

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 Thursday, 29 September 2022
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:59] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:32] Good morning, everyone.
14 Madam Court Officer, can you please call out the case.
15 THE COURT OFFICER: [9:34:42] Good morning, Madam President, your Honours.
16 This is the Situation in the Central African Republic II, in the case of The Prosecutor
17 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SAMBA: [9:34:57] Thank you very much.
20 Can I ask for representation, please.
21 MS MAKWAIA: [9:35:05] Good morning, Madam President, your Honours. For
22 the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer;
23 Leonie von Braun, trial lawyer; Lise Tamm, Andreina Rodriguez, Sanyu Ndagire,
24 Vanessa Hernández, Ramu Bittaye. I thank you, Madam President.
25 PRESIDING JUDGE SAMBA: [9:35:27] Thank you very much.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Counsel for the victims, please.

2 MS PELLET: [9:35:34](Interpretation) Thank you, Madam President. The victims
3 are represented by Tars Van Litsenborgh and by myself, Sarah Pellet, OPCV.

4 PRESIDING JUDGE SAMBA: [9:35:48] Thank you very much, Ms Pellet.
5 Defence, please.

6 MS NAOURI: [9:35:53](Interpretation) Thank you, Madam President. Beside me,
7 Mr Dov Jacobs, Léa Allix, and behind, Mr Francois-Jacquemin, Sarah Valduriez,
8 Manon Lanselle, and Capucine Banet. As for myself, I am Jennifer Naouri, lead
9 counsel for Mr Said. Thank you.

10 PRESIDING JUDGE SAMBA: [9:36:16] Thank you very much, Ms Naouri.
11 And for the record, I note that the accused, Mr Said, is in court.

12 Good morning, Mr Said.

13 Good morning, Mr Said.

14 MR SAID: [9:36:43] *Good morning. Thank you, Madam President.

15 PRESIDING JUDGE SAMBA: [9:36:44] Now, the Prosecution is calling
16 Witness P-0547 as its first witness. At the outset, I wish to note for the parties, it is
17 the Chamber's understanding that this witness will be testifying in Sango. I will
18 therefore remind everyone of the importance of the need to speak slowly for the
19 interpreters and to observe the five-seconds rule between questions and answers.
20 Now, before commencing, the Chamber notes briefly that protective measures are
21 confirmed to this witness by virtue of decision number 481 and that the VWU
22 recommends no further protective measures.

23 Before we bring in the witness, the Chamber will issue a brief oral decision.

24 The Chamber notes that on 23 September 2022, the Common Legal Representative of
25 Victims sought leave of the Chamber to question P-0547 in filing number 484. In

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 particular, the Chamber notes that P-0547 is a dual status witness, and the CLR
2 wishes to ask additional questions regarding the witness's alleged arrest by the Seleka
3 and the conditions of his detention at the OCRB.
4 Furthermore, the Chamber also notes that the CLR intends to cover aspects related to
5 potential reparations and will take no more than 20 minutes to conduct her
6 questioning. * Now this means that nobody else will be able to put questions to the witness,
7 as the parties did not request leave to respond subsequent to the request submitted by the
8 legal representative for victims. Therefore, the Chamber grants the CLR's request thereby
9 allowing her to question witness P-0547 for 20 minutes after the Prosecutor has finished its
10 examination in chief. Following the completion of his direct examination by the Prosecution.
11 However, the Chamber stresses that the CLRV's questioning must not be a repetitive of
12 matters covered during direct examination and is strictly limited to the personal interests of
13 the victim as set out in the directions on the conduct of proceedings and Article 68(3) of the
14 Rome Statute. Finally, as a matter of procedure, in future, the Chamber instructs the
15 CLR that she does not need to submit a request to question a witness via formal filing.
16 So, rather, it is sufficient for her to make her request via email.

17 * This is our decision.

18 Can the Court clerk please bring in the witness.

19 (The witness enters the courtroom)

20 PRESIDING JUDGE SAMBA: [9:42:12] Thank you very much.

21 Good morning, Mr Witness.

22 WITNESS: CAR-OTP-P-0547

23 (The witness speaks Sango)

24 THE WITNESS: [9:42:24](Interpretation) Good morning, your Honour.

25 PRESIDING JUDGE SAMBA: [9:42:31] You're going to testify before the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 International Criminal Court. On behalf of the Chamber, I would like to welcome
2 you to the courtroom.

3 THE WITNESS: [9:42:54](Interpretation) Thank you.

4 PRESIDING JUDGE SAMBA: [9:42:59] Now, Mr Witness, you should have in front
5 of you the solemn undertaking to tell the truth, that every witness who testifies before
6 this Court must agree to. Can I ask that you read out loud what you have on the
7 desk before you.

8 THE WITNESS: [9:43:33](Interpretation) I solemnly swear that I shall tell the truth,
9 the whole truth and nothing but the truth.

10 PRESIDING JUDGE SAMBA: [9:43:44] Thank you very much, Mr Witness.
11 Now, do you understand and agree to what you have just read?

12 THE WITNESS: [9:44:04](Interpretation) I have just sworn to tell the truth and
13 nothing but the truth.

14 PRESIDING JUDGE SAMBA: [9:44:15] Thank you very much, Mr Witness.
15 We will continue.

16 Let me now explain to you, Mr Witness, the protective measures that the Chamber
17 has put in place for your testimony. The following measures are put in place to
18 protect you:

19 Voice and face distortion has been put in place for the duration of your testimony.
20 Now, this means that no one outside the courtroom can see your face or hear your
21 real voice during your testimony.

22 There will also be the use of a pseudonym. In accordance with that, we all refer to
23 you as "Mr Witness" to make sure that the public does not know your name.

24 Now, when you answer to questions that will not give away who you are, we will do
25 so in open session, which means that the public can hear what is being said in the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 courtroom.

2 When you are asked to describe anything that relates specifically to you, or you are
3 asked to mention facts that might reveal your identity, we will do so in private
4 session.

5 In private session, there is no broadcast and no one outside the courtroom can hear
6 your answer.

7 If ever anything gets said during public session which should have been said in
8 private session, we will do our best to protect that information.

9 Your testimony will be broadcast on a delay so we can remove any such remarks
10 from the public broadcast. This means, if anything does go wrong, we can try and
11 stop the public from hearing it. The parties and the legal officers of the Chamber are
12 monitoring this at all times. So please be assured that you are protected.

13 And, lastly, I have a few practical matters you should have in mind when giving your
14 testimony. Everything we say here in this courtroom is written down and
15 interpreted. It is, therefore, important to speak clearly and at a slow pace. Please
16 speak into the microphone and only start speaking when the person asking you the
17 question has finished. To allow for the interpretation, everyone has to wait a few
18 seconds before starting to speak.

19 Now, if you yourself have any question, raise your hand so that you may say what
20 you wish to say to the Chamber.

21 Now, Mr Witness, have you understood all that?

22 THE WITNESS: [9:48:57](Interpretation) Yes, your Honour, I have understood
23 perfectly. And I think this is the second time I've been reminded of these practical
24 arrangements.

25 PRESIDING JUDGE SAMBA: [9:49:10] Well, thank you very much. We will then

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 start with your testimony.

2 Madam Prosecutor, your witness, please.

3 MS MAKWAIA: [9:49:25] Thank you, Madam President.

4 Madam President, your Honours, because I'm going to start with questions that

5 may identify the witness, I respectfully request a private session for about

6 10 to 15 minutes.

