself.

13 Q. [11:44:46] And did you know any of the young volunteers yourself?

14 A. [11:44:53] No, I didn't know them as such because I didn't want to get involved
15 in that kind of business.

16 Q. [11:45:10] I'm going to read another passage from yesterday's transcript. So it's
17 still T-20, French, page 12, lines 19 to 22. So I'm going to read this passage to you
18 now, Witness: "Meetings were take -- took place in public with that figure, and
19 volunteers who wanted to fight were backed by Levy Yakete to fight or become
20 involved in the battle against the Seleka."

21 Now, my question, Witness, is: Did you attend any of these public meetings?

22 A. [11:45:59] No, I didn't attend any of those public meetings or that meeting. As I
23 said to you before, I didn't want to get involved with that kind of thing.

24 Q. [11:46:12] How did you become aware that such meetings were being held?

25 A. [11:46:27] Well, in my country, given the series of crises that we have gone

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1 through, information is passed from person to person rapidly. Even somebody who is
2 in the back of beyond and somewhere hidden away in Bangui would learn of what
3 was going on.

4 Q. [11:46:57] Okay. Thank you, Witness.

5 I'm now going to put one more question to you, but I'll do it in private session. And

6 (Redacted)

7 (Redacted)

8 (Redacted)

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25 Q. [11:49:15] Do you recall what you were wearing, Witness?

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1 A. [11:49:28] I was wearing jeans and a short-sleeved T-shirt.

2 Q. [11:49:46] Were you wearing underwear?

3 A. [11:49:51] Underwear, no. I was wearing underpants under my jeans.

4 Q. [11:50:12] When you say underpants, what do you mean, Witness? Are you
5 talking boxer shorts or shorts?

6 A. [11:50:20] It wasn't underpants, nor was it boxer shorts. I'm actually talking
7 about longer underpants that would go down to the knee. In fact, under the knee.

8 Q. [11:50:34] And what was the weather forecast for that day?

9 A. [11:50:39] Wow! No idea what the weather forecast was for that day. Not now.

10 Q. [11:50:48] Do you recall if it was raining? It was 18 August, after all.

11 A. [11:50:56] Yes, it was raining.

12 MR FRANÇOIS-JACQUEMIN: [11:51:05](Interpretation) Your Honours, we can go
13 back into public session now.

14 PRESIDING JUDGE SAMBA: [11:51:09] Thank you.

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

16 (Open session at 11.51 a.m.)

17 THE COURT OFFICER: [11:51:19] We are back to open session, your Honours.

18 PRESIDING JUDGE SAMBA: [11:51:25] Thank you very much.

19 Counsel, continue, please.

20 MR FRANÇOIS-JACQUEMIN: [11:51:31](Interpretation) Thank you, your Honour.

21 Q. [11:51:37] Witness, I would remind you that we're back in open session now.

22 I would ask you to be careful. I would ask you not to name names now or to reveal
23 identifying information. But, if that is to come up, I would ask you not to say
24 anything that you shouldn't but, rather, to let us know, and then we will move into
25 private session. Do you understand?

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1 A. [11:52:02] Yes.

2 Q. [11:52:06] I'd like to go back to the transcript of yesterday, so still T-20, French
3 version, page 18, lines 24 to 28. And I'm going to quote what you said yesterday.

4 "The person who put me in the car, as well as the three people who were with me,
5 were -- there was a Seleka lieutenant who took us in that car to the Ngouciment
6 OCRB."

7 Now, Witness, you said that to us when you were talking about your arrest, and my
8 question is the following: That lieutenant who arrested you, do you recall how he
9 was dressed?

10 A. [11:53:00] Yes.

11 Q. [11:53:11] How was he dressed, Witness?

12 A. [11:53:13] He was in civilian clothing.

13 Q. [11:53:17] Could you be more specific?

14 A. [11:53:21] Well, he wasn't wearing military clothes.

15 Q. [11:53:35] I'm going to read from your -- the statement which you made earlier
16 to the Office of the Prosecutor, to the investigators of the Office of the Prosecutor.
17 It's CAR-OTP-2130-6639, and the page is 6644, and I'm at paragraph 26.

18 "The head of that unit was a lieutenant. On the day I was arrested, he was wearing
19 civilian clothing. He was wearing a polo shirt and a cap, a baseball cap."

20 Do you recall that, Witness?

21 A. [11:54:23] Yes.

22 Q. [11:54:26] Thank you. Now, during the arrest, how many Seleka vehicles were
23 present, to your mind?

24 A. [11:54:36] One Seleka vehicle was present.

25 Q. [11:54:47] And who was driving that vehicle when you left the funeral?

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1 A. [11:54:53] That selfsame lieutenant.

2 Q. [11:55:07] So, Witness, I'm now going to pick up what you said to -- said today

3 from the witness box. I'm still on the French transcript, so transcript 20, page 19,

4 lines 4 to 7, and I quote: "Having arrived at the Ngouciment OCRB, the commander

5 of that unit, that is to say the same lieutenant, carried out a search. And in searching

6 me, my telephone was stolen." End of quotation.

7 Now, my question is: At what point of time after your arrival were you searched,

8 Witness?

9 A. [11:56:04] Just after we arrived at the Ngouciment OCRB, that's when we were

10 searched. Just a few minutes after our arrival there.

11 Q. [11:56:17] You said "we". Now, who was with you and who was searched with

12 you?

13 We're in public session. So please don't give the names. I'm going to interrupt you

14 there. Actually, I would ask you not to give the names of the individuals when you

15 answer me.

16 A. [11:56:37] I was searched, together with the three others who were with me at

17 the funeral.

18 Q. [11:56:46] Do -- those individuals, were they present when you were searched?

19 A. [11:56:53] No. We were searched by the Seleka elements of that unit, that is to

20 say, of the Ngouciment OCRB.

21 Q. [11:57:09] And where did this search take place, Witness?

22 A. [11:57:15] It was close to the entry to the commander of that unit, that is to say,

23 the lieutenant. It was near the entrance to his office that we were searched.

24 Q. [11:57:33] Do you mean in a corridor?

25 A. [11:57:36] Yes, in a corridor.

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(Open Session)

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WITNESS: CAR-OTP-P-3056

1 Q. [11:57:41] Where were the other people arrested with you during that search?

2 A. [11:57:48] They were together with me.

3 Q. [11:57:55] Were you present when the persons who were arrested with you were
4 searched?

5 A. [11:58:04] No, because we were searched individually. And once the search
6 had been conducted, you were put back in the cell directly.

7 Q. [11:58:26] And from the cell, could you see the other people arrested with you
8 being searched?

9 A. [11:58:35] From the cell? I don't think so.

10 Q. [11:58:47] Could you describe how the search was conducted, the search that
11 you were subjected to upon arrival at the Ngouciment OCRB?

12 A. [11:59:00] Well, the search consisted of us being identified by means of our
13 identity documents, passport or what have you, and our telephones. They took our
14 telephones, and they also would take whatever was in your pocket. They kept the
15 telephones.

16 Q. [11:59:33] They said whatever they found -- you said whatever they found in
17 your pockets. My question is now, did they search your pockets?

18 A. [11:59:43] Well, I had my telephone in my pocket. I had my telephone in my
19 pocket. I didn't have it in my hand.

20 Q. [12:00:00] Could you describe what the person who searched you did to your
21 body. Of course, I'm referring to Ngouciment.

22 A. [12:00:15] As I said, the steps they carried out consisted of identifying us by
23 means of our identity documents or passport. When we arrived there, I was asked if
24 I had an identity document on me, and I said no. They said, "Okay, tell us your
25 name, your surname and your first name."

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WITNESS: CAR-OTP-P-3056

1 There was an officer there who took notes. And then afterwards, they asked, "What
2 do you have in your pockets?" And I said, "My telephone." They asked me to
3 provide my telephone. I gave it to him, and it was not returned to me.

4 Q. [12:01:05] I'm going to ask you a question. When we come to the police station,
5 did they ask you the question: "Do you have any dangerous objects on you"?

6 A. [12:01:23] I did not have any objects that could hurt anyone at all. I only had
7 this telephone in my pocket, and I think that was it.

8 Q. [12:01:39] Before putting in the holding cell, did the police officers or the Seleka
9 ensure that you had no dangerous objects that could be harmful to you or others?

10 A. [12:01:53] Yes, of course.

11 Q. [12:02:00] How?

12 A. [12:02:02] They had the time to search me, search my pockets. That means that
13 they were convinced that I had nothing dangerous on me except my telephone, which
14 was taken by them. And they said that, in the morning, the telephone would be
15 given back to me. But, unfortunately, on the following day, the phone remained
16 with them.

17 Q. [12:02:41] Thank you, Witness.

18 We're going to now change place again referring to transcript -- yesterday's transcript,
19 T-20, in French, page 25, line 20 to 23. You said the following thing: "We were
20 taken to the back of the pickup. My torturer was driving to the OCRB central. So it
21 was on his vehicle."

22 Who is "us", Witness?

23 A. [12:03:30] I'm saying "us" because I was with the three cousins with whom we
24 were arrested at the funeral site.

25 Q. [12:03:46] Thank you, Witness.

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(Open Session)

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WITNESS: CAR-OTP-P-3056

1 Before asking my next question, please be reminded that we are in open session.

2 You said cousins, cousins is fine, but you could say my inmates or the people who

3 were arrested with me. You could say something like that to avoid any kind of

4 identification. Is that clear for you, Witness?

5 A. [12:04:15] Yes. Thank you.

6 Q. [12:04:18] You're welcome.

7 Now, what was the name of the person who was driving the vehicle?

8 A. [12:04:31] Can I say the name?

9 Q. [12:04:32] Yes, you can say the name.

10 A. [12:04:34] The name of the person who was driving the vehicle was Mahamat

11 Said Kani.

12 Q. [12:04:51] Was he with someone?

13 A. [12:04:52] No. He was all by himself.

14 Q. [12:05:01] Were there other vehicles?

15 A. [12:05:04] There were no other vehicles.

16 Q. [12:05:14] So if I've understood you well, Mahamat Said was alone. He took all

17 the four of you in his vehicle?

18 A. [12:05:25] Yes, behind his pickup vehicle. It was -- it was a pickup vehicle.

19 Q. [12:05:44] Thank you so much, Witness.

20 I have good news. We've got -- now we are reaching the main OCRB. I'm going to

21 read out an extract of what was said yesterday.

