

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP- P-0547

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 1
8 Monday, 3 October 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:23] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:49] Good morning, everyone, and welcome to
14 today's session.
15 Madam Court Officer, can you kindly mention the case.
16 THE COURT OFFICER: [9:33:02] Good morning, Madam President, your Honours.
17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Mahamat Said Abdel Kani, reference of the case ICC-01/14-01/21.
19 And we are in open session.
20 PRESIDING JUDGE SAMBA: [9:33:17] Thank you very much.
21 Can counsel announce their representation, please.
22 MS MAKWAIA: [9:33:23] Good morning, Madam President, your Honours. At the
23 Prosecution bar table today, myself, Holo Makwaia, senior trial lawyer; Leonie von
24 Braun, trial lawyer; Yuichiro Omori, Vanessa Hernández, and Ramu Bittaye. Thank
25 you.

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- 1 PRESIDING JUDGE SAMBA: [9:33:48] Thank you very much, Ms Makwaia.
- 2 Yes, counsel for the victims, please.
- 3 MS PELLET: [9:33:56](Interpretation) Thank you, Madam President.
- 4 The victims are represented by Tars Van Litsenborgh and myself, Sarah Pellet,
- 5 *Counsel within the Office of Public Counsel for Victims.
- 6 PRESIDING JUDGE SAMBA: [9:34:12] Thank you very much, Ms Pellet.
- 7 Ms Naouri, for the Defence, please.
- 8 MS NAOURI: [9:34:19](Interpretation) Thank you, Madam President. Next to me,
- 9 Jacobs, Léa Allix, and behind me, Jacquemin, Maître Valduriez and Manon Lanselle.
- 10 And I am Jennifer Naouri.
- 11 PRESIDING JUDGE SAMBA: [9:34:33] Thank you very much, Ms Naouri.
- 12 And, for the record, I note that the accused, Mr Said, is in court.
- 13 Good morning, Mr Said.
- 14 MR SAID: [9:34:49](Interpretation) Good morning, Madam President. Good
- 15 morning, your Honours.
- 16 PRESIDING JUDGE SAMBA: [9:35:02] Thank you.
- 17 Good morning, Mr Witness.
- 18 WITNESS: CAR-OTP-P-0547 (On former oath)
- 19 (The witness speaks Sango)
- 20 THE WITNESS: [9:35:18](Interpretation) Good morning, Madam President.
- 21 PRESIDING JUDGE SAMBA: [9:35:22] I hope you rested well this weekend.
- 22 THE WITNESS: [9:35:33](Interpretation) Yes, indeed. I rested extremely well.
- 23 Thank you.
- 24 PRESIDING JUDGE SAMBA: [9:35:41] Thank you very much.
- 25 So today we are going to continue a little bit with your direct examination, after

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1 which counsel for victims, if she still wants to do that, will ask you a few questions.

2 Then Mr Said's counsel will ask you some more questions. So I just want to remind

3 you that you are still on oath.

4 I will ask the Prosecutor to continue her direct examination, please, of the witness.

5 MS MAKWAIA: [9:36:27] Thank you, Madam President. I request a private session

6 to start with.

7 PRESIDING JUDGE SAMBA: [9:36:38] Madam Court Officer, can you kindly get us

8 into private session.

9 (Private session at 9.36 a.m.)

10 THE COURT OFFICER: [9:36:51] We are in private session, your Honours.

11 PRESIDING JUDGE SAMBA: [9:36:54] Thank you.

12 Madam Prosecutor, carry on, please.

13 MS MAKWAIA: [9:37:06] Thank you, Madam President.

14 QUESTIONED BY MS MAKWAIA: (Continuing)

15 Q. [9:37:12] Good morning, Mr Witness.

16 A. [9:37:16] Good morning.

17 Q. [9:37:20] You have given evidence before the Court last week that you were held

18 at the OCRB in a basement in the main building at the OCRB. Do you recall that?

19 A. [9:37:51] Yes, I do remember.

20 MS MAKWAIA: [9:37:56] With your leave, your Honours, I would like displayed at

21 tab 62, CAR-OTP-2118-3740. This is the FSS report where I would like the

22 photograph 2118-3761 to be displayed.