7 PRESIDING JUDGE SAMBA: [9:49:50] Ms Naouri, any objection to that, please?

8 MS NAOURI: [9:49:57](Interpretation) No, no objection.

9 PRESIDING JUDGE SAMBA: [9:49:59] Thank you very much.

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

11 (Private session at 9.50 a.m.)

12 THE COURT OFFICER: [9:50:13] We are in private session, Madam President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0547

(Private Session)

ICC-01/14-01/21

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0547

(Private Session)

ICC-01/14-01/21

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0547

(Private Session)

ICC-01/14-01/21

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Open session at 10.19 a.m.)
- 11 THE COURT OFFICER: [10:19:57] We are back in open session, Madam President.
- 12 PRESIDING JUDGE SAMBA: [10:20:00] Thank you.
- 13 Madam Prosecutor, please carry on with your examination-in-chief.
- 14 MS MAKWAIA: [10:20:06] Thank you, Madam President.
- 15 Q. [10:20:12] Witness, in August 2013, where were you living?
- 16 A. [10:20:33] In August 2013, I was living in the Boy-Rabe neighbourhood.
- 17 Q. [10:20:42] And for how long had you been living in this neighbourhood at this
- 18 point?
- 19 A. [10:21:07] I think that I was away from that neighbourhood from (Redacted)
- 20 (Redacted)
- 21 (Redacted).
- 22 THE INTERPRETER: [10:21:45] Correction: The period when I was away was from
- 23 (Redacted). Correction by the interpreter.
- 24 MS MAKWAIA: [10:22:01]
- 25 Q. [10:22:02] And how was the situation in your neighbourhood during the month

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 of August 2013?

2 A. [10:22:31] Thank you. I'm going to answer your question. In order to answer
3 your question fully, I'm going to go back slightly. I think it was in 2003, more
4 specifically, in March, if I'm not mistaken. Maybe it was the 24th of that month. It's
5 at that point of time that the rebel forces, the so-called Seleka, took over power or
6 came to power. After taking over, one week later, to be exact, they started to commit
7 acts of aggression on individuals.

8 PRESIDING JUDGE SAMBA: [10:23:57] Mr Witness, just a moment, please.

9 Could you direct your witness properly. Is he really taking us to 2003? Was your
10 question 2013?

11 MS MAKWAIA: [10:24:14] I shall do so, Madam President. I also noted that.

12 Q. [10:24:19] Witness, I asked you how your situation was in August of 2013.

13 Now, you said you will take us back to -- can you please repeat, which year is it?

14 How far back are you taking us back?

15 A. [10:24:56] Thank you. I think it was August 2013. The night of the 18th, I was
16 at home. I was sleeping. And maybe around 9 or 10 o'clock in the evening, I was
17 still sleeping, and I heard shots from war weapons. There were two detonations of
18 heavy armament in the neighbourhood. We were concerned. People went out to
19 see what was happening. I too went out to see what was going on. I saw people
20 walking around. I asked them what was happening. And those individuals told
21 me that the soldiers who lived in the neighbourhood -- those soldiers who lived in the
22 neighbourhood wanted to prevent the swearing-in ceremony of Djotodia the next day.
23 And, therefore, they fired shots to express their dissatisfaction. The swearing-in
24 ceremony should have taken place at the National Assembly. And they felt that by
25 shooting these heavy weapons, they would create fear so that they wouldn't turn up

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 for the swearing-in ceremony.

2 I told those individuals that that way of behaving would cause problems for us. If
3 you see that the Seleka would react, it would be serious. So they should do
4 something to flee in the event that the Seleka would carry out any retaliatory actions.

5 And on the 19th of that month, the president had the swearing-in ceremony, and
6 there was no detonation from any weapons.

7 Q. [10:27:56] Stop a minute, Mr Witness.

8 So, can you tell the Court, please, who were these soldiers who fired these mortars?

9 A. [10:28:28] They were soldiers who lived in the neighbourhood with us. They
10 were the elements from the former presidential guard. They were elements for
11 presidential security of the former president, who was -- is defunct. It wasn't the
12 Seleka. It was those soldiers who fired their heavy weapons.

13 Do you want me to continue my narrative on this point?

14 Q. [10:29:08] We shall continue, Mr Witness. I just want to ask you a few
15 follow-up questions.

16 And how do you know they were not happy and did not want the swearing in to take
17 place?

18 A. [10:29:44] In my statement here, I said that when they used their heavy weapons,
19 I wasn't with them. I was at home. I was sleeping. When I heard the firing of the
20 heavy weapons, and for my own safety, I wanted to find out what was happening.

21 And that is why I went out and saw people who were going up and down. I
22 approached them and asked them what was happening. *And that is how some of
23 these individuals told me that the soldiers who were living in the neighbourhood, as
24 well as the former presidential guard members, had come together at the Ndrès
25 school and started to fire to show their dissatisfaction in order to prevent the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 swearing-in ceremony from taking place of President Djotodia. That's what they
2 told me.

3 And I said, okay. And then I entered and returned back home. And at that
4 moment, I told my younger brother not to move because there would most certainly
5 be retaliatory actions after these firings, these shootings. But I wasn't with these
6 soldiers, so I can't give you more detailed information on this.

7 Q. [10:31:30] Okay, Mr Witness. So did the swearing-in ceremony of Djotodia
8 ultimately take place?

9 A. [10:31:54] Yes, that's right.

10 Q. [10:32:01] When did it take place?

11 A. [10:32:17] The ceremony was at the National Assembly.

12 Q. [10:32:30] How many days after the mortar attack did it take place?

13 A. [10:32:58] The firing was today, and tomorrow the ceremony was held.

14 THE INTERPRETER: [10:33:07] Says the witness.

15 PRESIDING JUDGE SAMBA: [10:33:08] Yes, Ms Naouri.

16 MS NAOURI: [10:33:11](Interpretation) Thank you, your Honour.

17 In the French transcript, the witness never used the word "mortar". He talked about
18 heavy weaponry, and he talked about the sound of weapons going off, but he did not
19 use the word "mortar". Thank you, Madam President.

20 MS MAKWAIA: [10:33:33] I can rephrase, Madam President.

21 PRESIDING JUDGE SAMBA: [10:33:37] Go on, Madam Prosecutor.

22 MS MAKWAIA: [10:33:44]

23 Q. [10:33:44] Witness, I'll take the question up again. After the use of heavy
24 weapons in your neighbourhood, how many days after this did the ceremony -- the
25 swearing-in ceremony take place of Djotodia?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 A. [10:34:16] I haven't understood your question. Could you please repeat it.

2 Q. [10:34:25] How many days after the use of heavy weapons in your
3 neighbourhood did the ceremony to swear in Djotodia take place?

4 A. [10:34:55] Thank you. I think we're here to tell the truth, not to tell lies. I
5 didn't come here to incriminate anyone. I'm here to tell the truth about what I saw
6 and what I heard.

7 When I went out that night, I asked some people questions, and I was told that it was
8 the former presidential guard members and the former soldiers who were using
9 mortars. It was heavy weapons. They are called mortars. That's what I was told.
10 I was told that they had used mortars.

11 And when they did that that evening, the ceremony did occur the next day. That's
12 what I can tell you. They demonstrated at night, the night of the 18th, and the next
13 day, the 19th, the ceremony was held.

14 Q. [10:36:26] And in subsequent days, did you remain at Boy-Rabe?

15 A. [10:36:57] I think I stayed, but it was on the 20th when I was obliged to flee.
16 I was giving you the complete account of what happened when you interrupted me.
17 I repeat, on the 18th, I was still in the neighbourhood. The 19th, I was still there.
18 And it was on the 20th, when the events began.