22 So I'm going to actually read the transcript of what was said this morning, excuse me.

23 It was the French transcript, T-21. I'm going to start, excuse me, by -- with -- at page

24 19, line 28, and I'm going to go until page 20, line 12, I think. So I'm just going to

25 read out what was said:

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WITNESS: CAR-OTP-P-3056

1 So you're at the main OCRB or the OCRB central. "As I was wearing a trousers,
2 below my trousers, I had this underwear. I put the money there because I did not
3 have a bank account, and I did not have ID or a passport on me. So in the house
4 where I was living, it was not safe. So, on this day, I put the money in my -- in the
5 pockets of my underwear and I went to the funeral site. From the funeral site, we
6 were arrested and taken to the OCRB Ngouciment and then transferred to the main
7 OCRB. Now, on the day of the transfer, it's before I entered the holding cell that the
8 money was taken away from me, one of the elements of the OCRB central. Since I
9 put the money in my *culotte*, there was a kind of hump." End of quote.

10 Do you bear this out?

11 A. [12:08:19] Yes, I do.

12 Q. [12:08:23] A search took place when you reached the main OCRB site. Can you
13 describe how this search was conducted.

14 A. [12:08:40] The search at the main OCRB was pretty much like what happened at
15 the Ngouciment site but with a difference, because I said that I was wearing jeans on
16 that day, but the jeans was -- the jeans was taken away. So I was actually in
17 those -- in my underwear.

18 Q. [12:09:04] How much money did you have with you?

19 A. [12:09:12] It was 15 million CFA francs.

20 Q. [12:09:20] T-21, page 40, line 17 to 20, in French, I'm just going to read out what
21 you said. So you said this was the amount -- the Prosecution said -- no, I'm asking
22 you what -- (Redacted)

23 (Redacted)

24 My question is as follows: The 15 million that you say that you had on you when
25 you arrived at the main OCRB, (Redacted)?

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(Open Session)

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WITNESS: CAR-OTP-P-3056

1 A. [12:10:07] Yes, indeed.

2 Q. [12:10:15] Can you tell us when the sale took place.

3 A. [12:10:21] As I said earlier, (Redacted), but I do not clearly

4 remember the exact date.

5 Q. [12:10:38] 15 million francs is -- I mean, what value does this amount have in
6 your country?

7 A. [12:10:47] This is a rather substantial sum in the Central African Republic.

8 Q. [12:10:56] Do you remember how much you were earning by -- per month or
9 per year?

10 A. [12:11:05] At that point of time, I was not a civil servant. I was working for
11 myself. And I (Redacted), and this is
12 how I would earn a livelihood.

13 Q. [12:11:30] So you said that you were unemployed. So what were your -- what
14 was your monthly earning?

15 A. [12:11:40] We cannot estimate my earnings in terms of per month, on a monthly
16 basis, because sometimes in a month (Redacted)

17 I would actually just stay at home without doing anything. So my -- it's what -- my
18 livelihood (Redacted). It's really impossible for
19 me to give you a figure.

20 Q. [12:12:24] How much (Redacted)?

21 A. [12:12:35] You see, if there are many problems, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Open Session)

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WITNESS: CAR-OTP-P-3056

1 Q. [12:13:24] (Redacted) would you need to make

2 15 million?

3 A. [12:13:31] Well, you have to calculate.

4 Q. [12:13:34] We will do it later.

5 PRESIDING JUDGE SAMBA: [12:13:38] Sorry.

6 Yes, counsel.

7 MS MAKWAIA: [12:13:39] Perhaps these questions can be asked in a private session,

8 Madam President.

9 PRESIDING JUDGE SAMBA: [12:13:48] Why?

10 MS MAKWAIA: [12:13:51] Because they're describing his -- the nature of his work.

11 I think he's already given what kind of work he does, and I don't know where they're

12 going. So as a matter of caution, of course, but I'm in your hands.

13 PRESIDING JUDGE SAMBA: [12:14:10] Counsel for the Defence knows

14 when -- because he himself has cautioned the witness quite a bit on the need to come

15 to private session if there is any need. I mean, if it were for the witness's job that he

16 did, we've already had that evidence. So I don't know why at this stage we should

17 go to private session.

18 Please, Counsel, continue with your cross-examination, please.

19 MR FRANÇOIS-JACQUEMIN: [12:14:44](Interpretation) Thank you, your Honour,

20 for comforting the Court, if there's any concern, I would have actually finished the

21 questioning on the salary.

22 Q. [12:14:58] I would like to come back to the amount of 15 million francs that you

23 had when you came to the main OCRB site. Now, what was the denomination of the

24 banknotes?

25 A. [12:15:20] It was 10 million franc -- 10,000 franc notes.

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WITNESS: CAR-OTP-P-3056

1 Q. [12:15:29] How were the -- how were these denominations kept?

2 A. [12:15:37] They were stacked. The banknotes of 10,000 francs were stacked one
3 above the other.

4 Q. [12:15:54] Was -- were these put in some kind of envelope?

5 A. [12:16:02] What do you mean by an envelope?

6 Q. [12:16:05] Were they packed or something?

7 A. [12:16:07] Yes, there was -- there was a packing. These were put in a
8 khaki-coloured envelope.

9 Q. [12:16:16] What was the size of this envelope?

10 A. [12:16:22] This could have been an A4 sized envelope. They were the larger
11 ones.

12 Q. [12:16:33] A4, do you confirm that's the standard A4 size paper we use, or for
13 you, is it another format?

14 A. [12:16:46] I don't know what is your standard size because I have no idea what it
15 is.

16 Q. [12:16:56] I will show you what an A4 size paper is and you can confirm it. So
17 this is this format. Do you actually think this is the size? I will actually ask you to
18 answer -- so, again, for records, I've actually shown a A4 size paper, and I'm asking
19 the witness to confirm or not.

20 Can you confirm, Mr --

21 A. [12:17:26] This is the format that -- this corresponds to the format I am referring
22 to.

23 Q. [12:17:34] Was there another packing?

24 A. [12:17:39] Yes. I put the whole thing in a bag.

25 Q. [12:17:49] What type of bag? What was it made of?

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(Open Session)

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WITNESS: CAR-OTP-P-3056

1 A. [12:17:54] It's a plastic bag.

2 Q. [12:18:03] According to you, what was the thickness of a stash of 10,000 franc
3 notes? According to you, what was the thickness?

4 A. [12:18:20] The thickness does not mean anything. If the banknotes are new, it's
5 small. It's not very thick.

6 Q. [12:18:35] Could you show -- give us an estimation, a visual estimation using
7 your hands.

8 A. [12:18:49] Something around that. If these are notes, 10,000 franc CFA notes, if
9 these are new banknotes, it would be that thick.

10 Q. [12:19:02] Can you estimate the number of centimetres of the visual display you
11 just showed us.

12 A. [12:19:16] 3 to 4 centimetres, approximately.

13 Q. [12:19:24] Yes, it does correspond to what you showed visually.

14 What was the weight of this stack of banknotes?

15 A. [12:19:53] No idea.

16 (Counsel confers)

17 MR FRANÇOIS-JACQUEMIN: [12:20:11](Interpretation)

18 Q. [12:20:14] I'm sorry. I did some research to know the thickness of a stack of
19 10,000 CFA francs, and according to what I found - I'm not an expert - a banknote
20 would be about 0.12 millimetres.

21 MS MAKWAIA: [12:20:38] Objection, Madam President.

22 PRESIDING JUDGE SAMBA: [12:20:41] I mean, allow him to put the question to the
23 witness. He will answer.

24 MS MAKWAIA: [12:20:45] Okay.

25 PRESIDING JUDGE SAMBA: [12:20:47] Let's listen to him.

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1 Yes, Counsel. You may want to put the question after your -- whatever you are
2 trying to say to the witness for him to agree or disagree to what you are saying in
3 respect of the size of the 15 million CFA franc, please. Thank you very much.

4 MR FRANÇOIS-JACQUEMIN: [12:21:11](Interpretation) Thank you, your Honour.

5 Q. [12:21:13] According to my research, Witness, a note would be about 0.12 to
6 0.18 millimetres if it's freshly come out of the mint -- depending on whether it's
7 freshly come out of the mint or if it's been in circulation. I've actually estimated 0.15
8 millimetres. Now, when I multiply 0.15 millimetres by the number of 10,000 franc
9 notes needed to make it 15 million -- so it's 1,500 notes. So I come to an estimation of
10 22.5 millimetres.

11 So what do you think about this calculation I just said?

12 A. [12:22:03] You said 22 point how many?

13 Q. [12:22:06] It's 22.5 millimetres.

14 A. [12:22:12] It does not correspond to what I had on me.

15 THE INTERPRETER: [12:22:16] Sorry, it's 22.5 centimetres.

16 MR FRANÇOIS-JACQUEMIN: [12:22:20](Interpretation)

17 Q. [12:22:21] You said in the passage that there was a hump on you.

18 A. [12:22:28] Yes, I do.

19 Q. [12:22:32] Moreover, during your trip, this money in an envelope, which was in
20 a plastic bag. Now, was it -- I have two questions. First of all, was it making any
21 noise and, secondly, was it disturbing you?

22 A. [12:22:49] No, it was not a bag. It was a small plastic pouch. So I wasn't
23 uncomfortable, and it wasn't making any noise when I was travelling.

24 Q. [12:23:14] Why did you actually have such a huge amount on you rather than
25 putting it in a bank?

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1 A. [12:23:20] I'm going to go back to what I said. I do not have -- I did not have an
2 I card or a passport. And since I was in (Redacted), there was a climate of
3 insecurity. So since on that -- I came from the -- I was coming from the funeral site, I
4 thought it would be better if I kept the money with me.

5 Q. [12:23:54] When -- (Redacted), every time you left the
6 house, you kept this money on you?

7 A. [12:24:04] Yes. I had this on me, and I had hidden the money in -- in a spot in
8 the house where no one could find it, but I would not travel with this amount. But
9 since I would never spend a night out, and it was the first time I did, and this is why I
10 took the precaution of taking the money with me and having it on me.

11 Q. [12:24:34] Usually, when you would leave your home during daytime, would
12 you leave the money behind or would you take it with you?