23 PRESIDING JUDGE SAMBA: [9:38:56] Did you say tab 62?

24 MS MAKWAIA: [9:38:59] Yes, Madam President.

25 PRESIDING JUDGE SAMBA: [9:39:30] Carry on, please.

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- 1 MS MAKWAIA: [9:39:38] I can't get my evidence --
- 2 THE COURT OFFICER: [9:39:45] It's on evidence channel 1.
- 3 MS MAKWAIA: [9:39:48] It's not playing.
- 4 Q. [9:40:11] Mr Witness, can you tell the Court what is depicted on -- starting with
- 5 the first photograph before you.
- 6 A. [9:40:41] That is the administrative bureau of the OCRB.
- 7 THE INTERPRETER: [9:40:47] Says the witness.
- 8 MS MAKWAIA: [9:40:52]
- 9 Q. [9:40:53] Can you tell the Court what is the second photograph.
- 10 A. [9:41:15] It is the same administrative office of the OCRB.
- 11 It's not working.
- 12 THE INTERPRETER: [9:41:28] Says the witness in French.
- 13 MS MAKWAIA: [9:41:32]
- 14 Q. [9:41:33] What's not working?
- 15 A. [9:41:44] The stylist I have in my hand is not working.
- 16 Q. [9:42:16] Okay, Witness, shall we -- shall we start with the first photograph, and
- 17 can you mark it "A", because you've used the same numerals for both pictures.
- 18 Can you just mark that one "A", and then explain to the Court what is depicted at
- 19 number 1.
- 20 A. [9:43:47] Can I -- can I speak? May I go ahead?
- 21 Q. [9:43:52] Yes, please, Mr Witness. Start with photograph marked "A".
- 22 A. [9:44:08] The photo where I have put "A" is the administrative office of the
- 23 OCRB. This is just next to Moov. This is behind the house. And the other arrow
- 24 which I have put on the photo is in front of the opening of the building.
- 25 Where I've put "A" is the window, (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)

5 THE WITNESS: [9:45:29](Interpretation) Are we in private session? I just want to
6 know that for sure before I continue.

7 PRESIDING JUDGE SAMBA: [9:45:37] Yes, we are, Mr Witness. We are in private
8 session. Please carry on.

9 THE WITNESS: [9:45:52](Interpretation) Fine.

10 You see, that is the wall, the fencing which separates the compound from OCRB
11 with -- from the major road. This window there. It is through this window that
12 Yaya and Tahir were at this level. When they saw me, they saw me at this window
13 level. They came to interrupt my testimony which the police investigator was taking.
14 It was a young person. *That cell is next to the Moov building. The dark shadow is
15 the tree which was cut. The small building there, that's where they dragged me to
16 take me behind in order to torture me. This is what I can explain to you relating to
17 this photo.

18 MS MAKWAIA: [9:47:27]

19 Q. [9:47:28] Okay, Witness, can you tell the Court what is that you've marked as
20 number 2.

21 PRESIDING JUDGE SAMBA: [9:47:42] And number 2 of the top photo.

22 MS MAKWAIA: [9:47:46] Thank you, Madam President.

23 Q. [9:47:49] That's the top photograph, Witness.

24 A. [9:48:04] Sorry. I thought I'd explained that. That -- that is the cellar where
25 we were held. You see, at the foundation, in order to go down, there is a hole. The

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1 hole is at this level here. The hole is at this level. This is going down to the
2 basement. It is the hole, which I already talked about, which they barricaded.
3 Number 1 is the bureau which is above the cellar -- the cell.

4 Q. [9:49:13] Can you mark the place you say the hole would be found underneath
5 as "B" on this photograph.

6 PRESIDING JUDGE SAMBA: [9:49:39] Do you want him to mark -- because I see a
7 number "2". So you want him to mark a "B" beside the "2", as he has done?

8 MS MAKWAIA: [9:49:44] That's correct, Madam President.

9 Q. [9:49:47] Mr Witness, can you now move to the second photograph and explain
10 to the Court, starting with number 1, then 2, 3, until 6, why you've marked those
11 areas.

12 A. [9:50:40] Thank you. I just told you that this arrow points to the space behind
13 the building. When you pass through -- on those stairs, you go to -- and you can
14 move on to see the window, it is the window of the office of Mr Said.

15 *Number 2 is the window where I kneeled down to see the baggage that they were
16 unloading from the tipper truck brought by Mr Said. I was positioned at this
17 window to see the booty.

18 I repeat, I was on my knees at this window, and I could see my younger brother. So,
19 in all, you can see the hole where I looked to see my brother; I looked through this.
20 And on that day, there was (Redacted) who came, and I positioned myself here to see
21 my sister.

22 Number 4, you see, look, look. Yeah, you can see the two sides of the building.

23 They were positioned there in order to see me via the window. It is when the
24 investigator has --

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:56:11] Thank you, Witness.

21 And what is that you've marked as number 6?

22 On the second photograph, your Honours.

23 A. [9:56:41] Thank you. I told you, if you want to ask me questions, ask them one

24 after the other. If you ask me the first question and I haven't answered yet, and then

25 you ask me a second question, it upsets me. I've put down those different numbers

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1 so that you can ask me questions according to the numbers as I've put them on the
2 photo.

3 PRESIDING JUDGE SAMBA: [9:57:21] It's all right, Mr Witness. Don't get upset.
4 Okay?

5 THE WITNESS: [9:57:32] (No interpretation)

6 PRESIDING JUDGE SAMBA: [9:57:32] Let's go according to your own -- how you
7 want to tell us your story. You've given us number 3. So tell us about number 4,
8 window number 4.

9 THE WITNESS: [9:57:59](Interpretation) Sorry. I didn't get cross. Thank you.
10 Let me repeat.

11 I sometimes suffer from a loss of memory. Even today. If I start thinking, then I
12 lose my thread. If I made that statement, it's not only because of the Prosecution.
13 The Defence also has to prepare itself in order to ask me questions in accordance to
14 what I've just said. I don't want the Defence counsel thinking that I favoured the
15 Prosecution's questions, and that when it comes to their turn, that I make life
16 complicated. No.