19 If you let me finish my account - I'm a human being. I may get things wrong - and
20 then you can ask me questions, and then I can give you the details, if possible.
21 So let me repeat. I left the neighbourhood on the 20th.

22 Q. [10:37:59] Why did you leave the neighbourhood, Witness?

23 A. [10:38:17] Thank you for that question. Allow me to repeat. Let me have
24 some time to tell you what happened, in particular what led me to leaving the
25 neighbourhood. That's what I can tell you for now.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Please, I apologise. Why am I saying this? Because when I say one word, you
2 interrupt me and ask me a question, and then all of a sudden I'm upset and I might
3 miss a detail. So please let me go on with my account, and then after, at the end, you
4 can ask me all the questions you want. I've gone through a whole bunch of things,
5 and I may have a few blanks in my memory, but if you ask me repetitive questions
6 and interrupt me all the time, that can bother me.

7 You asked me whether the swearing-in was held after the gunfire, for example.

8 PRESIDING JUDGE SAMBA: [10:39:37] Okay, Mr Witness -- Mr Witness, don't get
9 upset. The Prosecutor is just trying to, you know, get the story that you want to tell.
10 She is just helping you by asking questions. Don't you get upset. We'll get to what
11 you want to say. Okay? So don't get upset. Are you okay? Is that clear?

12 THE WITNESS: [10:40:19](Interpretation) I understand.

13 PRESIDING JUDGE SAMBA: [10:40:21] As you have said, we are here to get the
14 truth, and the truth is what you are going to say to us. Okay? So don't get upset.
15 You'll get to say what you want to say. Okay? So allow the Prosecutor to put the
16 questions.

17 THE WITNESS: [10:40:54](Interpretation) Thank you. I understand.

18 PRESIDING JUDGE SAMBA: [10:40:57] Thank you very much.

19 Madam Prosecutor, please.

20 MS MAKWAIA: [10:41:01] Thank you, Madam President.

21 Q. [10:41:04] Mr Witness, can you continue your testimony, please. So why did
22 you flee Boy-Rabe? Can you continue your narrative.

23 A. [10:41:33] Thank you. After that demonstration of dissatisfaction with
24 Mr Djotodia taking power, it was in the night of the 19th, it was on the 19th, the next
25 day, in other words, President Djotodia was able to swear his oath of office. Nothing

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 happened.

2 On the 20th, at around 1 in the afternoon, it rained heavily, and you could hear
3 weapons going off in the rain. *In the meantime, I told my younger brothers to try to
4 seek refuge elsewhere in the case of an attack, but since the sounds of the weapons
5 going off continued until 6pm, or even longer than that, we were afraid.

6 Usually they come towards the market, they shoot into the area, and then they
7 withdraw. But that day, they shot their weapons all day long. We were waiting for
8 them to leave the neighbourhood so that we could go back home. Unfortunately,
9 they continued shooting nearly the entire day. So I fled, and I took refuge (Redacted)
10 (Redacted). I spent
11 the night there.

12 The next day, on the 21st, my younger brother who was with me at the house called
13 me.

14 THE INTERPRETER: [10:44:14] Correction: My younger brothers, in the plural,
15 called me.

16 THE WITNESS: [10:44:20](Interpretation) And they asked me to come and see what
17 those rebels had done so that I would not accuse my younger brothers the next day of
18 being responsible for the looting.

19 At about 10 or 11 in the morning, I went back to the house, and I saw that they had
20 broken down the door. I saw the looting, and I could see bullet holes on the doors,
21 also the marks or the -- the signs of grenades hitting the walls. They truly took a lot
22 of things. I don't remember all the specific details.

23 Then I asked my younger brothers to calm down and to find a safe place somewhere.
24 Since those soldiers had already gone that way, it was possible that they might return.
25 So they mustn't come back and find someone in the house. However, I was going to

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 go back to the place where I had spent the night, and I would go back from time to
2 time, if possible.

3 MS MAKWAIA:

4 Q. [10:46:11] Mr Witness, sorry to interrupt you, but I have to ask you some
5 follow-up questions, and then I'll allow you to continue with the narrative. Okay?

6 A. [10:46:36] I understand.

7 Q. [10:46:40] So can you tell the Court, please, who is it that attacked your
8 neighbourhood, Boy-Rabe?

9 A. [10:47:17] In my opinion, it was the Seleka, since usually it's them who do that.
10 But it was after I came back, I learned that it indeed was the Seleka. The actual
11 people weren't designated, but I knew that it was the Seleka.

12 Q. [10:47:53] Do you know why the Seleka attacked Boy-Rabe?

13 A. [10:48:20] What was the reason? It was just after the sounds of the weapons
14 going off in the neighbourhoods to find the former members of Mr Bozizé's
15 presidential guard. During that operation, they carried out all those acts of violence
16 and abuse.

17 Q. [10:48:49] Was this violence and abuse directed only at Mr Bozizé's presidential
18 guards?

19 A. [10:49:32] I think that the Sango language that you are talking, you understand
20 very well. Sometimes people say that -- well, there's -- we have an expression: * "
21 Often you associate a lizard and the tree to bring them down." *They were firing at
22 everybody, even the disabled and pregnant women. Everybody was under attack.
23 The women, children - everyone was trying to escape.

24 They were carrying out their operations indiscriminately. And my proof is that I
25 was attacked. I was a victim, even though I had nothing to do with what happened.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 So this is -- all this to tell you that those Seleka members operated indiscriminately
2 throughout the neighbourhood.

3 Q. [10:50:50] Mr Witness, who was leading the Seleka on this day? Do you know?

4 A. [10:51:19] When they were shooting, I fled. I wasn't there, so I didn't know
5 who was the commander. It was only the next day I went back to see the damage
6 that they had committed in my home. I was at one particular place when I met one
7 of the women living in the neighbourhood who gave me the names of some
8 perpetrators. She gave me the name of (Redacted). He
9 too was a member of the Seleka. She gave me the name as well of Djotodia. She
10 gave me the name Nouradine. Those people that she told me about were the ones
11 operating in the neighbourhood.

12 If you give me a chance to continue my account, I was getting to that point. I was
13 getting to that specific point, and I was going to give you more details.

14 Q. [10:52:46] All right, Mr Witness, can you please continue.

15 A. [10:53:07] Thank you. It was only once I had got back to my place of shelter,
16 that is when I met up with a woman living in the neighbourhood, and she told me to
17 be careful because what was going on was serious. She added that she had seen
18 with her own eyes the infamous Djotodia. * I asked her if they had all come to the
19 neighbourhood, and she said, yes. She said that they had come to kill and to -- to
20 break down the doors of a place where alcohol was sold and that they were inside.
21 They were drinking. They were taking -- they were drinking beer. She added
22 that --

23 THE INTERPRETER: [10:54:26] Message from the Sango booth: Could the witness
24 be asked to speak more slowly.

25 THE WITNESS: [10:54:34](Interpretation) I think (Redacted)

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 (Redacted)--

2 PRESIDING JUDGE SAMBA: [10:54:39] Mr Witness, so that we get your story
3 properly, can you speak slowly so that the interpreters can interpret for us, so we
4 understand what you are trying to say. Just lower the pace. Okay?

5 THE WITNESS: [10:55:23](Interpretation) She said to me she believed that our
6 brother who was in the Seleka movement by the name of (Redacted), that it was his
7 job to protect us and to advocate for us before the other members of the Seleka. But,
8 unfortunately, he was one of the members of the group who had gone into the
9 neighbourhood to commit crimes.