13 A. [12:24:45] I would leave the money behind back in my home because, with
14 regards to how the layout of my house, I would close the door and I would leave the
15 money hidden in a spot inside my house. And it would be impossible to actually lay
16 your hand -- for anyone to lay their hands on that amount, on that money.

17 Q. [12:25:19] You said that you don't have a bank account and you did not have ID.

18 A. [12:25:24] Yes, that's it.

19 Q. [12:25:31] Ever since when did you not have ID, Witness?

20 A. [12:25:39] Ever since I got back from (Redacted) in 2011. I got an I card made
21 that I misplaced. From 2011, I misplaced it, and subsequently, I did not have I card
22 on me, neither passport.

23 Q. [12:26:12] So just after you returned from (Redacted), right?

24 A. [12:26:16] Yes, it's just after I returned from (Redacted).

25 MR FRANÇOIS-JACQUEMIN: [12:26:22](Interpretation) I have a question in private

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1 session, your Honour.

2 PRESIDING JUDGE SAMBA: [12:26:37] Madam Court Officer, can we go into

3 private session for a bit, please.

4 (Private session at 12.26 p.m.)

5 THE COURT OFFICER: [12:26:50] We're in private session, Madam President.

6 PRESIDING JUDGE SAMBA: [12:26:52] Thank you very much.

7 Counsel, continue, please.

8 MR FRANÇOIS-JACQUEMIN: [12:26:57](Interpretation) Thank you, your Honour.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:28:24] Thank you so much, Witness.

18 Your Honour, I do not need to be in private session. We can move on to open

19 session.

20 PRESIDING JUDGE SAMBA: [12:28:31] Thank you.

21 Can we go back to open session, please, Madam Court Officer.

22 (Open session at 12.28 p.m.)

23 THE COURT OFFICER: [12:28:40] We are back to open session, your Honours.

24 PRESIDING JUDGE SAMBA: [12:28:52] Thank you very much.

25 Counsel, continue, please.

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(Open Session)

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WITNESS: CAR-OTP-P-3056

1 MR FRANÇOIS-JACQUEMIN: [12:28:59](Interpretation) Thank you, your Honour.

2 Q. [12:29:05] I'm now coming back to the main OCRB site. You and your
3 co-detainees, did you suffer blows at the main OCRB site?

4 A. [12:29:32] Myself and my inmates, we did not -- we were -- we did not subject a
5 degrading treatment.

6 What did you say? Did you say the main OCRB or the Ngouciment OCRB?

7 Q. [12:29:57] I'm going to actually reword my question.

8 My question is as follows, Witness: I'm at the main OCRB site. We spoke about it.

9 You said that they found an amount of money on you and that was confiscated.

10 Now, at this main OCRB site, you and your inmates, were you subjected to any
11 beating?

12 A. [12:30:25] When I said that we had not received any degrading treatment except
13 on Thursday, 22 August 2013, it's when the prosecutor gave the order to take us to his
14 office -- to bring us to his office, it's that time -- it's at that point of time. Allow me to
15 say, one of my inmates was slapped by my torturer.

16 Q. [12:31:18] So still at the central OCRB. Did you have any contact with the
17 outside world?

18 A. [12:31:31] Yes, I had contact with the outside.

19 (Counsel confers)

20 MR FRANÇOIS-JACQUEMIN: [12:31:44](Interpretation) I think that we can
21 continue with these questions in open session.

22 Q. [12:31:48] But, Witness, I would repeat, we always have the opposite to move to
23 private session if you feel that is necessary.

24 How did you have contact with the outside?

25 A. [12:31:59] I would like us to move into private session.

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1 PRESIDING JUDGE SAMBA: [12:32:03] Thank you very much.

2 Madam Court Officer, can we go into private session, please.

3 (Private session at 12.32 p.m.)

4 THE COURT OFFICER: [12:32:15] We are in private session, Madam President.

5 PRESIDING JUDGE SAMBA: [12:32:20] Thank you very much.

6 Mr Witness, we are now in private session.

7 Counsel, please put the question.

8 Or, rather, Mr Witness, can you give your answer to the question.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 another relative directly. And they rang me often to find out under what conditions

16 I was being detained and the state of my health.

17 THE INTERPRETER: [12:33:47] Note from the interpreter: It was one of the jailers

18 who provided the phone. It was one of the jailers who was Peuhl.

19 MR FRANÇOIS-JACQUEMIN: [12:33:57](Interpretation)

20 Q. [12:33:57] Witness, you have provided us with some information identifying

21 members of your family who would call you by telephone. Now, I'm going to put

22 questions but not in relation to those members of your family, but regarding the

23 Peuhl jailers. And I think that I can put these questions regarding the Peuhl jailers in

24 open court. I don't think that the Peuhl jailers are a sensitive matter that require us

25 to be in private session.

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(Private Session)

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1 Your Honour, I suggest we move into open session, if you wish. If not, we may
2 continue, of course, in private session.

3 PRESIDING JUDGE SAMBA: [12:34:42] I suggest we continue a bit in private
4 session because of the names you may want to elicit from this witness. Thank you.

5 MR FRANÇOIS-JACQUEMIN: [12:34:56](Interpretation) Thank you, your Honour.

6 Q. [12:34:59] So, if I understand correctly, could you tell us more about those who
7 you refer to as the jailers who gave you his phone. Who were they?

8 A. [12:35:16] It was one of my torturer's elements. He worked in the central
9 OCRB. We had a number of jailers. But the person who gave the phone to me so
10 that I could communicate with my relatives was this Peuhl whose name I don't know.

11 Q. [12:35:45] Do you remember the name of that person?

12 A. [12:35:50] No idea.

13 MR FRANÇOIS-JACQUEMIN: [12:35:58](Interpretation) Your Honour, I think that,
14 as far as I'm concerned, we can move back into open session.

15 PRESIDING JUDGE SAMBA: [12:36:06] Madam Court Officer, can we go back into
16 open session, please.

17 (Open session at 12.36 p.m.)

18 THE COURT OFFICER: [12:36:13] We are back to open session, your Honours.

19 PRESIDING JUDGE SAMBA: [12:36:25] Thank you very much.

20 Counsel, continue, please.

21 MR FRANÇOIS-JACQUEMIN: [12:36:29](Interpretation) Thank you, your Honour.

22 Q. [12:36:38] Now, Witness, I'm going to read transcript T-20 to you, in other words,
23 what was said yesterday in French. So T-20, French, page 30, lines 9 to 12.

24 So let me read that to you: "I couldn't leave the central OCRB the day that I was
25 transferred there because our torturer, my torturer had given the strict instruction

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1 that we be kept isolated from the outside for a period of seven days." End of
2 quotation.

3 Witness, was that order complied with?

4 A. [12:37:35] No, it was not complied with, because one of the jailers who was
5 under my torturer did not comply with the rule. He provided a telephone to me so
6 that I could contact my relatives.

7 And, secondly, when a general visited - and I won't mention his name now - he too
8 ordered that we be removed from our cells so that we could drink water and wash.
9 He too did not comply with that instruction. Now, I don't know the hierarchical
10 relationship that there was between him and my torturer.

11 And, thirdly, the aide-de-camp of the president who had -- who was a blood relation
12 of my brother-in-law had promised to intervene with the OCRB, possibly by force, in
13 order to release me. Now, thankfully it didn't happen. My brother-in-law thought
14 that that was too risky. He thought that an operation like that could have failed and
15 could have exposed me to danger and my co-detainees also.

16 Q. [12:39:35] Thank you, Witness.

17 Do you recall having a preliminary discussion prior to appearing before this Court?

18 A. [12:39:51] Yes.

19 Q. [12:39:53] Do you recall that photographs were shown to you?

20 A. [12:39:58] Yes, of course.

21 Q. [12:40:02] I'd like to show you some of the photographs which were shown to
22 you. And at tab 41, I would like the following evidence to be shown,
23 CAR-OTP-2033-7305.

24 Witness, please tell me when you can see that photograph.

25 A. [12:40:40] Yes, I can see it.

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(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-3056

1 Q. [12:40:44] And what is it that you can see? What do you see?

2 A. [12:40:49] I see the office of my torturer. And the door that opens, opens into a
3 corridor. And I think that at -- that further along that corridor, to the right, you have
4 the underground cell which is covered by flooring.

5 Q. [12:41:27] Thank you, Witness.

6 I'd like to show you tab 46 now, and this is evidence numbered -- I'll give you the
7 number in a moment.

8 But, Witness, when you see this photograph, Witness, tell me what you see on it,
9 tab 46.

10 A. [12:41:56] This is the same office of my torturer but taken from a different angle.

11 Q. [12:42:07] Thank you, Witness.

12 I'm now going to report back to you something that you said yesterday. Transcript
13 T-20, page 33, line 23 to 26, and I quote: "Once in the courtyard of the central OCRB,
14 he inspected us and he asked us to identify him ourselves. All four of us. I was the
15 last to identify myself. And then he said to me, 'You, come with me.'" End of
16 quotation.

17 Now, am I to understand that you are the only person that left with Mr Said that
18 evening?

19 A. [12:42:59] Yes.

20 Q. [12:43:09] Thank you, Witness.

21 What happened after your departure? And what you have already reported to the
22 Court, I'm not going to question you about that. But what I would like to know is
23 whether you also recounted it to your co-detainees?

24 A. [12:43:37] Once the attempt to execute me failed, so to speak, and after I had
25 returned to the central OCRB, I was put back in my cell where I, of course, found my

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1 co-detainees. Finding them again, I cried -- I found them crying, and I said to them,
2 "There's no point in crying," because if I was dead, they would be considered to be
3 compromising witnesses, and that they therefore would suffer the same fate. That
4 was on Tuesday morning.

5 And I said to them that, "From today, until we are freed, we will not eat. We will
6 fast. And we will tell our jailers that we are on hunger strike." And via the
7 telephone communication that I had with (Redacted) -- oh, I'm sorry -- I mean my
8 cousin and her husband, I told them that I was fasting. I wasn't on hunger strike.

9 Q. [12:45:15] Witness, I'm going to be more specific. I'm going to put my question
10 in more limited terms.

11 Now, I'm not asking you what happened afterwards. What I'm asking is whether
12 you told your co-detainees what happened when you were out with Mr Said. Did
13 you tell them or not?

14 A. [12:45:40] Yes, I told them.

15 Q. [12:45:50] Thank you. I'm now going to refer to French transcript 20, so I'm
16 talking about what was said yesterday, page 34.