17 So number 4 corresponds to the office where I was taken for questioning by an
18 inspector. Yaya and Tahir were on the other side. And when they saw me, they
19 came to take me into the jail.

20 During that time, Said was in this place and said, "The things are simple. If they
21 want to make things complicated, we will make it complicated for them."

22 I repeat, Yaya and Tahir saw me here. Said got up here and explained what
23 happened. And he said, "The things are simple. If they want to make things
24 complicated, we will make it complicated for them." It was on that day.

25 Number 5, I repeat, is the side where you could see into the hole. There was a tap in

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1 this particular position. Next to the tap, when you got out of the jail, we were
2 positioned here. We, the detainees, we were gathered in that place there. And our
3 families came on this side of the compound.

4 Now, the pipe -- there was actually a pipe there. And the stairs led to the office of
5 Mr Said. The window where I stood to see when he would come with his bin, I
6 would actually stand at that window. The bin was actually blue. Thank you.

7 Now, number 7 corresponds to jail 3. It was the first jail where I was put in.

8 Number 8 actually separated us from the literacy department. Now, this wall
9 separated the OCRB from the literary department. And these are a few details that I
10 can share with you.

11 Now, the small dots is the compound of the OCRB.

12 If you have any further questions, please feel free to ask them.

13 MS MAKWAIA: [10:02:20]

14 Q. [10:02:21] Thank you, Witness.

15 You have referred to Tahir. Can you tell the Court who was this person.

16 A. [10:02:43] *I think that from the start, I've been telling you Tahir was Yaya's
17 teammate. They always worked together. And he had a goiter.

18 Q. [10:03:04] Which group did he belong? Can you tell the Court, please, which
19 group did Tahir belong to.

20 A. [10:03:29] Tahir was Seleka. I met him at the OCRB. I don't know if he was
21 part of Said's team or not, but what I can tell you, that they were together, and they
22 always worked in a team of two.

23 Q. [10:03:56] And what kind of work did they do?

24 A. [10:04:14] Is this really a question, the one you just asked me? What did the
25 Seleka do? They were involved in the killing business. What else do you think

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1 they could do?

2 Q. [10:04:32] Thank you, Witness.

3 Madam President, I move to tender this as a Prosecution exhibit as marked and

4 described by the witness.

5 PRESIDING JUDGE SAMBA: [10:04:46] Madam Court Officer, is it possible for us to
6 have an ERN mark on that one, please.

7 THE COURT OFFICER: [10:04:53] Madam President, yes. It will be

8 CAR-REG-0002-0012. It's not yet updated in Nuix, but we will do it in due course

9 and inform the parties, the participants and the Chamber accordingly by email too.

10 PRESIDING JUDGE SAMBA: [10:05:12] Thank you very much.

11 Madam Prosecutor, be mindful that on Friday you asked for 15 minutes to finish off
12 with this witness.

13 MS MAKWAIA: [10:05:51] I did, your Honours. I probably was slightly optimistic.

14 Upon review, we realised we still had an aspect to cover, and of the projected hours

15 we had given for this witness, about an hour remained for us. So, with your

16 indulgence, Madam President, your Honours, I humbly request to be allowed to use

17 this time and to finish and provide the Court the full scope of this witness's evidence,

18 of what he lived through. Thank you.

19 PRESIDING JUDGE SAMBA: [10:06:37] Carry on, please.

20 MS MAKWAIA: [10:06:39] I'm obliged, Madam President.

21 Q. [10:06:42] Mr Witness, you've also testified to the Court of various parts inside
22 this building, apart from the hole. Do you recall that?

23 A. [10:07:11] Yes, indeed, I do remember.

24 MS MAKWAIA: [10:07:19] Your Honours, can we have displayed at tab 57,

25 CAR-OTP-2033-7044, please.

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1 Q. [10:08:04] Mr Witness, what do we see in this photograph?

2 A. [10:08:25] This is inside our cell. This was in fact above the cell. This office
3 was above the cell. I did not see the table when I was there, and I don't know if it
4 was Mr Said's table that was put up there. And behind the wall, you had Mr Said's
5 office. It's the -- it's Said's office that's just behind the wall. And this is the window
6 from where I observed him when he came with the bin with the spoils after pillaging.
7 I have a question to ask you. You asked me -- I don't know whether it was last
8 Friday. It was at the end of the session. I don't know if you've already asked me
9 about this hole. I remember that you asked me about this hole. I hadn't replied as
10 yet, and the session was over.

11 The hole, in fact, was at my side. And on the other side was this table. Do you see?
12 It was here. The table, you can see.

13 Q. [10:10:19] Thank you, Witness. Would you like to mark the window where
14 you saw Said with his booty as number 1.

15 MS MAKWAIA: [10:10:49] Madam President, I move to tender this as a Prosecution
16 exhibit.

17 PRESIDING JUDGE SAMBA: [10:10:55] Yes.

18 Madam Court Officer, please, an ERN mark.

19 THE COURT OFFICER: [10:11:00] Yes, Madam President, CAR-REG-0002-0013.

20 PRESIDING JUDGE SAMBA: [10:11:07] Thank you very much.

21 Madam Prosecutor, you may carry on, please.

22 MS MAKWAIA: [10:11:14] Thank you, Madam President.

23 I would now like to exhibit tab 70, CAR-OTP-2033-7305, please.

24 That's the wrong one. It's 7305 at the end.

25 Apologies, Madam Court Clerk. We've already used this one. I'll use another one.

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1 Q. [10:13:21] Mr Witness, you were about to tell the Court about being taken to
2 Camp de Roux last week. Do you recall that?