10 * And so I said to her, if she claims that (Redacted)

11 (Redacted). We were just ordinary people

12 living in the neighbourhood, just residents of the neighbourhood. And I went
13 along my way.

14 When I left, I said to myself that it didn't make sense, someone who had sworn an
15 oath of office the day before would come -- someone who had sworn an oath the day
16 before would come and ban injustice. He promised he would ensure people would
17 have enough to eat in the Central African Republic. And it was truly the same
18 person. How could this person come with his rebel troops into the neighbourhood
19 and hurt people, to shoot within the neighbourhood knowing full well that there were
20 women and children in the neighbourhood? There were sick people in the
21 neighbourhood, people with high blood pressure, people with heart problems. He
22 couldn't. As the head of state -- as the head of state, he couldn't go into the
23 neighbourhood with troops and behave like that.

24 I called -- I took my telephone and I called *Radio France Internationale*. I called a show
25 called "*Appels sur l'actualité*". And when I called, a lady answered the phone, and I

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 said to this lady -- I told her what was going on in the neighbourhood. I told her that
2 I had fled, but I had gone back to the neighbourhood. And once I was back, I was
3 told that President Djotodia had come himself personally into the neighbourhood,
4 along with his soldiers, with those people whose names I mentioned earlier, and that
5 kind of behaviour was not good. And yet he had promised to ensure the wellbeing
6 of the people.

7 And so the lady asked me ...

8 PRESIDING JUDGE SAMBA: [11:00:37] Mr Witness, we are going to stop here for a
9 few minutes, for some 30 minutes. Okay? Then we will come back at 11.30 and
10 continue with your testimony.

11 Do you understand, Mr Witness?

12 THE WITNESS: [11:01:10](Interpretation) Yes. Thank you. I've understood.

13 PRESIDING JUDGE SAMBA: [11:01:18] So I'll rise the Court, and we'll meet here
14 again for 11.30, please. Thank you.

15 THE COURT USHER: [11:01:28] All rise.

16 (Recess taken at 11.01 a.m.)

17 (Upon resuming in open session at 11.33 a.m.)

18 THE COURT USHER: [11:33:01] All rise.

19 Please be seated.

20 PRESIDING JUDGE SAMBA: [11:33:30] Yes. Good morning, again, everyone.

21 Mr Witness, we are going to continue with your direct examination, so you watch the
22 pace and the Prosecutor will ask questions, and you answer slowly. Okay? Thank
23 you very much.

24 MS MAKWAIA: [11:34:00] Thank you, Madam President.

25 Q. [11:34:04] Good morning, again, Mr Witness.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Witness, I'm going to continue after the short break we had. Now, before I allow
2 you to continue the narrative, I'm going to put back a few questions, okay, about what
3 you just told the Court.

4 So in your testimony you mentioned a person called (Redacted). Do you remember?

5 A. [11:35:21] Yes, I do recall.

6 Q. [11:35:26] Did he have another name?

7 A. [11:35:42] He did have another name. It was (Redacted). (Redacted) in fact is his
8 nickname. Often, in the neighbourhood, he was well known under the nickname of
9 (Redacted), the nickname (Redacted).

10 Q. [11:36:15] And in August 2013, what was his job?

11 A. [11:36:37] As far as I know, he came with the Seleka. I don't really know what
12 he was doing. At that time, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). I don't really

16 know his function in the Seleka group.

17 Q. [11:37:41] Thank you, Mr Witness.

18 You also mentioned a Nouradine. Can you give us the full name, please.

19 A. [11:38:10] The name that I know is Nouradine Adam. I don't know if he has
20 another name.

21 Q. [11:38:25] And you told the Court that you got the information that they came
22 with the Seleka during the attack on 20 August from a woman. Remember that?

23 A. [11:38:56] I remember that very well.

24 Q. [11:39:00] Who was this woman to you?

25 A. [11:39:20] It was a neighbour from the neighbourhood.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Q. [11:39:31] Did this woman tell you anything else?

2 A. [11:39:53] I think I've told you everything that she told me at that time.

3 Q. [11:40:06] In your testimony, you also told the Court that Djotodia came with his
4 rebel troops. Why did you call them "rebels"?

5 PRESIDING JUDGE SAMBA: [11:40:29] Yes, Ms Naouri.

6 MS NAOURI: [11:40:32](Interpretation) * Madam President, if I have understood the
7 instructions correctly, one should read the excerpt of the statement and provide
8 references and then put a question to the witness.

9 PRESIDING JUDGE SAMBA: [11:40:49] You mean the Prosecutor should look at the
10 transcript, the court transcript and read out the portion where the witness referred to
11 these persons as rebel; is that what you mean?

12 MS NAOURI: [11:41:10](Interpretation) Not the transcription, but the statement, the
13 declaration of the witness. Because the Prosecution is referring to the statement, the
14 previous statement. And if I understood, and if that's the case, then they should
15 read out the statement and give it to the witness with the reference.

16 PRESIDING JUDGE SAMBA: [11:41:34] Ms Naouri, I believe the Prosecutor -- the
17 question put to the witness by the Prosecutor is what the witness said before the short
18 break we had. His testimony in court.

19 Am I right, Madam Prosecutor?

20 MS MAKWAIA: [11:41:49] You are correct, Madam President.

21 PRESIDING JUDGE SAMBA: [11:41:53] Carry on, please, in chief.

22 MS MAKWAIA: [11:41:58]

23 Q. [11:41:59] Mr Witness, I will put the question again. You told the Court earlier
24 that Djotodia came with his rebel troops to your neighbourhood. Why did you say
25 "his rebel troops"?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 A. [11:42:45] Thank you very much. *I think there are several meanings you can
2 give to the words "rebel troops". Generally, they are troublemakers and we call them
3 rebels. In the rebel groups, there are soldiers, soldiers... deserters who have gone
4 underground. Within the rebel groups, you will find a category of civilians who have
5 joined the rebel group in question, but who are regarded as rebels.

6 When they started their rebellion, they said it was a coalition of all the groups that
7 were rebels, and they called themselves Seleka. They are all rebels. This is my
8 response to the question you have put to me.

9 As far as I know, the majority of individuals in that group, that rebel group, well,
10 there weren't many soldiers amongst them. Most of them were civilians. That is
11 the answer which I can give you to your question.

12 Q. [11:45:05] Thank you, Witness.

13 Before you fled your neighbourhood yourself, did you observe any of these rebels
14 carrying weapons?

15 A. [11:45:46] When they arrived, when they came to power, they were walking
16 around in the main roads, and I saw them with weapons the day I fled. But since we
17 knew, these people made no distinction between people, and when -- even before the
18 weapons were being shot, the 13th, they looked for the former military soldiers of the
19 former president, and *they opened fire in the neighbourhoods. Women and children,
20 everybody fled. Some were wounded. These soldiers shot in order to cause
21 disruptions in the ceremony.

22 Look at my size, my height. And if you allow me, if I was going to stay, I would
23 have had to pay. So I fled. At that time, there were lots of stray bullets all over the
24 place. Some had stray bullets. Others were wounded. So, on that day, as soon as
25 they started to fire under the pouring rain, I decided to flee, simply because I wanted

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 to save my own life.

2 Q. [11:47:49] Thank you, Witness.

3 Can you tell this Court who were the inhabitants in Boy-Rabe, the type of people who
4 lived there. What was their political affiliation, if you know?

5 A. [11:48:34] To answer your question, at that time, there was not a question of
6 political affiliation. If the soldiers are soldiers involved in politics -- I just told you
7 that the rebels were regarded as troublemakers because they were dissatisfied, and
8 that's why they came together to join and make some sort of coalition and to come
9 back. They were the former presidential guards of the former president linked to the
10 military. I don't know if that's the case.