17 Now, once we were on the -- I quote: "Once we were on the road, he told me that he
18 had received information stating that a dangerous person was in our group." End of
19 quotation. That was from lines 58 on page 34.

20 I now move to lines 15 to 16 on the same page. Now, regarding this person who was
21 allegedly dangerous, you said the following, and I quote: "That person was in
22 cahoots with the ousted president and was a bodyguard of Eugene Ngaikouesse."

23 Now, my question is: Did you know Eugene Ngaikouesse?

24 THE INTERPRETER: [12:47:12] The interpreter --

25 THE WITNESS: [12:47:23](Interpretation) I did not know him.

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WITNESS: CAR-OTP-P-3056

1 MR FRANÇOIS-JACQUEMIN: [12:47:25](Interpretation)

2 Q. [12:47:28] Have you inquired about that person since?

3 A. [12:47:34] Yes. He was a bodyguard of the former president.

4 Q. [12:47:44] Now, to know that, did you read about it? Did you make inquiries
5 of other people? How did you get that information?

6 A. [12:47:54] As I was explaining earlier, there are no secrets where we're from.

7 And everything is spoken of by word of mouth. Information is passed from person
8 to person. I didn't know that individual. I didn't have a personal relationship with
9 him, but he was an important person in the earlier regime. He was a high profile
10 person.

11 Q. [12:48:39] Of what -- of what regime are you referring -- or to what regime are
12 you referring?

13 A. [12:48:47] Can I give the name?

14 Q. [12:48:48] Well, if it's the name of a president, a former president of the Central
15 African Republic, you may state it.

16 A. [12:48:57] Yes. I'm referring to the regime of Francois Bozize.

17 Q. [12:49:01] Thank you, Witness.

18 Now, I note that you say you didn't particularly know Mr Ngaikouesse. You seem
19 to have mentioned his name just a moment ago from the witness box when answering
20 me. Tab 54. What we have here is an annex to the witness preparation log. So it
21 covers what was discussed at the preparation session that you attended. And you
22 were asked if there was anything that you had or needed to be correct with respect to
23 your previous statement. So, tab 54, English version tab 56, CAR-OTP-0277-0001,
24 and I'm at page 2. And you said the following, and I quote: "I wish to correct the
25 spelling of Ngaikouesse, which should be Ngaikouesse," and you added a tréma.

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WITNESS: CAR-OTP-P-3056

1 PRESIDING JUDGE SAMBA: [12:50:26] Mr Counsel, what was the tab, the English
2 version tab? You said the French version is 54.

3 MR FRANÇOIS-JACQUEMIN: [12:50:37](Interpretation) Yes, at tab 54, and 56 for
4 the English version. It is page 2 of the CAR-OTP document, and I can give you those
5 numbers again, if necessary. It was 0277-0001.

6 Q. [12:51:06] And there you corrected the spelling of the name Ngaikouesse. Now,
7 how did you know the specific spelling, and why did you make that specific
8 correction?

9 A. [12:51:21] Well, you know, in our country, there are some generic names that
10 come up again and again, which can also indicate that somebody is from a particular
11 ethnic group. So he's not the only one who bears that name. Other people with the
12 same ethnic background bear the same name.

13 Q. [12:51:49] Thank you, Witness.

14 I would now like to talk to you about the process by which you left the central OCRB.
15 And in doing so, I will refer to yesterday's transcript, T-20, in the French version, page
16 40, lines 13 to 21. And I'm going to read those to you. So I'll read that to you.

17 "Witness" -- now, this is a question which is being put to you: "Witness, when you
18 were at the OCRB, did a representative of the justice service visit you?"

19 And you answered: "When we were transferred to the central OCRB, the public
20 prosecutor, Mr Tolmo, set up a kind of inquiry. He requested the assistance of two
21 policemen, a man and a woman. They came to see us on the Tuesday of our arrest
22 and on the Wednesday." End of quotation.

23 Do you recall saying that, Witness?

24 A. [12:53:28] Yes, of course.

25 Q. [12:53:34] Where did these people come to see you?

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1 A. [12:53:38] I don't know what unit they belonged to, but what I do know is that
2 they were sent by the prosecutor. I don't know what company they were from.
3 Perhaps they had to see in what state we were, in what conditions we were being
4 held.

5 Q. [12:54:08] How did you identify them with respect to others?

6 A. [12:54:24] They were wearing a light-coloured uniform. You could recognise
7 them as being gendarmes, because what the gendarmes wear is different to what the
8 police or what the military wear in our country. And each corps, if you like, has its
9 own specific uniform.

10 MR FRANÇOIS-JACQUEMIN: [12:54:56](Interpretation) Your Honour, I'm looking
11 at the time, and I'm about to embark upon quite a long line of questioning. So
12 would you like me to get started on that now, or would you prefer to adjourn for the
13 moment? It's up to you, of course, your Honour.

14 PRESIDING JUDGE SAMBA: [12:55:15] We have five minutes. You may want to
15 start so that we don't waste that time, at least.

16 Let me ask the witness.

17 Mr Witness, are you comfortable us continuing, or do you want a break? Because
18 we have five minutes to lunch.

19 THE WITNESS: [12:55:46](Interpretation) We can continue.

20 PRESIDING JUDGE SAMBA: [12:55:49] Counsel, please continue.

21 MR FRANÇOIS-JACQUEMIN: [12:55:54](Interpretation) Thank you, your Honour.

22 Q. [12:56:05] Were you questioned by those officers?

23 A. [12:56:11] No. They were not in a position to question us. All they managed
24 to do was to lift the flooring, which was separating us from the outside, and they saw
25 us. They came twice, and that's what they did each time. They were not able to

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1 question us or to have physical contact with us.

2 Q. [12:56:44] Did they introduce themselves to you?

3 * A. [12:56:48] No, they did not introduce themselves to us. But seeing their attire,
4 we knew that they were gendarmes. A female gendarme and a male gendarme.

5 Q. [12:57:08] How did you know that they had been sent by Prosecutor Tolmo?

6 A. [12:57:23] As I told you, through the intermission of the jailer who provided the
7 telephone to me, I had contact with my brother-in-law and my cousin. So I received
8 news of the various actions which were being taken outside of the OCRB by means of
9 that phone.

10 Q. [12:57:52] Did you say anything to those officers?

11 A. [12:58:02] No, I didn't have the opportunity to talk to them. In fact, I think that
12 that was prohibited. They also didn't dare address us.

13 Q. [12:58:15] Were they alone or were they accompanied when you saw them?

14 A. [12:58:20] There were two of them. They weren't accompanied.

15 Q. [12:58:26] I have -- there's something I haven't understood. Did you see them,
16 or did you not see them?

17 A. [12:58:32] I saw them. When they arrived at the OCRB, they lifted the trap
18 door and so could see down into the bottom of the cell. They came twice, once on
19 the Tuesday and once on the Wednesday. And each time, they lifted the trap door,
20 and they saw us and we saw them.

21 Q. [12:59:01] What rank did they have?

22 A. [12:59:03] I have no idea with respect to their rank. What I know is that they
23 were gendarme because they were wearing light-coloured uniforms, and so were
24 recognisable.

25 Q. [12:59:18] And do you differentiate between the gendarmerie and the criminal

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1 investigation police or criminal investigation officers?

2 A. [12:59:33] Well, the gendarmerie, like the police, can ask as law enforcement
3 officers, either as a gendarme or as a policeman.

4 Q. [12:59:51] Now, I'm going to tell you what you said in your earlier statement
5 when you were questioned by the investigators of the Office of the Prosecutor. And
6 here I'm at tab 1 for the French version and tab 2 for the English version. And the
7 reference of the document as a whole is CAR-OTP-2130-6639. And I'm on page 6650
8 and paragraph 58. So tab 2 for the English version, tab 1 for the French version,
9 paragraph 58, and I'll read that to you now.

10 You said: "On 22 August 2013, it was when we were freed, thanks to the
11 intervention of Tolmo, the prosecutor, who gave the order to a team of criminal
12 investigation officers." End of quote.

13 My question is: Who are the officers of this criminal investigation department?

14 A. [13:01:07] When I said officers of the criminal investigation department, I was
15 referring to these two gendarmes. It's not officials. It's officers.

16 Q. [13:01:27] I think in the prior statement it is written "officials".

17 It's 1 o'clock. I'm leaving myself in the hands of the Presiding Judge.

18 Your Honour, would you like me to continue, or would you like to adjourn the
19 session?

20 PRESIDING JUDGE SAMBA: [13:01:54] We'll adjourn the session and go for a break,
21 a lunch, Mr Defence counsel. I know you'd like to continue, but you will do that
22 when we come back.

23 So I will rise the Court and ask that we meet for 2.30.

24 THE COURT USHER: [13:02:16] All rise.

25 (Recess taken at 1.02 p.m.)

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-3056

1 (Upon resuming in open session at 2.33 p.m.)

2 THE COURT USHER: [14:33:45] All rise.

3 Please be seated.

4 PRESIDING JUDGE SAMBA: [14:34:16] Good afternoon, everyone.

5 Mr Witness, we are going to continue with your cross-examination. And for the
6 record, we are in open session.

7 Counsel, you may want to continue with your cross-examination.

8 Mr Witness, we are in open session, please.

9 Yes.

10 MR FRANÇOIS-JACQUEMIN: [14:34:37](Interpretation) My thanks, your Honour.

11 Q. [14:34:43] So, good afternoon, Mr Witness. Before putting a question to you,
12 I'd just like to swiftly ask to move into private session.

13 With your leave.

14 PRESIDING JUDGE SAMBA: [14:34:56] Madam Court Officer, can we go quickly
15 into private session.

16 (Private session at 2.35 p.m.)

17 THE COURT OFFICER: [14:35:07] We're in private session, Madam President.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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(Private Session)

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1 (Redacted)

2 So, Mr Witness, who was with you in Prosecutor Tolmo's office?

3 * A. [14:36:16] The person who was with us in the prosecutor's office was Mr Said

4 and the lieutenant who was the commander of the OCRB unit in Ngouciment.

5 Q. [14:36:35] So in that office there is you, the three other people who had been

6 arrested, Said and -- Ngouciment, the lieutenant; is that right?

7 A. [14:36:58] That's right.

8 Q. My thanks.

9 MR FRANÇOIS-JACQUEMIN: [14:37:00](Interpretation) Your Honour, We can now
10 move back into open session, with your leave.