3 MS NAOURI: [10:13:49](Interpretation) Your Honour, we think for the -- for it to be
4 fair to the witness, it's -- you must give the reference of the theme that the Prosecution
5 is trying to ask and also refer to the transcript just to jot his memory and to lay the
6 foundation.

7 PRESIDING JUDGE SAMBA: [10:14:23] Madam Prosecutor, do you have the
8 transcript of that day that he made -- that the witness made that statement?

9 MS MAKWAIA: [10:14:38] I do. Let me just get it. It was towards the end of the
10 session on Thursday.

11 PRESIDING JUDGE SAMBA: [10:14:46] Yes, it must have been. Can you just get
12 the -- maybe the reference point.

13 Ms Naouri, if the witness did not say so on that day, couldn't he have told the Court
14 that he never say he was taken to Camp de Roux.

15 MS MAKWAIA: [10:15:19] I can actually summarise the evidence, if that would
16 assistance, as we locate the actual lines.

17 Q. [10:15:26] Witness, you have --

18 PRESIDING JUDGE SAMBA: [10:15:27] Just a moment, Madam Prosecutor.

19 Yes, Ms Naouri.

20 MS NAOURI: [10:15:37](Interpretation) Sorry, your Honour. I'm listening to the
21 French interpretation. So it was continuing. Just to answer your question, it is not
22 clear what the witness said. So it's actually useful to see in the transcript what the
23 witness said instead of interpreting or paraphrasing so that we can actually lay the
24 foundation on the basis of what the witness actually said in the court.

25 MS MAKWAIA: [10:16:17] Okay, Madam Prosecutor, as I locate the actual lines and

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1 passage he testified to, I will move to a different aspect.

2 MS NAOURI: [10:16:31](Interpretation) Your Honour, just to help the Court.

3 We've actually found the -- just to help out the Court, we found the reference. It's

4 transcript 13, page 50, lines *25 to 26 in the French transcript.

5 PRESIDING JUDGE SAMBA: [10:16:54] That's the point I'm making, because I do

6 recall that the witness did make that kind of a statement. My question is, with the

7 question posed by the Prosecutor to the witness, if really the witness was not taken to

8 Camp de Roux, he will say so. What was wrong with the Prosecutor's question,

9 apart from the fact that she did not make a reference point?

10 Thanks for the reference anyway. The Prosecutor can carry on so that we don't

11 waste more time.

12 MS MAKWAIA: [10:17:35]

13 Q. [10:17:35] Mr Witness, you had started telling the Court you were taken to

14 Camp de Roux with Yaya and Tahir, and you went through three checkpoints. Do

15 you recall that?

16 PRESIDING JUDGE SAMBA: [10:17:53] Can you make reference to the information

17 that Ms Naouri gave you, Madam Prosecutor.

18 MS MAKWAIA: [10:18:03] I'll have to go to the French.

19 PRESIDING JUDGE SAMBA: [10:18:07] What Ms Naouri just gave you.

20 MS MAKWAIA: [10:18:13] She is in the French channel. I'm in the English. But I

21 have the English now, Madam President. That would be page 55 of the transcript,

22 starting at line 18 to page 56, line 2. I can read.

23 MS NAOURI: [10:18:41](Interpretation) Your Honour --

24 MS MAKWAIA: [10:18:42] I can read that.

25 MS NAOURI: [10:18:47] (No interpretation)

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1 PRESIDING JUDGE SAMBA: [10:18:49] Yes, Ms Naouri.

2 MS NAOURI: [10:18:51](Interpretation) *Your Honour, thank you.

3 In the French transcript, there is no mention of Yaya and Tahir; which is precisely

4 why we wanted the reference, to avoid a leading question, such as the one that was

5 just asked. The question was leading because it mentioned Yaya and Tahir, who are

6 not mentioned in the transcript. So the witness did not say it.

7 PRESIDING JUDGE SAMBA: [10:19:13] That's fair enough.

8 Let's hear what the Prosecutor says. She is going to read the transcript.

9 Madam Prosecutor, please.

10 MS MAKWAIA: [10:19:22] Thank you, Madam President.

11 Q. [10:19:27] So I'm going to start at page 55, line 18: "They took me, they put me

12 in a vehicle, and we went to Camp de Roux. I thought we were going to the Palais

13 de Renaissance. No, no, they took me to the other. They took me to Camp de Roux,

14 and he arrived at the gate. They recognised everyone; Yaya knew everybody.

15 Everybody knew Yaya and everybody else. I was in the vehicle with the

16 Seleka -- was with me. I was between two Seleka elements. Yaya was in front in

17 the cab. When we got into the vehicle, we went through three checkpoints, and we

18 arrived to the courtyard of Camp de Roux."

19 And then I asked the witness to stop, Madam President.

20 PRESIDING JUDGE SAMBA: [10:20:35] Yes. There is no mention there of Tahir

21 though.