11 It had nothing to do with political parties. If they were civilians who gathered
12 together to march together with banners, then I could understand that. But on this
13 particular day, they only spoke about soldiers. I didn't hear anything said about a
14 political party. I don't want to lie to you.

15 Q. [11:50:14] Witness, you've mentioned a former president. Can you give us the
16 name, please.

17 A. [11:50:39] The former president was Francois Bozizé. He was ousted out by the
18 rebels.

19 Q. [11:50:57] When was he ousted out?

20 A. [11:51:22] I have just told you in my initial statement that it was 24 March 2013.

21 Q. [11:51:47] Apologies if I have to come back to this, but I'll still put you a few
22 questions, Mr Witness.

23 Can you -- by whom was he ousted, taken out of office? I know you've said rebels.

24 Can you give us a name of the rebels.

25 A. [11:52:47] The rebels who chased out the former president, Francois Bozizé, was

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 a coalition called Seleka. It is that coalition -- it is those rebels who grouped together,
2 but there was a leader when they were in the bush. But afterwards, when he took
3 power and he proclaimed himself as president of the republic, they came together.
4 They knew why they had this coalition, in order to move forward. He took the word,
5 and he spoke on the radio and also before international bodies, to tell everyone that
6 he was the president of the Central African Republic from that moment onwards.

7 Q. [11:54:14] Did you hear this yourself on the radio?

8 A. [11:54:42] The country was troubled. They sang the national anthem on the
9 radio, but for some of the country, after having heard the national anthem -- everyone
10 knows that having heard the national anthem, everybody is supposed to stop and
11 listen to what is going to be broadcast. You don't play the national anthem for
12 nothing.

13 Furthermore, there were lots of problems, troubles in our country at that time. And
14 because of that, I stayed glued to the radio to hear the message. He introduced
15 himself by saying, "I, Michel Djotodia, from now onwards, I am the president of the
16 Central African Republic. My father is Muslim. My mother is Christian." He
17 even went further than that. "My wife" --

18 THE INTERPRETER: [11:56:30] Correction.

19 THE WITNESS: [11:56:31](Interpretation) "My mother is part of the virtuous group
20 of women who belong today church."

21 At that moment, I learnt what was happening. Even before that time, I knew his
22 name when he was appointed minister of defence. After the Libreville agreement,
23 he came, and on his return, he was nominated as minister of defence. And shortly
24 thereafter, he spoke to proclaim himself president.

25 This is my answer to your question.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 MS MAKWAIA: [11:57:38]

2 Q. [11:57:38] Thank you, Witness.

3 Do you know the ethnicity of Francois Bozizé, the former president?

4 A. [11:58:07] Francois Bozizé was a Gbaya. That was his ethnic group. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 I never got close to him. He didn't know me at all. I knew him as president, but I

9 never had the occasion to meet him personally.

10 Q. [11:59:17] Do you know what the ethnic group of Djotodia was or is?

11 A. [11:59:47] * Yes, I have some idea about that, about his ethnic group. I don't

12 know if it is true or false. He only can tell you what ethnic group he belongs to.

13 When the rebels arrived, they got together; the Runga, the Goula. After having

14 taken power, he -- he said that he was from the ethnic group Goula. I don't know if

15 it's true or not.

16 Q. [12:00:29] So, Witness, to take you back a bit, on 20 August 2013, when you went

17 back to your neighbourhood, can you tell the Court, how was the state of your house

18 where you lived?

19 A. [12:01:23] I told you that I'd taken shelter on the 20th, and I went back on the

20 21st. (Redacted)

21 (Redacted)

22 (Redacted). After the

23 looting, the house was ransacked. The house had been turned upside down. They

24 took everything; the freezer, the television. Many, many items. The generator,

25 which was very helpful to us. They took everything. The generator was for when

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 the power was out. Inside the house had been completely ransacked. That's what I
2 experienced when I went back.

3 Q. [12:03:19] Do you personally know anybody who was shot at that day and got
4 killed or died?

5 PRESIDING JUDGE SAMBA: [12:03:33] Madam Prosecutor, which day, if you may
6 guide us? * You mean the 20th August?

7 MS MAKWAIA: [12:03:38] During the attack of 20 August.

8 Thank you, Madam President.

9 Q. [12:03:50] 2013, Mr Witness.

10 A. [12:04:13] * Thank you very much. When I went back to the house, I think that --
11 well, it was more to the south. They had shot a mason. His wife was pregnant. She
12 was eight to nine months along. That was -- it was in the rain. I heard about that even
13 before I went back. They killed him more to the south. He was a mason. He built
14 houses.

15 Q. [12:05:11] Apologies, Mr Witness. So the mason was the one who was shot and
16 killed, and he left behind an eight-to-nine-month pregnant wife; is that correct?

17 PRESIDING JUDGE SAMBA: [12:05:27] Madam Prosecutor, are you testifying now
18 from the bar? Could you allow the witness to say what he has to say to us, please.

19 MS MAKWAIA: [12:05:34] I'll rephrase that, Madam President. Thank you.

20 Q. [12:05:38] Witness, can you just clarify, who was it that was shot?

21 A. [12:06:08] I told you it was a mason. He lived somewhat more to the south.
22 When someone shot him, people talk about it in the neighbourhood. People said,
23 "So-and-so was a victim of this. He was killed in the rain, as the people were
24 fleeing." Perhaps when he was fleeing - because, you see, they had invaded the
25 entire neighbourhood - that is when they shot him.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Q. [12:06:44] Do you know of any other person who was killed during the attack of
2 20 August?

3 PRESIDING JUDGE SAMBA: [12:06:51] I think what he said was that somebody
4 was shot.

5 MS MAKWAIA: [12:06:58] I'll move along, Madam President.

6 Q. [12:07:19] Mr Witness, can you tell the Court the name of your neighbour who
7 recounted to you that Djotodia, Nouradine Adam, and Kader were leading the attack.

8 A. [12:08:12] I can give you her name, but I can't do it in open session.

9 PRESIDING JUDGE SAMBA: [12:08:22] Yes, we're in open session, Madam
10 Prosecutor. Would you like for us to go to private session, if you want that name?

11 MS MAKWAIA: [12:08:31] I can take it when we go into a longer private session,
12 Madam President.

13 PRESIDING JUDGE SAMBA: [12:08:36] Thank you very much.

14 MS MAKWAIA: [12:08:38]

15 Q. [12:08:38] Thank you, Witness. I will re-pose the question in a private session.
16 Mr Witness, did it come to your knowledge - and please tell the Court how, if that is
17 the case - if any of the Seleka leaders said something during the course of the attack
18 on 20 August at Boy-Rabe?

19 A. [12:09:51] Please -- please, could we go into private session, and I'll give you the
20 name of the person, and I'll answer your question. Maybe I'll -- maybe I'll give you
21 the name.

22 MS MAKWAIA: [12:10:15] Madam President, I request a private session so we can
23 get the full extent of his testimony of this.

24 * PRESIDING JUDGE SAMBA: [12:10:25] That's okay.

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

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 (Private session at 12.10 p.m.)