11 PRESIDING JUDGE SAMBA: [14:37:06] Thank you very much.

12 Madam Court Officer, can we go back into open session.

13 (Open session at 2.37 p.m.)

14 THE COURT OFFICER: [14:37:12] We are back to open session, Madam President.

15 PRESIDING JUDGE SAMBA: [14:37:16] Thank you.

16 Carry on, Counsel, with your cross-examination.

17 MR FRANÇOIS-JACQUEMIN: [14:37:22](Interpretation) I'm grateful, your Honour.

18 Q. [14:37:26] Mr Witness, in Prosecutor Tolmo's office, were documents given to
19 you?

20 A. [14:37:35] No.

21 Q. [14:37:38] To the best of your knowledge, were documents given to any other
22 person?

23 A. [14:37:43] To my co-detainees, no.

24 Q. [14:37:50] You talked about a discharge order, a release order, if memory serves.

25 Was that a written or an oral order?

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1 A. [14:38:03] It was a written order.

2 Q. [14:38:06] Possibly I wasn't clear. We are now in Prosecutor Tolmo's office.

3 To your knowledge, was that a paper handed over or was there something said?

4 What's -- what's going on?

5 A. [14:38:19] They were the instructions that were given in that office to have us

6 released, namely, me and my two fellow detainees. The third inmate was to be put

7 back into the underground cell in the central OCRB.

8 Q. [14:38:44] And to whom did Prosecutor Tolmo give that order, Mr Witness?

9 A. [14:38:50] As I was saying earlier on, I was there with Mr Said and he received

10 the order from the prosecutor.

11 Q. [14:39:05] All right. So the discharge order, the release order to free some but

12 not you -- let me just put my question to you. So the release order included some

13 and you and also to keep within detention one individual, and the order was given to

14 Said from the prosecutor; is that right?

15 A. [14:39:36] Yes.

16 Q. [14:39:39] So Mr Said, did he obey that judicial determination to release you,

17 Witness?

18 A. [14:39:46] Yes, he did.

19 Q. [14:39:52] And what happened to you afterwards, Mr Witness?

20 A. [14:40:01] Once released on Thursday, 22 August 2013, a few days after my

21 release --

22 Q. [14:40:22] Do forgive me, I've interrupted you, but I'm focusing on the day of

23 your release. So you were in Prosecutor Tolmo's office, you tell us that the order was

24 given to free you. I know that you said that yesterday, but I want to make some

25 progress in the cross-examination and I want to know what happened after that point.

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WITNESS: CAR-OTP-P-3056

1 A. [14:40:39] In Mr Tolmo's office when my torturer had received the release order
2 in respect of me, myself, and two other of my co-inmates were taken back in his car to
3 the central OCRB, and it was at that location we were released and then I went back
4 home.

5 Q. [14:41:21] My thanks, Mr Witness. Now, let's return to this release order, that's
6 at tab 5, reference CAR-OTP-2130-6657. If possible, I would like this document to be
7 displayed before you, Witness.

8 I'm grateful, court officer.

9 Do you have the item before you, Mr Witness?

10 A. [14:41:56] Yes, I do.

11 Q. [14:41:59] Is this the release order?

12 A. [14:42:01] Of course.

13 Q. [14:42:05] Do you have the original document in your possession?

14 A. [14:42:09] Yes, I do. But it's not with me as I speak. It remained in my room.

15 Q. [14:42:23] Could you make the original available to the Court even though of
16 course you don't have it on you, but later on?

17 A. [14:42:30] Of course. That's no problem at all.

18 Q. [14:42:39] Now, regarding this paper, who are the signatories to it?

19 A. [14:42:47] Well, you can see for yourself. On the bottom of the document we
20 can see two signatures. On the right-hand side we can see OPJ captain. Can I read
21 out the name in open court?

22 Q. [14:43:11] I don't think that would be a problem, Mr Witness.

23 A. [14:43:15] OPJ Captain Yacoub. The second signature, which is on the right is
24 LT, that stands for lieutenant, Djidalbays, Djidalbays.

25 Q. [14:43:38] Are those the investigating gendarmes that you mentioned earlier on

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1 that came at the behest of Prosecutor Tolmo?

2 A. [14:43:46] No. These are Seleka elements belonging to the central OCRB.

3 Q. [14:43:52] Who drew up this document?

4 A. [14:44:01] The person who would have drawn up that document? I have no
5 idea. In my humble opinion, it would be one or the other. In other words, one or
6 the other -- one or the other signatories to this document.

7 Q. [14:44:25] And who handed you this document?

8 A. [14:44:27] The document was handed to me by the lieutenant -- I can't -- I can't
9 recall. I don't know whether the document was handed to me by Captain Yacoub.
10 I've got no idea.

11 Q. [14:44:52] And where was it handed to you, Witness?

12 A. [14:44:54] In the central OCRB.

13 Q. [14:45:00] Where more specifically, please.

14 A. [14:45:04] Opposite the main building there is a guard post. It's used for
15 recording, registering, certain procedures are done there, and it stands opposite the
16 main building.

17 Q. [14:45:29] Opposite the building, you mean outside of the building?

18 A. [14:45:33] Yes, outside the building, outside.

19 Q. [14:45:43] To the best of your knowledge, the other freed persons, people who
20 were freed at the same time as you, did they receive a similar document?

21 A. [14:45:54] Yes, they did.

22 Q. [14:46:00] How do you -- how can you be sure of that?

23 A. [14:46:07] I'm sure of it because we were together, and they are relatives.

24 Q. [14:46:22] So if I've followed your evidence, your release took two stages: One
25 at the city law courts with Prosecutor Tolmo and the second phase was at the OCRB,

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(Open Session)

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WITNESS: CAR-OTP-P-3056

1 central OCRB; is that right?

2 A. [14:46:41] That's right.

3 Q. [14:46:44] Did you write down the account of your detention, Mr Witness?

4 A. [14:46:50] If I -- you're asking me whether I noted down the account of my
5 detention? I tried to write it down and to establish a chronology relating more
6 specifically to my detention.

7 Q. [14:47:20] And on which -- on what did you note down that chronology?

8 A. [14:47:30] On a piece of paper.

9 Q. [14:47:32] Did you keep that particular document?

10 A. [14:47:37] I gave the original to the investigators who interviewed me at Bangui,
11 but I only retained some copies. And the only one that I have -- the only original
12 document I have is the release order, the release order that I have in my possession.
13 But going to the matter of the chronology I drew up, the original I gave to the
14 investigators.

15 Q. [14:48:09] So to -- lest there be any doubt, to who -- which investigators did you
16 hand over the document?

17 A. [14:48:17] The investigators who worked for the -- for my country's national
18 authorities.

19 Q. [14:48:29] Sorry, I don't follow you. You gave the document to the ICC OTP or
20 to members of the Central African authorities?

21 A. [14:48:43] I gave the document to the investigating staff working for the national
22 authorities at Bangui.

23 Q. [14:48:52] Are you talking about the prosecutor at Bangui or the Prosecutor at
24 the office of the -- of the ICC?

25 A. [14:49:03] At the ICC.

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1 Q. [14:49:05] Thank you very much.

2 When did you draw up that particular document?

3 A. [14:49:11] I think it was in the same months in which I was -- I had been arrested,
4 a few days after my arrest.

5 * Q. [14:49:25] In other words, August or September 2013?

6 A. [14:49:30] Of course.

7 Q. [14:49:34] And where did you keep that document pending its remittance to the
8 OTP at the ICC?

9 A. [14:49:46] I kept it among my own belongings.

10 Q. [14:49:51] When drawing up that document, were you with others?

11 A. [14:50:00] I was with nobody. I was alone to try and understand what had
12 happened in chronological order.

13 Q. [14:50:13] All right, then.

14 I'd like to look at tab 6, please, court officer, to start with, the reference being

15 CAR-OTP-2130-6658. My thanks, court officer.

16 Mr Witness, what document do you see before you, please.

17 A. [14:50:57] This is the chronology that I was referring to earlier on about the
18 chronology of my arrest.

19 Q. [14:51:06] My thanks.

20 Court officer, could you now address yourself to tab 7, OTP 2130-6659.

21 Same question on this document that's before you, can you tell me what it is exactly.

22 A. [14:51:32] It's the same document, it's one of the pages of that overall document.

23 Q. [14:51:39] All right. Let's carry on. Let's move to tab 8, CAR-OTP-2130-6660.

24 The same question, Mr Witness. The same question, Mr Witness, what is this

25 document?

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1 A. [14:52:23] It's one of the pages within the overall document, following on from
2 the previous ones.

3 Q. [14:52:33] Tab 9, CAR-OTP-2130-6661.

4 Same question, please, Mr Witness.

5 A. [14:52:53] Once again, this is one of the pages in that document.

6 Q. [14:53:00] My thanks.

7 Tab 10 now, court officer, please, CAR-OTP-2130-6662.

8 Same question to you, Mr Witness.

9 A. [14:53:15] It's again one of the pages that I wrote.

10 Q. [14:53:21] Very well. I will -- I'd like to turn to tab 11, 2130-6663, CAR-OTP, of
11 course.

12 And the same question to you, Mr Witness. What is this document exactly?

13 A. [14:53:49] I think it's one of the pages belonging to the document I wrote up, this
14 chronology that I established.

15 Q. [14:54:00] My thanks, Mr Witness.

16 Court officer, I'd like to hark back to tab 10 now, CAR-OTP-2130-6662. And if
17 possible, would it be possible to zoom in on the lower section of this document.

18 Mr Witness, when you have that zoom, could you read out, please, what you see,
19 which is -- which is printed at the right at the bottom. It's very small.

20 A. [14:54:30] What, bullet point 2?

21 Q. [14:54:38] No. I was asking you to read what we see which is right at the
22 bottom of the page that's been printed, not with your handwritten notes.