22 MS MAKWAIA: [10:20:41] My mistake, Madam President. I stand corrected. I

23 will now proceed with your leave.

24 PRESIDING JUDGE SAMBA: [10:20:50] Carry on, please.

25 MS MAKWAIA: [10:20:56]

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1 Q. [10:20:56] Witness, can you tell the Court who else was with you as you were
2 being taken to Camp de Roux on this day.

3 A. [10:21:28] Thank you. I told you, the day I was taken, General Issa was sitting
4 on the bench in front of Said's office. He was talking to him. I was upstairs. Said
5 wasn't there. Tahir entered. Yaya entered. *And then they said, "Let's go." At that
6 moment (Redacted). They said that the authorities wanted to see me. And
7 when we were leaving (Redacted)

8 THE INTERPRETER: [10:22:21] Says the witness in French.

9 THE WITNESS: [10:22:23](Interpretation) We were in the vehicle. Yaya was in the
10 front and Tahir was with me. And there were others in the pick-up. I don't
11 remember the names of the other people. I have been to school. I can retain certain
12 things. Today I'm explaining what exactly happened, and I'm here to tell you the
13 truth, the entire truth, and to narrate factually what I experienced and what I saw.
14 He is also the head of a family. He's a father. And if he hadn't behaved badly, he
15 wouldn't be here. I'm not here to push him down. I'm here to tell you what I saw,
16 what I experienced, and what I had heard. I'm here to tell you the truth. I
17 did -- hadn't seen God with my own eyes, but I know that God exists. So if I
18 remember someone's name, I will tell you. And if I don't remember, I can't. And
19 I'm here to tell you the truth.

20 If you ask me today if Said killed someone in front of my eyes, I would say, "No, I
21 have never seen Said kill someone." But I'm actually telling you the facts that I
22 experienced on a personal level. I'm not lying. Thank you so much.

23 I also would like to add that Francis -- I would like to add that I'm frank, and that's
24 part of my personality. That's what I would like to say, and I'm here to answer any
25 of your questions.

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1 MS MAKWAIA: [10:24:35]

2 Q. [10:24:35] Thank you, Witness.

3 So what happened when you arrived at Camp de Roux?

4 A. [10:25:02] Thank you. When they took me there, we got out from the vehicle,
5 and in the courtyard of Camp de Roux, there were other people sitting. There were

6 many Seleka elements in Camp de Roux. *They were in tents. The type of tents

7 that the HCR distributed to refugees. There were tents on both sides, and we got out

8 of this side. There were folding chairs, and they would use that to sit down. I saw

9 someone who was sitting in one of those chairs. There was something on his side. I

10 don't know what exactly it was. I saw people kneeling in a row, and there were

11 other soldiers sitting in similar chairs.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). I

16 saw -- a very young man was asked questions. His hands were tied at the back.

17 I'm sorry. I'm sorry.

18 THE INTERPRETER: [10:28:00] The Sango booth cannot hear what the witness is

19 saying, unfortunately, and so the English booth cannot translate.

20 PRESIDING JUDGE SAMBA: [10:28:13] Madam Prosecutor, you may want to ask

21 him what he said while he was kneeling down, please, now that he is in front of the

22 mike.

23 MS MAKWAIA: [10:28:20] Thank you, Madam President.

24 Q. [10:28:22] Mr Witness, when you move away from the microphone, we can't

25 capture what you're saying. Can you please tell the Court what you were saying as

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1 you were kneeling down, demonstrating how the young man was.

2 PRESIDING JUDGE SAMBA: [10:29:30] We are sorry, Mr Witness. We are sorry.

3 THE WITNESS: [10:29:40](Interpretation) His hands were tied behind - everyone

4 tried to move ahead - just the way I showed you. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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21 (Redacted)

22 (Redacted)

23 MS MAKWAIA:

24 Q. [10:32:18] Sorry to interrupt you, Mr Witness, but I need to ask you for a name,

25 and then you can continue.

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1 You said there was a person sitting on a chair and people were kneeling at him.

2 What's the name of this person, if you know?

3 A. [10:32:55] I'm going to answer your question. *I told you that someone was
4 sitting in the armchair, let me finish my account. You are frustrating me. Please,
5 please, let me just continue. I'll give you name of the person who was seated later,
6 the person seated on the chair.

7 (Redacted)

8 (Redacted)

9 (Redacted)

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16 After that, he gave the order to his elements. He was talking in Arabic, but I heard
17 the word *sous-sol*, basement. They started to talk a language which I simply didn't
18 understand. It wasn't Arabic. It wasn't French, and it wasn't even English. They
19 were white -- four white people.

20 After that, they took us elsewhere. Who was the -- Madam President, who was the
21 president? It was Mr Djotodia. Do they have two presidents? No.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 Some days later, maybe one day or two days later, I can't remember, it was the day

6 when the Prime Minister and the minister of the interior, because that was Nouradine,

7 then he was replaced by Binoua, and Binoua asked that the Seleka leave the military

8 camps and the commissariat which they were occupying.