2 THE COURT OFFICER: [12:10:37] We are in private session, Madam President.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0547

(Private Session)

ICC-01/14-01/21

- 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 (Open session at 12.23 p.m.)
- 15 THE COURT OFFICER: [12:23:22] We are back in open session, Madam President.
- 16 PRESIDING JUDGE SAMBA: [12:23:26] Thank you very much.
- 17 Madam Prosecutor, carry on, please.
- 18 MS MAKWAIA: [12:23:33]
- 19 Q. [12:23:34] Mr Witness, you testified previously that you called the RIF on
- 20 21 August 2013, and that you also went to your house. Did you do anything else on
- 21 that day?
- 22 A. [12:24:19] I believe I told you that, (Redacted)
- 23 (Redacted)
- 24 (Redacted). And then I
- 25 came back to see what was -- what had happened. When I came back, I met that

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 lady who told me what had happened. And from there, I called the lady journalist.
2 I called the programme "*Appels sur l'actualité*". I called the lady, we talked, and I
3 gave her an account of what had happened in our neighbourhood.
4 And then after that, when I left again -- well, the lady said to me that -- she asked me
5 if I was willing to appear on the programme the next day. She asked if she could call
6 me back and if I could tell her what I had told her so that -- in other words, that I
7 could speak live on that programme. And I said, "No problem." I said that she
8 could call me, no problem. And when I went back -- when I went away again to go
9 back to my hiding spot, I was caught by the rebels. And then I -- the lady called back,
10 as she had promised to. And that is how it came to be that I was able to answer the
11 questions.

12 Q. [12:27:20] When you were caught by the rebels, what happened to you next?

13 A. [12:27:54] They caught me. They brought me to their base. On that day, I
14 wasn't beaten. Just their leader slapped me across the face, and he said to me, "You,
15 Bozizé's mercenaries, we are going to kill you one by one, get rid of you." And I said,
16 "No, I'm not a mercenary." I told him that I was a (Redacted). And he said, "No.
17 Maybe you might be (Redacted)." He slapped
18 me across the face violently. I was worked up, and I wanted to respond. And he
19 said to me that they would take care of us, get rid of us, one by one. And at that time
20 I thought of myself -- I thought I was already dead. At that time, when they talked
21 to you like that, it meant that they certainly would carry out their threat.
22 There were about ten of them. They hit me with the butts of their rifles. There
23 were many of them. As they were beating me, in their minds, maybe they thought I
24 was a wild animal. They hit me everywhere, all over my body. They got me down
25 on to the ground, and I heard someone ask, "What's going on over there?" They took

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 me to the person, and -- they took me to this person in -- in front of this person, and
2 the person asked me, "What's going on?" And I said that I was walking, I stopped
3 somewhere to buy some cigarettes, and when I turned around, I saw the two vehicles
4 that you see there. The two vehicles stopped. The occupants asked me for my ID,
5 and I showed them my passport.

6 One of them asked me in Arabic, an "*askar*" he said. And I said, no, I didn't
7 understand. And the other one asked me if I was a soldier, and I said no. I said no.
8 He said, "Well, come with us. Get in the vehicle." And when I said to them -- well,
9 when I -- well, ultimately, I went into the vehicle. And the driver asked me if I was a
10 soldier, and I said no.* And he said to me, "What have I done" I said, "I'm a (Redacted)
11 (Redacted)." And he asked me, "Do you have your papers, your ID?" And he said,
12 no -- I said, "No, I don't have my papers." Then they asked me if I had any other
13 documents on me. And I said that I only had my wallet and my driving license.
14 They asked me to hand it over. They looked at the document.

15 During that time, another one of them who was in the family vehicle. And then I
16 * realised the colour -- rather, the kind of -- it was a Toyota Fortuner. It was brown. The
17 pick-up truck was the same colour. And the leader who was in the station wagon
18 spoke in Arabic, and he asked me to get out, that it was a mistake on their part.

19 When I got out and I -- and then I left. I walked a few metres. Perhaps the distance
20 between myself and the Presiding Judge. Then he called me back. He asked me
21 whether they had taken something that belonged to me, and I said, "Yes, they took
22 my telephone, my ID." And he said -- he asked them to give me my telephone back.
23 Just they give me back one telephone.

24 And when I -- well, it was about the distance between where I am and where the
25 Presiding Judge. They called me back. I couldn't run away. I said, "Even if I run

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 away, they have a weapon. They'll shoot at me. They'll even kill me." So I went
2 back.

3 And he said that I had to get back into the car, and they were going to check the
4 information that I had provided. And so I went into -- I got into the car, the vehicle.

5 And when we got there, he hit me across the face, and he said that I was one of
6 President Bozizé's mercenaries, and they were going to kill us all. That was why
7 they had hit me.

8 When I answered the questions, my phone went off, and I said to the person, to the
9 person on the other end of the line -- no -- or -- well, I said to the person who was
10 asking me questions that it was my phone that was ringing. And he asked me to
11 answer the phone and to put it on speaker. So I put it on speaker, and I answered
12 the person who was calling. And it turned out that it was my mother who was
13 calling. She asked me where I was.

14 Q. [12:36:19] Okay, continue, and then I'll stop you for a bit.

15 Can you finish what you were saying, Mr Witness, and then stop there for a bit.

16 Thank you.

17 A. [12:36:58] *And so I told her that I was at the Seleka base and at the OCRB for
18 the most part -the Central Office for the Repression of Banditry, abbreviated to the
19 OCRB. She answered me by starting to cry. And, you know, a mother, when
20 something happens to her son, has nothing to do than to worry. And she cut off the
21 communication shortly thereafter.

22 One of my brothers then phoned and asked me the question, where I was. I told him
23 where I was. He said, "Okay." And then he too cut the communication.

24 I was led to their post. When I was taken to the post, the one who had stopped me
25 had given the order that I should be put into jail, but the one who asked me the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 question didn't say anything. He just looked at me. He gave explanations. He
2 didn't say anything. But the one who had stopped me, started to give explanations
3 to the person. It seems that he was the chief, the leader, and he gave him
4 explanations and said that I should be taken to jail, to prison.
5 They asked for my name, what I was called. I gave my name. They asked me
6 where I lived, which neighbourhood. I told them another neighbourhood because it
7 was a big danger to say you lived in that neighbourhood; no. *So I mentioned
8 another neighbourhood which is just next to Boy-Rabe. And I said, "No, no, no. I live
9 in (Redacted)," which is a neighbourhood (Redacted).
10 He asked the question to the person who had apprehended me. And what I heard
11 being said, "What was the reason that you should be registered?" The person who
12 was registering the information was asking why I had been stopped. And on the
13 left-hand side, answered in Arabic saying that we have to wait. They discussed
14 things amongst each other, and the person gave him a reason. He came back and
15 said the reason in Arabic.
16 After having registered all this, he said, "Do you know why you've been taken here?
17 Do you know the reason?"
18 They gave two names. No, I said to them, "I don't recognise these reasons which
19 have been put forward against me." And he said, "He only obeys orders that are
20 given to him."
21 I was led to a cell, which was in the middle. When I entered the cell, it was very sad.
22 I saw people lying down who were wounded, who could barely move at all. I saw
23 people sitting around a bucket which was used for defecation. I do apologise for the
24 word I'm using. There were others who were urinating in plastic bottles. Really,
25 there were many, many people in that cell. I can't give you an exact number.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 You know, when I was taken there, it was just to find a place so that I could sit myself
2 down. There was a wounded person who was next to me who asked me if I could
3 help him to move. It was a human being. I helped him to move around a bit.
4 Everybody was on the ground. The ground, the floor of this courtroom is really
5 impeccable. I helped him to lean against the wall.
6 I couldn't sleep.
7 One of the prisoners asked me the question, why, what was the reason that I was put
8 into the cell. I told him I had been stopped when I was in the road and led -- and
9 taken here. He asked me again if I was beaten. And I said the chief had slapped
10 me. I told them what happened, and they rallied around me.
11 They said there was a very bad reaction because I resisted. I said, no. I was on the
12 point of resisting, but those men, as I hadn't done anything wrong, I couldn't accept
13 that I was the subject of an assault. *And he said, no, it wasn't a question of that,
14 because this is just a sampler and that they hadn't even started yet. The state he was in
15 led me to understand that this was the consequence of the violence that he had been
16 subjected to.
17 And he said, no, it wasn't a question of that, because this is just a sampler and that
18 they hadn't even started yet. The state he was in led me to understand that this was
19 the consequence of the violence that he had been subjected to. But as I was already in
20 the cell, I had to try and rest and sleep. I said, no, it's not my bed, I cannot sleep. I
21 couldn't sleep. There was a young man there who told me: "Listen, because they
22 brought you here, they won't do anything to you." It's in the cell that he told me that
23 when I was taken there, the prosecutor was present. They said he was short in stature.
24 I described him and he said, yes, that's the prosecutor. And as he was there, they
25 didn't really assault me. If they were going to attack me, it wouldn't be then but in the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 future days.