23 A. [14:54:49] RCA, urban ministry -- ministry, rather, --

24 THE INTERPRETER: Corrects the interpreter.

25 THE WITNESS: [14:54:53] (Interpretation) -- for urbanism, the city and the habitat,

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WITNESS: CAR-OTP-P-3056

1 EAMAU competition, May session 2021.

2 MR FRANÇOIS-JACQUEMIN: (Interpretation)

3 Q. [14:55:08] Do you have any comment to make on that, Mr Witness?

4 A. [14:55:12] I have no comment to make on that.

5 Q. [14:55:27] Court officer, can we see the top of the document, please. It's the
6 same tab, annex 5.

7 Mr Witness, can you read out what we see right at the top of this page, please?

8 A. [14:55:44] "By way of reparations" underscored.

9 Q. [14:55:50] For reparations, underscored --

10 A. [14:55:54] I think this is the second last page, I think, because there's a certain
11 inconsistency here because I read I had inherited, but I think we're missing something
12 here.

13 Q. [14:56:06] Yes, this is a page which follows on from the previous page and this is
14 a continuation of the sentence on the previous page. So my question is in 2013 when
15 you drew up this document, according to your evidence, had you already knew that
16 it was possible to receive reparations or indemnity?

17 A. [14:56:26] Yes.

18 Q. [14:56:30] Before whom and how in 2013, Mr Witness?

19 A. [14:56:39] Well, I had drawn up this document, as we see on this page here, in
20 order to receive compensation from my torturer, from my torturer.

21 * Q. [14:57:00] So if I'm following your evidence, Mr Witness, you're saying that in
22 2013, you already knew that it would be possible to receive reparations and so on a
23 piece of paper about a competition in 2021, you wrote down a chronological account
24 in order to remember what had happened. Is that right?

25 A. [14:57:29] I stand by what I wrote. It bears no relation whatsoever to anything

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1 else. I wrote this document, as we see here, in order to seek compensation from
2 my -- from my torturer.

3 MR FRANÇOIS-JACQUEMIN: [14:57:51] (Interpretation) Your Honour, I would
4 need to move into private session for the remainder of my questions, please.

5 PRESIDING JUDGE SAMBA: [14:58:00] Madam Court Officer, can we go to private
6 session, please.

7 (Private session at 2.58 p.m.)

8 THE COURT OFFICER: [14:58:06] We're in private session, Madam President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

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1 Now, I have some questions to put to you regarding an organisation for the education
2 and development of young people called the OJED. Are you familiar with it?

3 A. [15:04:08] No. I have no idea about that.

4 MR FRANÇOIS-JACQUEMIN: [15:04:13](Interpretation) Your Honour, this line of
5 questioning could be put in open session.

6 PRESIDING JUDGE SAMBA: [15:04:18] Madam Court Officer, can we go back to
7 open session, please.

8 (Open session at 3.04 p.m.)

9 THE COURT OFFICER: [15:04:25] We're back to open session your Honours.

10 PRESIDING JUDGE SAMBA: [15:04:38] Thank you very much.

11 Continue, Counsel.

12 MR FRANÇOIS-JACQUEMIN: [15:04:42](Interpretation) Thank you very much,
13 your Honour.

14 Q. [15:04:47] Witness, are you familiar with a non-governmental organisation, an
15 NGO, named national association of victims of violence perpetrated by armed groups
16 in the Central African Republic?

17 A. [15:05:08] No.

18 Q. [15:05:17] You've never heard of it?

19 A. [15:05:19] No.

20 Q. [15:05:27] And do you know the NGO AVED, A-V-E-D?

21 A. [15:05:36] No, I don't know that one either.

22 Q. [15:05:40] Do you know the NGO ACDEV?

23 A. [15:05:49] I'm sorry, but no, I don't know that one either.

24 Q. [15:05:55] Do you know the NGO the Red Cross?

25 A. [15:06:02] Of course.

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1 Q. [15:06:05] Do you know an NGO or Central African association providing
2 support to the victims of armed conflict?

3 A. [15:06:26] I think that that question is pretty much the same as earlier ones. No,
4 I'm not.

5 Q. [15:06:36] Witness, I'm afraid I don't understand your answer. Why did you
6 say that?

7 A. [15:06:41] I said no, I don't know that name. I don't know that organisation
8 you've just mentioned.

9 Q. [15:06:50] Oh, well, then my apologies. Perhaps I wasn't clear. I wasn't citing
10 the name of a specific association. Rather, my question was the following: Witness,
11 are you familiar with an association or associations or an NGO or NGOs that deal
12 with the victims of armed conflict in the Central African Republic?

13 A. [15:07:18] Yes, for example, the ASNATRA (phon).

14 Q. [15:07:29] Could you just spell the name you've just given us.

15 * A. [15:07:35] National association of translators, ASNATRA. ASNATRA works
16 in a number of areas, such as protection, translation and agro-pastoral farming.

17 MR FRANÇOIS-JACQUEMIN:

18 Q. [15:08:12] And have you already met or made contact with an association that
19 specializes in providing aid to the victims of armed conflicts, Mr Witness?

20 A. [15:08:26]: No.

21 Q. [15:08:30] Thank you, Witness.

22 Your Honour, my questions between now and the end of my questioning, which I
23 hope will not take very long, will need to take place in private session.

24 PRESIDING JUDGE SAMBA: [15:08:45] That's okay.

25 Madam Court Officer, can we go kindly into private session.

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1 And Counsel for the Defence, can I ask that you go at a slower pace so that the
2 interpreters could catch all of the questions that you're asking and the answers.

3 Thank you.

4 (Private session at 3.09 p.m.)

5 THE COURT OFFICER: [15:09:16] And we are in private session, your Honours.

6 (Redacted)

7 (Redacted)

8 (Redacted)

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15 Q. [15:15:48] Thank you, Witness. I'm going to put questions to you on another
16 point. How were you contacted by the investigators of the Office of the Prosecutor
17 of the International Criminal Court?

18 A. [15:16:05] Well, I don't know what the answer to that question is. One day
19 I was getting ready and I got a call from the investigators working for the Office of the
20 Prosecutor of the Court. They called me, they introduced themselves and they asked
21 me if I could visit them to see them and then they set an appointment with me. And
22 that's how -- that was my first contact with those investigators. I don't know at all
23 how they got my number.

24 Q. [15:16:47] When did they contact you, Witness?

25 A. [15:16:53] I think they contacted me in February or March. It was February or

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1 March that I received their call.

2 Q. [15:17:17] As far as you know, was there an intermediary between you and the
3 investigators of the Office of the Prosecutor of the ICC?

4 A. [15:17:27] There might have been an intermediary, but that person wasn't
5 mentioned to me, so I don't really have any knowledge of that.

6 Q. [15:17:41] Did you assist the investigators of the investigation division of the
7 ICC in any way other than by providing a statement?

8 A. [15:17:55] In what other way?

9 Q. [15:17:57] Well, it's an open question to you, Witness. Did you participate in
10 the work of the investigators of the Office of the Prosecutor of the ICC in any other
11 way than providing your testimony?

12 A. [15:18:15] No.

13 Q. [15:18:21] Did you introduce them to any other victims or provide contact
14 details to them?

15 A. [15:18:29] No, I didn't present them to any -- or, rather, I didn't provide them
16 with any contact details.

17 Q. [15:18:42] Did you talk about your involvement with the -- with the Office of the
18 Prosecutor with those people who are detained with you?

19 A. [15:18:54] Sorry?

20 Q. [15:18:58] Did you talk to other people about your cooperation with the
21 investigators' office?

22 A. [15:19:10] No.

23 Q. [15:19:13] I would like to show you a document, it's table -- tab, rather, 63.

24 Now this is a report.

25 Just one moment, please.

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1 (Counsel confers)

2 MR FRANÇOIS-JACQUEMIN: [15:19:31](Interpretation)

3 Q. [15:19:35] It is a report regarding evidence gathered by the investigators of the
4 Office of the Prosecutor. So this is tab 63, and the reference is CAR-OTP- -- court
5 officer, I would ask you to show this document to the witness -- or to not show this
6 document to the witness. It's at tab 63, CAR-OTP-2134-1593.

7 Now, witness, did you have a meeting with investigators from the office of the ICC
8 and other people outside of providing testimony to them?

9 A. [15:20:43] Yes, I had meetings at an early stage with investigators who work for
10 the local office. Later, two or three times I had a discussion with a lawyer who also
11 works for the Office of the Prosecutor.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Interpretation) Witness, did you assist the investigators in obtaining a death
18 certificate and did you take part in that meeting?

19 A. [15:22:01] Yes, I assisted the investigators in obtaining a certificate of death.

20 Q. [15:22:24] And who organised that meeting, Witness?

21 A. [15:22:27] The meeting was organised by the members of the local office. I'm
22 referring to the investigators of the Office of the Prosecutor.

23 Q. [15:22:44] And who suggested that you attend that meeting?

24 A. [15:22:49] I was summonsed or called. It was further to a call that I was able to
25 take part in that meeting.

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1 Q. [15:23:04] And who called you, Witness?

2 A. [15:23:08] Oh, I have no idea. I don't know who the person was.

3 Q. [15:23:18] Now, the document I'm talking about says that you assisted

4 somebody to obtain a death certificate. Now, how did you help that person obtain a

5 death certificate?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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16 Q. [15:29:00] Thank you, Witness.

17 I have a last line of questioning to put to you.

18 Did you seek compensation, reparations for the events that you say link -- that you

19 say link you to the accused?

20 THE INTERPRETER: [15:29:28] Sorry, the interpreter corrects: Did you ask for

21 reparations for the events that you allege, Mr Witness?

22 THE WITNESS: [15:29:42](No Interpretation)

23 MR FRANÇOIS-JACQUEMIN: (Interpretation)

24 Q. [15:29:47] And what is it that you have claimed?

25 PRESIDING JUDGE SAMBA: [15:29:50] There is no answer to the last question,

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1 Counsel, whether or not the witness asked for compensation for the allegations. We
2 do not yet have an answer from the witness.

3 MR FRANÇOIS-JACQUEMIN: [15:30:07](Interpretation) I can take up my question
4 again, there's no problem.

5 PRESIDING JUDGE SAMBA: [15:30:11] Please put the question again, Counsel.

6 MR FRANÇOIS-JACQUEMIN: [15:30:15](Interpretation) I'm grateful.

7 Q. [15:30:18] Mr Witness, were you claiming any compensation?

8 A. [15:30:25] Yes, I was.

9 Q. [15:30:28] And what were you claiming exactly by way of compensation?

10 A. [15:30:34] That the money I lost be given back to me, as well as damages by dint
11 of all the inhuman and degrading treatment that I suffered at the hands of my
12 torturer.