9 They came. There were many of them. If they came with all the members of their

10 family, I really don't know. There was no space anymore. When a general takes

11 occupation of the school building, it's finished. It's all his entire family that lives

12 there. So everybody came with their own clan. And that is how Binoua gave the

13 order so that he could leave the camp, the commissariat, so that the police and the

14 professional soldiers could carry out that work. It was the day before my release, the

15 evening, a blue vehicle arrived, maybe between 17 and 18 hours. They started to

16 load the vehicle. Initially, he left and looked around. I was still there. I saw what

17 was happening.

18 He said, "Look, they are to carry away their booty, but they've already chased them

19 away."

20 And I said, "Who did they chase?"

21 *He said, "It's minister of the interior. He'll come tomorrow with the Prime Minister in

22 order to see what the problems are of the soldiers that are in the other prison."

23 During that time, my younger brother received the same information, that these

24 authorities had released all the agents so that the police could come back, as well as

25 the professional soldiers. He asked me also to get up to see the people who were

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1 there. And when I got up, I saw Said, Said next to the tree, and the bucket was next
2 to him and the baggage. I didn't say anything. All I did was look. I looked at
3 them taking all the luggage, loading all the luggage.

4 (Redacted)

5 (Redacted)

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- 23 (Recess taken at 11.00 a.m.)
- 24 (Upon resuming in open session at 11.32 a.m.)
- 25 THE COURT USHER: [11:32:14] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SAMBA: [11:32:28] Good morning, again, everyone.

3 We are in open session, just so you know.

4 Mr Witness, we are in open session.

5 So, Madam Prosecutor, if you would want for us to go into private session, when you
6 want us to do so, please let us know.

7 Mr Witness, we are going to continue with your direct examination. Hopefully that
8 would not be too long. I'm going to ask you to, you know, remain focused and
9 answer the questions that the Prosecutor may want to put now to you, so that after
10 the Prosecutor would have finished her direct examination, counsel for the victims
11 will also ask you some questions before we go over to the Defence. So, you know, if
12 you try to answer the questions put, that should help us with time.

13 Madam Prosecutor, your witness, please. We are in open session, for the record.

14 MS MAKWAIA: [11:33:50] thank you, Madam President.

15 Q. [11:33:55] Mr Witness, can you tell the Court, what was the relationship between
16 Tahir and Mr Said at the OCRB?

17 A. [11:34:40] I don't know how they would organise themselves. I don't know
18 what was the relation. All I can say is they were all at the OCRB, but I don't know
19 what was the relationship between them. In fact, I do not have a clue. And this is
20 what I can say.

21 Q. [11:35:08] Thank you, Witness.

22 You testified earlier, and that would be 21:13, transcript reference, when you were
23 speaking about Camp de Roux, that a man took a machete and hit the boy, and that
24 this same person had also asked about ethnic groups.

25 Can you tell the Court who this man was.

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1 A. [11:36:14] I think I told you that it was with another instrument. This was an
2 instrument used by workers to break down stones when they are doing plumbing or
3 something like that. It's -- it's called a *massette* and not a machete. I also said that it
4 was Djotodia. I did not say that it was a machete.

5 Q. [11:36:54] Thank you, Witness, for that clarification.

6 You also testified earlier, and that would be line 25, that would be at 25:01,
7 your Honours, of the transcript.

8 You testified earlier that Yaya told you that he was only carrying out orders. Did
9 you find out from who he was receiving these orders?

10 A. [11:37:44] No, they did not tell me that. At no point of time they said who.

11 They said that they were working on the instructions of someone. (Redacted)

12 (Redacted). And they

13 said that they were only complying with instructions.

14 THE INTERPRETER: [11:38:14] Message from the interpreter: The *massette*, the
15 witness was talking about, is a sledgehammer in English.

16 PRESIDING JUDGE SAMBA: [11:38:22] Sorry.

17 Mr Witness, may I remind you that we are in open session, please.

18 And, Madam Court Officer, could we have a redaction in respect of that name, please.

19 Thank you.

20 THE COURT OFFICER: [11:38:39] This will be implemented accordingly,
21 your Honours.

22 MS MAKWAIA: [11:38:47] Thank you, Madam President.

23 Perhaps we should move into a private session, Madam President, and I'm at the tail
24 end of the examination-in-chief.

25 PRESIDING JUDGE SAMBA: [11:38:57] Can we go briefly into private session,

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1 please, Madam Court Officer. Thank you.

2 (Private session at 11.39 a.m.)

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19 (Redacted)

20 Can we now have displayed from tab 20, OTP-2018-0445, your Honours.

21 Q. [11:41:52] Who's on this photograph, Mr Witness?

22 A. [11:42:19] This question was asked previously. The person resembled (Redacted)

23 (Redacted) but the person I see is Nouradine, who resembles (Redacted). I once saw

24 him at the OCRB. He resembles Nouradine. But the person on this photo is

25 Nouradine. They have the same characteristics. His nose is larger than the other

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1 person. I think I've seen him on that day.

2 I told you that this person you are showing me, in fact, I've seen him just once, and

3 I'm trying to identify -- I'm making efforts to identify this person. This is what I can

4 say. But the person on this photo resembles Nouradine. He was there an afternoon

5 with a pistol on his tie. And here you can see him in civilian clothes. This is what I

6 can give you -- this is the information I can give you with regards to the photo that's

7 being displayed.