2 As -- when asked what he had done to be apprehended, he said, as far as he was
3 concerned, he was just waiting for death because he fought them and also because
4 they lost the fight. They have taken over the country, and he had introduced himself
5 as a soldier.

6 At a certain moment, I saw a vehicle approach. And afterwards, I noticed that
7 everybody was very agitated in the cell and wanted to find out what was happening
8 outside. I too was there. And the -- everybody was looking through a small
9 opening. I myself, I got up to see what was happening outside via that hole. I saw
10 people in the vehicle.

11 Afterwards, I sat down again. And shortly thereafter, the vehicle left. This was
12 around 22 hours. It was dark.

13 After that, when we were still in the cell, another vehicle arrived. In that vehicle,
14 there were two women and a man. I heard cries from the women. The woman was
15 speaking French because she didn't speak Sango. The woman was
16 saying -- according to what I understood, * she said, " Where you come from that's
17 how things are, you are violent against women, that's how you are." That's what she
18 was saying. The women were screaming. And after that, they opened up the cell and I
19 saw a man enter. I think he was about 20 years old. He was bloody. His entire body
20 was covered in blood. Even those who were there tried to avoid him so that they
21 wouldn't get bloody themselves. I observed him, but I didn't ask him any questions.
22 I heard the woman cry out, "No, I don't want to. I don't want to do that. I can't."
23 The other didn't cry out.

24 However, there was another who was crying out even louder, who was beaten, hit.

25 And after that, there was no sound, no scream.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Q. [12:50:56] I thank you, Mr Witness. I'm just going to ask a few -- a few
2 follow-up questions of what you've just told the Court. Okay?

3 A. [12:51:14] Very well.

4 Q. [12:51:16] Can you please tell the Court who was the leader, the chief, who
5 slapped you. His name, please.

6 A. [12:51:45] Madam President, may I have a small break, please? I would like to
7 relieve myself.

8 PRESIDING JUDGE SAMBA: [12:52:24] That's okay.

9 We may want to take a lunch break at this time, maybe.

10 And, Mr Witness, you could have your break and lunch, and we come back at 2.30.

11 Is that okay?

12 THE WITNESS: [12:52:49](Interpretation) Thank you very much. That's very
13 helpful.

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

15 This matter stands adjourned then till 2.30. Thank you.

16 THE COURT USHER: [12:53:01] All rise.

17 (Recess taken at 12.53 p.m.)

18 (Upon resuming in open session at 2.32 p.m.)

19 THE COURT USHER: [14:32:11] All rise.

20 Please be seated.

21 PRESIDING JUDGE SAMBA: [14:32:42] Good afternoon. And we will continue
22 with the cross-examination of -- no, no -- with the direct examination of this witness.

23 Madam Prosecutor, your witness, please.

24 MS MAKWAIA: [14:32:59] Thank you, Madam President.

25 Q. [14:33:02] Mr Witness, when we broke for the lunch break, I had asked you a

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 question, who was the leader or the chief who slapped you. Can you tell the Court.

2 A. [14:33:59] I cannot give the name in public session. Could you please go to
3 private session so that I can give you the name.

4 MS MAKWAIA: [14:34:14] All right, Madam President, can we have a brief private
5 session.

6 PRESIDING JUDGE SAMBA: [14:34:22] Madam Court Officer, can we kindly go
7 into private session for a short while.

8 (Private session at 2.34 p.m.)

9 THE COURT OFFICER: [14:34:41] We are in private session, Madam President.

10 PRESIDING JUDGE SAMBA: [14:34:45] Thank you very much.

11 Madam Prosecutor, yes, go on.

12 MS MAKWAIA: [14:34:50]

13 Q. [14:34:50] Witness, you can now give the name, please.

14 A. [14:35:05] Thank you. The person who gave the instruction for me to be
15 arrested and tortured is Bachar.

16 I also would like to add that if you wish to ask me questions on the names of people,
17 please do go to private session and then ask me the question. * You see, our country is
18 not yet stable, and of the rebels who fled, many have come back and are hiding in the
19 city of Bangui. I'm actually taking a lot of risks by speaking here. If anyone knows
20 that I have mentioned the person's name, the person will actually try his best to seek
21 revenge, because he will see that -- he will view me as someone who has tried to
22 create problems for him. I'm also scared for my family in Bangui.

23 I would not like to basically mention names of people in public session. That's what
24 I'd like to say, your Honour.

25 PRESIDING JUDGE SAMBA: [14:36:59] That's understandable, Mr Witness.

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Whenever you want to go into private session, please let us know. Okay?

2 Madam Prosecutor, please put your question.

3 MS MAKWAIA: [14:37:13] I think he answered that one, Madam President.

4 PRESIDING JUDGE SAMBA: [14:37:17] I think -- the answer he gave there was

5 that -- as to the person who arrested him or caused his arrest. I think your question

6 before we left for lunch was quite specific as to who the chief was who slapped him,

7 except if it's the same person.

8 MS MAKWAIA: [14:37:38] I'll take it up again for clarity, Madam President.

9 Q. [14:37:42] Mr Witness, is the name you gave of the person who slapped you the
10 same? To the person who arrested you, sorry.

11 A. [14:38:13] The person who slapped me, I would like to specify that when I was
12 arrested for the first time, he did not act that way. He asked me to get into the car
13 and provide explanations on the situation. It's only when I got there, he changed the
14 version. And once I got there, he called me "Bozizé's mercenary", and he said that he
15 would finish everyone. And this is when he slapped me.

16 It's Bachar who slapped me. And when he tortured me, I wanted to react as a man,
17 but the soldiers who were around him, there were about ten of them, and they started
18 torturing me. Thank God someone interceded, and they stopped beating me up.
19 And this is how my life was saved and I'm here before the Chamber to provide
20 testimony. I don't know if I've answered your question.

21 Q. [14:39:55] You have, Mr Witness.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0547

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 2.43 p.m.)

22 THE COURT OFFICER: [14:43:31] We are back in open session, Madam President.

23 PRESIDING JUDGE SAMBA: [14:43:35] Thank you very much.

24 Madam Prosecutor, your witness. Carry on, please.

25 MS MAKWAIA: [14:43:44]

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Q. [14:43:44] Now, Witness I'm going to take you back a bit just for clarity. Okay?