13 Q. [15:31:01] Thank you, Mr Witness.

14 You filled out a compensation request, a victim's form. Were you assisted in filling
15 out that form?

16 A. [15:31:19] Sorry?

17 Q. [15:31:22] This is tab 52, for the parties to the procedure, CAR-OTP-3139 -- this is
18 a victim form that you filled out that was previously shown to you yesterday,
19 I believe. Do you remember having filled out a victim request form?

20 A. [15:31:49] Could you allow me to see it, please?

21 Q. [15:32:17] Do you remember that form, that's my question, Mr Witness?

22 A. [15:32:19] Yes, I do.

23 Q. [15:32:22] And were you assisted in filling it out?

24 A. [15:32:26] I think that this form was given to me on the last day of the
25 preparation process, I believe.

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1 Q. [15:32:47] Do you remember having filled it out?

2 A. [15:32:54] Could you scroll the document up, please. Is this the document that
3 I filled out? I'd like to know. Because -- could you go to the bottom of the paper to
4 see my signature. I can see my name here, but I can't see my signature on this page.

5 Q. [15:33:31] I think it's in the last page of the document (Overlapping speakers)

6 PRESIDING JUDGE SAMBA: [15:33:38] Do you want -- do you want assistance,
7 Mr Witness?

8 Mr Court Officer, if you can help him, I see a signature on CAR-OTP-2135-3856,
9 2135-3856, dated the 17th of I think that's March 2022.

10 Can you see it, Mr Witness? If you flick through the pages.

11 THE WITNESS: [15:34:08](Interpretation) Yes, I do. Yes, on this document I
12 recognised having signed it.

13 MR FRANÇOIS-JACQUEMIN: [15:34:30](Interpretation)

14 Q. [15:34:32] So, do you remember whether you were assisted in filling out that
15 particular form?

16 A. [15:34:36] Yes, of course.

17 Q. [15:34:41] Who assisted you, Mr Witness?

18 A. [15:34:47] One of the investigators who works for the office, the Office of the
19 Prosecutor of the Central African Republic.

20 Q. [15:35:01] Who exactly, Mr Witness?

21 A. [15:35:04] I have no idea. Because when I was summoned for the first time by
22 that office, many people, many investigators working for that office called me up at
23 different dates.

24 Q. [15:35:29] Thank you, Mr Witness.

25 Now, let me just return to something that you told us today. This is transcript of

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1 today's hearing, T-21, the excerpt is quite lengthy, page 26, line 4, and it runs through
2 to page 27, line 4 of the French transcript at least. And here you make mention of a
3 person called Bekoy or Belku (phon). I'm not sure how to pronounce it.

4 A. [15:36:07] Bekoy.

5 Q. [15:36:09] Very well. Do you remember having talked about a person called
6 Bekoy, Mr Witness?

7 A. [15:36:14] Yes, of course.

8 Q. [15:36:18] Who gave your contact details to Counsel Bekoy, please?

9 A. [15:36:33] I have no idea who it was who gave my contact details to Bekoy.
10 Having said that, the same Bekoy called me one day on the phone and introduced
11 himself to me to say that he was one of the lawyers, lawyers representing the victims
12 and witnesses, and he gave me an appointment. So I went to his office. And when
13 I was in his office, he established contact with Mrs Sarah Pellet and it was at that
14 point that I had a conversation with both those people.

15 Q. [15:37:28] So you interacted with those two people on this very same day or
16 another time? I didn't understand your answer.

17 A. [15:37:38] No, it was the same day.

18 Q. [15:37:39] And who was there during that meeting?

19 A. [15:37:42] Nobody. It was just those -- it was Mr Bekoy, the lawyer, and myself
20 and the third person was Mrs Sarah Pellet, with whom I was interacting over a video
21 link.

22 Q. [15:38:03] I understand that Mr Bekoy is a man; is that right?

23 A. [15:38:08] Yes, it is a man.

24 Q. [15:38:12] And where is his office located?

25 A. [15:38:16] In the centre of town, in the centre of Bangui, next to the roundabout,

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1 the PK0 roundabout, right at the centre of Bangui. Mr Tiangaye's office. That's
2 where he works.

3 Q. [15:38:40] And did you ever meet people aside from Mr Bekoy on that particular
4 day on his premises?

5 A. [15:38:47] No.

6 Q. [15:38:51] Do you remember the time of your appointment?

7 A. [15:38:56] I have -- I have no idea what time it was.

8 Q. [15:39:11] Mr Bekoy, did he know that you were a witness?

9 A. [15:39:16] Yes, he did.

10 Q. [15:39:20] Mr Bekoy, what is his nationality?

11 A. [15:39:26] Central African.

12 Q. [15:39:35] You've just talked about Counsel Tiangaye. Is that the former prime
13 minister?

14 A. [15:39:42] Of course. Nicolas Tiangaye, he was prime minister under the
15 overthrown president and subsequently prime minister in President Michel
16 Djotodia's regime.

17 Q. [15:40:05] When you say "the overthrown president", who are you referring to?

18 A. [15:40:10] His Excellency Francois Bozize.

19 Q. [15:40:16] Now, this meeting with Counsel Bekoy, did it take place before or
20 after you became a witness?

21 A. [15:40:30] The office representing the Prosecutor in CAR, I had established
22 contact with that office before interacting with Counsel Bekoy. At a given point in
23 time, Counsel Bekoy called me over the phone and he told me that he was a
24 representative of the victims and witnesses and that he wanted to meet me and have
25 an interview. I was a bit surprised. I didn't know how he had obtained my

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1 telephone number. And I called the Office of the Prosecutor at Bangui straightaway
2 and he confirmed the fact that they were working in conjunction with Counsel Bekoy.

3 Q. [15:41:23] Mr Bekoy, did he tell you how he knew that you were a witness?

4 A. [15:41:31] Mr Bekoy works in conjunction with the CAR OTP. It wasn't
5 necessarily through that avenue that he obtained my contact details.

6 Q. [15:41:55] Which prosecutor are you referring to, Mr Witness?

7 A. [15:41:59] The Prosecutor of the International Criminal Court.

8 Q. [15:42:07] The encounter with Mr Bekoy, was that in 2021?

9 A. [15:42:12] No, no. In 2022. This year.

10 Q. [15:42:24] And to the best of your knowledge, other people who describe
11 themselves as victims, were they also contacted by Counsel Bekoy?

12 A. [15:42:37] I have no idea.

13 Q. [15:42:40] Now, there is a certain amount of privilege and the relationship
14 between a client and his or her attorney is founded on trust and confidence. Why
15 did you have trust and confidence in him?

16 A. [15:42:58] I trusted him.

17 THE INTERPRETER: [15:43:04] Inaudible. Inaudible answer.

18 THE WITNESS: [15:43:09](Interpretation) And that's -- that's why I had the courage
19 to work with him until I came to the bar here in this courtroom.

20 MR FRANÇOIS-JACQUEMIN: [15:43:26](Interpretation)

21 Q. [15:43:28] I'm just waiting for the transcript because I didn't hear what you said
22 properly, Mr Witness.

23 A. [15:43:34] I said that the lawyer Bekoy is somebody I had -- I trusted him.
24 I was confident in him because he is very businesslike, thorough and professional.

25 Q. [15:44:08] So the form that you have before you, Mr Witness, is that the form

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1 that you filled out with Counsel Bekoy?

2 A. [15:44:30] I have no idea.

3 Q. [15:44:42] How did you get to the meeting, Mr Witness?

4 A. [15:44:44] I took a taxi.

5 Q. [15:44:56] And with Counsel Bekoy, did you address with him the two claims
6 that you wish to enter?

7 A. [15:45:07] Yes. In terms of the compensation that I referred to earlier on, yes,
8 we did indeed talk about that.

9 Q. [15:45:18] All right, then.

10 Just staying with this particular document, I'd like to have displayed, please, page 9 of
11 this document, CAR-OTP- of this page is the following, 2135-3859.

12 Thank you, court officer.

13 Can you see that page, Witness?

14 A. [15:45:38] Yes, of course.

15 Q. [15:45:41] I see here no indication to the person who would have assisted you in
16 drafting this form, filling out this form. Can you see anything, Witness, that would
17 suggest that?

18 A. [15:45:58] No, I can't see anything either.

19 Q. [15:46:05] Why isn't this filled out, Mr Witness?

20 A. [15:46:11] But is it the right document? Is this the one that I signed? I don't
21 think it's the document that I signed. What I can see before me now, I can see first
22 name, family name, address, but my identity doesn't feature here.

23 Q. [15:46:48] Well, maybe the parties will put me right, but this is indeed the form
24 on which your signature lies, and you recognised it as the form requesting individual
25 compensation. This page goes to the person who would have assisted you in filling

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1 out this form, and I see no information provided here. You say that Counsel Bekoy
2 assisted you in filling out the form, so I'm just wondering why is there no information
3 in these -- in these fields.

4 A. [15:47:21] The document that I see before me is -- has a different colour to the
5 one where I signed. This page is radically different. It's a different colour to the
6 one -- to this one.

7 Going to this page, going to the matter of this page, I've got nothing -- no comment to
8 make on this.

9 Q. [15:47:56] So just by way of comparing the colours, you're absolutely right,
10 Mr Witness. The signed page is copied in black and white, contrary to the one that
11 we -- that you have before you.

12 Could the witness be shown the first page of this document, CAR-OTP-2135-3851, if
13 that is possible, please.

14 My thanks, court officer.

15 So what do you see colour-wise here, Mr Witness, on this document?

16 A. [15:48:29] This one and the one that has just been taken off the screen is the same,
17 here, apart from the -- apart from my first name and family name and everything
18 going to my identity, my particulars. But on the previous version, I saw -- see
19 nothing that links with me.

20 Q. [15:48:59] All right, then. So if I'm following your evidence, sir, you're saying
21 that the only page that you recognise as yours is the one that bears your signature?
22 Or have I not understood your evidence?

23 A. [15:49:11] The only page that I recognise is the one that I signed.

24 THE INTERPRETER: [15:49:19] Correction: That is signed.

25 THE WITNESS: [15:49:30](Interpretation) The document that was signed is of a

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1 different colour to the two documents that you have just shown me. The original
2 one had no colour. The one that I signed had no colour, but I do see here for all of
3 that, my name, my first name, my family name and other particulars.