8 Q. [11:43:50] Thank you, Witness.

9 Can we have displayed, at tab 19, CAR-OTP-2018-0443, Madam President,

10 your Honours.

11 Can you tell the Court, Mr Witness, what is before you.

12 A. [11:44:35] That's Djotodia, the man who was on the chair and who hit the young

13 man on his head. I've seen him several times on TV, and I've also seen him in person

14 when I was there in this place that I described. And I can confirm that this is

15 Djotodia, the president of the transition.

16 Q. [11:45:08] Thank you, Witness.

17 Mr Witness, how did you come to leave the OCRB in August -- no. I'll stop there.

18 How did you come to leave the OCRB? Can you tell the Court, please.

19 A. [11:45:50] Madam Prosecutor, how many times would you like me to answer

20 that question? What did I tell you? The day when Tahir and Yaya took me, they

21 said they are going to bring me before the head. And I remember the day this man

22 came and he said that he was in Senegal. I don't know why you are asking me this

23 question. I was taken there at about 4. In fact, I know it was in the afternoon. I

24 don't remember the time exactly. And then they took me back.

25 I told that you Yaya, Tahir; there was a driver; there were five other people who took

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1 me on that day. I don't know what day, but why are you asking me questions?

2 You are basically making me living through the entire experience. If you think I'm
3 lying, then we can just stop. If you think that I am lying -- I'm telling you the truth
4 with accuracy, and you are coming back to the same questions, and I feel the -- I get
5 the impression that you feel I'm lying to you.

6 Q. [11:47:26] No, Mr Witness, perhaps the question was not clear. Were you
7 released from the OCRB?

8 A. [11:48:09] I told you it was on the 31st, when Binoua and the prime minister
9 came. There was also the mayor of Bimbo. Before they came, we were released
10 from the underground cell, and I was brought into the cell that is just near the pick-up
11 car. It was in the same building as the J3 cell where all the ceremony was organised.
12 People from Boeing were officially released. And that was done before the media.
13 *The youths from Boeing who were in the cells near Moov were freed, and that was
14 part of the media coverage. It was broadcast on TV.
15 Now, the -- for the others, it's the Prosecutor who freed me. He gave the instruction.
16 He said that, "You must free this person so that his family can treat him. And if
17 anything happened to him, the DG of the OCRB and his -- and his elements would
18 bear the responsibility."

19 When I was freed, the DG was not present. When the Prosecutor came in front of
20 our cell, he saw me and he remembered. He said that, "I've seen you during my last
21 visit," (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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7 A. [11:58:37] Yes.

8 Q. [11:58:38] May I have your attention, Mr Witness?

9 Madam President, your Honours, I have come to the end of my examination-in-chief.

10 I thank you, Mr Witness, for answering my questions.

11 PRESIDING JUDGE SAMBA: [11:59:02] Thank you very much, Madam Prosecutor.

12 Mr Witness, counsel for the victims will now put a few questions to you, if she may,

13 for some -- she's been given 20 minutes to do that.

14 Ms Pellet, please.

15 MS PELLET: [11:59:48](Interpretation) Thank you, Madam President. Indeed, I

16 maintain my request --

17 PRESIDING JUDGE SAMBA: [12:00:00] Madam Court Officer, are we still in private

18 session, or are we in public session? I think we're in private session.

19 THE COURT OFFICER: [12:00:06] We are still in private session, Madam President.

20 PRESIDING JUDGE SAMBA: [12:00:11] Can we go back to public session so that we

21 take note that Ms Pellet is on her legs, please.

22 (Open session at 12.00 p.m.)

23 THE COURT OFFICER: [12:00:40] We are now in open session, your Honours.

24 PRESIDING JUDGE SAMBA: [12:00:42] Thank you very much.

25 Ms Pellet, counsel for the victims, you have been given 20 minutes. I don't know

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1 whether you still want to -- want for us to remain in public session. But be mindful
2 of the questions you put to the witness, and please don't repeat questions or answers
3 that would have been given in questions that the Prosecutor has asked these three
4 days. Thank you.

5 MS PELLET: [12:01:11](Interpretation) Thank you, Madam President. *I maintain
6 my request and, in order to comply with the Decision on the conduct of proceedings, I
7 will restrict myself to the impact of the events described by the witness since the
8 beginning of his testimony, on his life and that of his family.

9 QUESTIONED BY MS PELLET: (Interpretation)

10 Q. [12:01:32] Mr Witness, good morning. We know each other, but for the
11 transcript --

12 A. [12:01:40] Good day.

13 Q. [12:01:43] *So for the transcript, I need to specify that I am your legal
14 representative, since you were authorized to participate in the proceedings on 27 May
15 on the basis of a form which we filled in together on 17 March. Mr Witness, I realize
16 that having to testify in front of us must be very demanding, and I only have a few
17 additional questions to put to you; mainly — as I said to Madam President —
18 as regards the impact these events had on yourself and your family. As you've done
19 very well since now, if you think that your answer to my questions could endanger
20 you or any member of your family or is confidential information on your current
21 situation, do not hesitate to ask us to go into private session before answering.

22 Do you understand what I'm saying?

23 A. [12:02:52] I've understood you.

24 Q. [12:02:55] *And as you were told just now by the Bench, I would be grateful if
25 you could answer my questions in a focused way, because, as you have heard, I have

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1 very little time available to put my questions to you. Mr Witness, on Thursday
2 morning you explained that your house had been looted and that it was completely
3 ransacked which forced you to flee to your maternal aunt. *This is transcript 12,
4 pages, for example, 21 and 33.

5 Could you go back and live in your house after you were released from the OCRB?

6 A. [12:03:59] After my release, the very same evening, I left there with my family.
7 My younger brother didn't want me to stay there, and I was taken somewhere that
8 very same night.

9 Q. [12:04:30] Mr Witness, what happened after that? Did you return to go and
10 live in that house?

11 A. [12:04:42] When I got back, there were no chairs in the house. There was
12 nothing, nothing, so that I could sit down. I told you that when I entered, I was
13 sleeping on the ground on a mat.

14 So, you see, the mat on which ...

15 THE INTERPRETER: [12:05:15] The witness didn't finish his sentence.

16 THE WITNESS: [12:05:19](Interpretation) I slept on a mat.

17 MS PELLET: [12:05:37] (Overlapping speakers)

18 THE WITNESS: [12:05:38](Interpretation) I don't know how to describe this to
19 you.

20 Could we go into private session so that I can give you the details, and then we can
21 move forward, if you don't mind, please.

22 PRESIDING JUDGE SAMBA: [12:05:55] Madam Court Officer, please, can we go
23 back into private session.

24 (Private session at 12.06 p.m.)

25 (Redacted)

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23 (Open session at 12.25 p.m.)

24 THE COURT OFFICER: [12:25:42] We are back to open session, your Honour.

25 PRESIDING JUDGE SAMBA: [12:25:47] Ms Naouri, for the Defence, please.

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1 MS NAOURI: [12:25:52](Interpretation) Thank you, Madam President.

2 QUESTIONED BY MS NAOURI: (Interpretation)

3 Q. [12:25:58] Good day, Mr Witness. My name is Jennifer Naouri. I am the main
4 counsel for the Defence of the accused behind me, and I'm going to ask you some
5 questions today.

6 As everybody has done so far, I'm going to call you "Mr Witness", as everyone else
7 has done. To start, some precision, I'm going to ask you targeted questions on what
8 you've experienced, and obviously, we will do our utmost to make sure that your
9 identity or any elements that might identify you do not become apparent.

10 Secondly, I'm going to ask you simple questions. Please answer the questions calmly
11 so that we can make headway. There we go, Mr Witness.

12 To start, I'm going to ask you -- or madam judge whether we can go into private
13 session.

14 PRESIDING JUDGE SAMBA: [12:27:22] Madam Court Officer, can you get us into
15 private session, please.

16 (Private session at 12.27 p.m.)

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5 (Open session at 1.02 p.m.)

6 THE COURT OFFICER: [13:02:43] I was waiting for the interpretation to finish.

7 We are in open session, Madam President.

8 PRESIDING JUDGE SAMBA: [13:02:48] Thank you very much.

9 Mr Witness, we are going to break off for lunch at this point. We'll come back at 2.30,
10 and counsel for the Defence will continue with her questions to you. I'll still ask that
11 you calm down, don't get upset. The sooner we get answers to questions put to you,
12 then that will determine the time we'll leave here or finish at least with your own
13 testimony. So to assist the Court, as you've graciously agreed to do, I'll ask you
14 again to please calm down and listen to questions that are put to you and answer
15 counsel's question. She is just doing her job.

16 So with that, I ask that we come again at 2.30. This matter stands adjourned, please.

17 THE COURT USHER: [13:03:53] All rise.

18 (Recess taken at 1.03 p.m.)

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

20 THE COURT USHER: [14:33:47] All rise.

21 Please be seated.

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

23 For the record, we are in open session.

24 Mr Witness, we are going to continue with counsel for the Defence putting questions
25 to you.

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1 And, Ms Naouri, you can continue asking your questions, please.

2 MS NAOURI: [14:34:45](Interpretation) Thank you, your Honour.

3 Q. [14:34:56] Good afternoon, Witness. So we're going to go back to where we

4 were --

5 A. [14:35:04] Good afternoon.

6 Q. [14:35:06] We're going to go back to where we were before the break. We were

7 discussing your association.

8 Your Honour, to continue, I'm going to ask if we can go into private session.

9 PRESIDING JUDGE SAMBA: [14:35:33] Very well, Ms Naouri.

10 Madam Court Officer, can you get us back into private session, please.

11 (Private session at 2.35 p.m.)

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16 (Open session at 4.02 p.m.)

17 THE COURT OFFICER: [16:02:05] We're in open session, Madam President.

18 PRESIDING JUDGE SAMBA: [16:02:08] Thank you very much.

19 So we'll end today's testimony here, and I'll rise the Court and ask that we meet

20 tomorrow at 9.30, please. Thank you very much.

21 THE COURT USHER: [16:02:20] All rise.

22 (The hearing ends in open session at 4.02 p.m.)