4 MR FRANÇOIS-JACQUEMIN: [15:49:53](Interpretation)

5 Q. [15:49:54] Do you have an identity card, Mr Witness?

6 A. [15:49:57] Yes, I do. I've got a passport.

7 Q. [15:50:03] Do you have any other identity papers or identity documents?

8 A. [15:50:07] I also have a national identity card.

9 Q. [15:50:13] All right, then. I -- well, I received the impression that you no longer
10 had any identity documents and that's since 2011. I must have misunderstood,
11 did I?

12 A. [15:50:28] If I don't have an identity card or passport, how is it that I could be
13 here at the stand?

14 Q. [15:50:39] So how did you go about getting new identity papers?

15 A. [15:50:43] I've got a new passport and I told you that I've got a new identity card,
16 national identity card.

17 Q. [15:50:52] Since when, Mr Witness?

18 A. [15:50:54] The passport is a recent acquisition. Both documents were done this
19 year in 2022.

20 Q. [15:51:05] Now, your identity card was also made in 2022?

21 A. [15:51:10] Yes, of course.

22 Q. [15:51:11] And beforehand, did you have an identity card?

23 A. [15:51:16] Before, I had an identity card, but as I told you, it was lost and I had to
24 have another one made. This one is a recent one and I've got it with me in addition
25 to the passport.

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1 Q. [15:51:38] So lest there be any doubt, Mr Witness, I understand that you
2 haven't -- you didn't have an identity card from 2011 all the way through to 2022;
3 have I got that right?

4 A. [15:51:54] No, I didn't say that.

5 Q. [15:51:56] All right. Well, I'll put another question to you. You told me earlier
6 on that you no longer had any identity card in -- identity papers, rather, in 2011. So
7 here's my question: When did you have identity -- identity papers redone?

8 A. [15:52:16] I had identity papers from 2014.

9 Q. [15:52:23] Do you still have them?

10 A. [15:52:26] No. I've only got my new one.

11 Q. [15:52:30] All right, then. So we've got two identity papers done in 2022 and
12 one in 2014; is that right?

13 A. [15:52:40] That's right.

14 Q. [15:52:43] And have you had other identity papers made between 2014 and
15 2022?

16 A. [15:52:51] No, only the identity card that was reported lost and so then I have
17 had another one made, which I've got, in addition to the passport which I have now.

18 Q. [15:53:07] So please tell me if I've got this wrong. You've got -- you've had no
19 identity papers since 2011, you have an identity card that was done in 2014, and
20 you've got an identity card and a passport done in 2022. Have I covered everything?

21 A. [15:53:26] Yes, you have.

22 MR FRANÇOIS-JACQUEMIN: [15:53:29] (Interpretation) Court officer, can we have
23 displayed the last document in this series, CAR-OTP-2135-3861.

24 Q. [15:53:39] When you have this document before, Mr Witness, can you tell me
25 what you see on it, please.

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1 3861. Yes, thank you very much. Would it be possible to zoom in a little bit on the
2 item.

3 My thanks, court officer.

4 What do you see here, Mr Witness?

5 A. [15:54:21] I can see my national identity card.

6 Q. [15:54:26] Is it the one dating back to 2014 or 2022?

7 A. [15:54:30] It's the one I had done recently. It's not the 2014 one.

8 Q. [15:54:37] Can you tell us when it was issued, this item?

9 A. [15:54:41] I couldn't tell you. No idea.

10 Q. [15:54:46] All right. Let me read it out. Issuance date 4 June 2020. Would
11 this elicit any response from you, Mr Witness?

12 A. [15:54:58] Yes, it's true that this item was made in 2020, but in the meantime,
13 there was a rupture of supply in terms of this type of document and this document
14 was given to me in 2022. So that's the confusion that I may have made. It was in
15 2022 that I actually received this document.

16 Q. [15:55:42] Who paid, Mr Witness, for having this identity card and the passport
17 made?

18 A. [15:55:49] I did.

19 Q. [15:55:52] How much does it cost, a passport in Central African Republic?

20 A. [15:56:01] A passport in Central African Republic? How can I put it? * Well,
21 you have to pay a fee initially at any high street bank, that's 50,000 francs, and then
22 there is the cost of the photo, and you also have to have your birth certificate
23 authenticated, as well as another documents. So I think we're talking about 60 to
24 70,000 francs for a passport. But for a national identity card, the cost is set at 7,000
25 francs CFA, of course.

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1 Q. [15:56:50] And my last question -- in all likelihood, it's my last question,

2 Mr Witness.

3 Where did you go to have the passport made and what type of photo did you supply?

4 A. [15:57:08] I went to the passport department. I supplied another photo which
5 is different to the one that we see on the identity card, on the national identity card.

6 Q. [15:57:35] So how is it that this photo finds itself on your national identity card,

7 Mr Witness?

8 A. [15:57:42] This particular photo that we can see on the national identity card is
9 not authorised. You cannot provide a photo for a national identity card by having
10 your authenticated birth certificate. And the photo that we can see on the card was
11 produced for me, this photo was made for me - how can I put it - at the Bangui
12 criminal investigation unit at Bangui. This is sort of a commissariat, the criminal
13 investigation department. In the commissariat one division is devoted to producing
14 national identity cards.

15 Q. [15:58:38] So you had this photo made at the commissariat, not elsewhere?

16 A. [15:58:43] No, they did it for me on site.

17 Q. [15:58:48] With what device?

18 A. [15:58:50] I'm not an expert in such things. You can do it on a computer and
19 there's a certain apparatus that's used and with that apparatus you can take the photo.

20 Q. [15:59:16] It so happens that I have assisted people getting passports in the
21 Central African Republic and my experience tells me this doesn't really correspond to
22 what you're saying. You didn't have a photo taken with a private company that is
23 delegated by the state to make photos according to international standards?

24 A. [15:59:40] Going to the national identity card, going to that particular question,
25 well, there is a partner -- there was a partnership agreement with the Central African

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1 government, and there was a Lebanese company - I can't remember its name, I don't
2 know its name - responsible for producing national identity cards and it's that
3 particular company that does it.

4 Q. [16:00:17] Thank you, Mr Witness. Thank you for your help and your
5 assistance.

6 MR FRANÇOIS-JACQUEMIN: [16:00:23](Interpretation) Nothing further and I
7 hand over to lead counsel, Jennifer Naouri.

8 MS NAOURI: [16:00:28](Interpretation) Your Honours and Presiding Judge, we sent
9 you an email, I think it was half an hour ago, because we would like to put a question
10 to you.

11 As you know, the Defence continues to conduct its investigations, and a few minutes
12 before the hearing during which we questioned the witness commenced, a piece of
13 evidence came to light. We would like to put a question to the witness. We would
14 like to put to the witness a document which is available on the internet, so it's
15 available from an open source. We have provided a copy to the Prosecution and we
16 are in the process of printing the document. We just have one question which we
17 would like to put to the witness, but I think that it would be best if we were to put the
18 document to the witness because he's here in the courtroom, rather than doing a bar
19 table motion later.

20 So perhaps the Prosecution could have a quick look at that document and ascertain
21 whether they have any objections to us putting that document to the witness.

22 And we have only one question to put to the witness. We would like to put it or
23 have it entered in the file through the witness rather than through a bar table motion.

24 I think a copy has actually just been provided to my team which we would like to
25 have provided to the witness.

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1 Your Honour, I can specify what the document is, but I don't want to influence the
2 witness, so I will proceed as you deem fit.

3 PRESIDING JUDGE SAMBA: [16:02:16] Madam Prosecutor, do you have a copy of
4 that document that counsel just referred to?

5 MS MAKWAIA: [16:02:21] We've seen something on email, Madam President. It's
6 quite hard to ascertain the authenticity of an open source document that has just been
7 dropped in our inbox, Madam President. Just a quick perusal of it, it's not
8 something that this witness has authored, to which we would not have objected, but
9 as it stands, Madam President, I object to the production of this document at the
10 eleventh hour.

11 PRESIDING JUDGE SAMBA: [16:02:54] No, no, but why are you objecting?

12 MS MAKWAIA: [16:02:57] I'm objecting because, as they've said themselves, it's
13 open source. We don't know where it's coming from. It's not authored by this
14 witness. And a quick look at it, it has no relevance whatsoever to what he has
15 testified previously.

16 PRESIDING JUDGE SAMBA: [16:03:12] But you haven't heard the question.

17 Haven't you used open source information in your proceedings by filing of any
18 document?

19 MS MAKWAIA: [16:03:22] I'm sure we have relied on some and we've produced it,
20 Madam President. What I'm saying is, if we're allowed sufficient time to look at this
21 document, perhaps we may be of a different view. But as it stands, I cannot stake -- I
22 object to it.

23 PRESIDING JUDGE SAMBA: [16:03:41] No, it's good that you object to it, I mean,
24 it's allowed, but I just want to know the reason why you're objecting to it. That
25 was ...

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- 1 MS MAKWAIA: [16:03:49] I think I've made myself --
- 2 PRESIDING JUDGE SAMBA: [16:03:52] Yes, you have. It's just that when you
- 3 ended by saying "I object to it."
- 4 Okay. If you say you need time to look at that document, I mean, I was hopeful that
- 5 we'll finish off with this witness today, we'd love to, as a Chamber, allow you to look
- 6 at the document overnight and we come again tomorrow at 9.30 so that we'll continue
- 7 with these proceedings.
- 8 MS MAKWAIA: Thank you, Madam President.
- 9 PRESIDING JUDGE SAMBA: [16:04:23] That would be our position.
- 10 MS MAKWAIA: [16:04:24] Thank you, Madam President, your Honours.
- 11 PRESIDING JUDGE SAMBA: [16:04:29] I'm going to ask that we come tomorrow.
- 12 Mr Witness, we'll finish with your testimony tomorrow because after the Defence
- 13 would have, if at all, depending on how we look at the document, when the
- 14 Prosecution would have looked at it, after that, they may want to also put questions
- 15 to you in re-examination. And the Bench may also want to put questions to you.
- 16 So hopefully tomorrow morning we should be done with your testimony. And so
- 17 I'll want to remind you not to discuss your testimony with any other person when
- 18 you leave this courtroom.
- 19 So with that, I will ask that we come back tomorrow at 9.30. Thank you very much.
- 20 THE COURT USHER: [16:05:14] All rise.
- 21 (The hearing ends in private session at 4.05 p.m.)