2 You've already given us a narrative, but I will ask you a few additional questions.

3 A. [14:44:16] I'm here to answer your questions.

4 Q. [14:44:23] Okay. So where were you going when you were arrested the first
5 time?

6 A. [14:45:01] When I was returning home after having seen the damage, I decided
7 to go back to the place where I was seeking refuge. And I told you that I fled from
8 my home on the 20th. I came back on the 21st, and I saw the damage that had been
9 done. And I was on the brink of leaving and going back to the place where I sought
10 refuge, and it's on my way back that I was arrested.

11 Q. [14:45:43] You've also described that there were two cars full of Seleka. How
12 did you know it was Seleka?

13 A. [14:46:18] I told you, when the Seleka came, they were all Muslims. And
14 amongst the people who arrested me, there was not a single Christian. They were all
15 Muslims. And at that point of time, what other force could be patrolling in cars,
16 except for the rebels. They were questioning people, arresting people in a random
17 way, and they accused people of crimes. They accused me of working -- in fact,
18 when they actually learnt I was an (Redacted), they accused me for working for the
19 military. It was really a very hard time, and they created a lot of problems for me.
20 People were trying to work, but only the police and the gendarmes were basically
21 making the effort to go and work. The soldiers could not go to their barracks; no.
22 Only those who had some links with them could move in the city and go to work,
23 because at that point of time, it was quite common for people to go to work and never
24 come back home. *And then we could hear people crying on the airways, women
25 crying and saying that, "My husband left for work and hasn't returned for a day or

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 two." Such events would happen quite frequently. And people would frequently
2 come on Radio Ndeke Luka to complain. And I'm repeating the fact, there was no
3 other force in the city except for the rebel groups that was patrolling the city and that
4 was operating in the city.
5 I think the gendarmes and the police officers who would dare go and work, and I
6 think they would basically just work for the sake of it, just to get paid. And they
7 really wouldn't be working in the proper sense of the term. They wouldn't spend a
8 lot of time in the police stations.
9 I really would like to thank God. In fact, during such events, there were brave
10 people who would dare to go and work and would do things. And this is precisely
11 why I'm here before you providing a testimony. I hope I've answered your question.

12 Q. [14:50:19] Thank you, Witness.

13 You also testified that you were let go and then you were arrested again. Do you
14 remember that?

15 A. [14:50:44] Yes, I do remember that.

16 PRESIDING JUDGE SAMBA: [14:50:48] Yes, Ms Naouri, please.

17 MS NAOURI: [14:50:52](Interpretation) Your Honour, as has been on several
18 occasions that the Prosecution is summing up what the witness would have said, I
19 really think things must be put into context and read the transcript and give the
20 references to actually remind him what he had said and when he had said it, because
21 the methodology is not very clear for the witness. And it really does -- he
22 does -- really does not understand on what he should be speaking about. Thank you
23 very much. I am just trying to be fair to the witness, your Honour.

24 * PRESIDING JUDGE SAMBA: [14:51:31] Thank you, Ms Naouri.

25 Ms Makwaia, please.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 MS MAKWAIA: [14:51:34] Madam President, I don't know how Ms Naouri, learned
2 counsel, can speak for the witness. The witness is answering the questions to the
3 best of his ability, I trust, and he hasn't said. I think if the witness does not
4 understand a question, he's at liberty to ask for a question to be repeated.

5 PRESIDING JUDGE SAMBA: [14:51:55] Thank you very much.

6 Ms Naouri, I'm sure if the witness does not understand, he will say so, but I do get
7 your point.

8 If you want to put a point -- Madam Prosecutor, if you want to put a point to the
9 witness that he may have said before we went out for lunch, maybe it's best if you
10 state the timeline when he said certain things and put the question to him, just for the
11 accuracy of the record, in particular. Thank you.

12 MS MAKWAIA: [14:52:40] I've taken due note, Madam President.

13 PRESIDING JUDGE SAMBA: [14:52:45] You see, because you are asking him about
14 his arrest a second time. I do not know whether or not the witness has testified that
15 he was arrested once and then again, save for what I read in his statement, his written
16 statement to the investigators.

17 MS MAKWAIA: [14:53:04] I'm going to get the portion, Madam President. It will
18 just take slightly longer than anticipated because he gave a long narrative, and I'm
19 trying to close certain aspects of his evidence.

20 In the meantime, I believe I've got questions I can actually proceed with.

21 For the record, Madam President, that would be at 47.1 to 47.5. And I can reread it,
22 if it pleases the Court.

23 PRESIDING JUDGE SAMBA: [14:54:56] Yes, go on. It's just to guide the witness.

24 Reading -- from my recollection of his statement, all that he has explained is actually
25 what happened after his second arrest. But for us to have what he said here, you

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 may want to put it to the witness, and he'll tell us. Thank you.

2 MS MAKWAIA: [14:55:17] Thank you, Madam President.

3 Q. [14:55:19] Mr Witness, you've previously testified that: "Upon arrest, it was a
4 Toyota. It was brown. The pickup truck was the same colour. And the leader
5 who was in the station wagon spoke in Arabic, and he asked me to get out. That it
6 was a mistake on their part."

7 I'm not sure if they're doing the interpretation because I can't hear.

8 PRESIDING JUDGE SAMBA: [14:56:00] You can ask the witness.

9 MS MAKWAIA: [14:56:03]

10 Q. [14:56:03] Witness, is that correct? Do you remember saying that?

11 A. [14:56:25] Moreover, a few moments ago, I did speak about that. When I was
12 asked this question, what did I say? I said that when I was arrested, they asked me
13 to get into the car, and the other person got down and spoke in Arabic to the other
14 person. And then he asked me a question in Sango, if they've taken something of me.
15 I said that they've taken my telephone and some of my documents.

16 After that, he asked me to get off the car, and he said that there was some confusion.

17 And this is what he said. He then asked me to leave. And when I left, it was about
18 from where -- it was about the distance between me and the Presiding Judge. And
19 then he called me back. And I thought perhaps it was to return my phone.

20 Anyway, you see, I couldn't have escaped because they had weapons and they could
21 have shot me. So I went back to them.

22 You see, at that time, there were many people who left the neighbourhood to watch
23 what was happening. Our children in our country do not fear such events. So I
24 went back to them, and he ordered me to get back into the car so that he can check
25 what I said. And this is how they took me away. I think this is the question that

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 was asked to me and I had already provided an answer.

2 Q. [14:58:46] Okay. Now, Mr Witness, and please can you give brief answers and
3 listen carefully to the questions. Okay?

4 When you got back the second time in the car, did the driver say anything?

5 A. [14:59:22] The driver said nothing to me. He asked me if I was part of the
6 (Redacted) outfit, and I said no. He was the one who gave the order for me to be
7 arrested, and he was the one who ordered me back into the car again. But the driver
8 asked me if he was -- I was part of the (Redacted) outfit, and I asked
9 him -- and I told him that I was not a soldier. I was not part of the military.

10 Subsequently, he took me -- they took me away. I think that was it.

11 Q. [15:00:17] You also testified -- and, Madam President, your Honours, it will be at
12 49.1, lines 3 to 6.

13 You testified that you gave another neighbourhood, (Redacted), because it was
14 dangerous to say your own neighbourhood, Boy-Rabe. Can you tell the Court, why
15 was it dangerous to say your own neighbourhood?

16 A. [15:01:26] I told you that it was difficult at that time. I couldn't say that I was
17 living in Boy-Rabe because it was their -- Boy-Rabe was their main target. What is
18 more, most of the soldiers -- well, there were a lot of soldiers in that neighbourhood,
19 former soldiers. And when they began their operation in the neighbourhood, it was
20 to find the former soldiers who were supporters of the former regime. I repeat, they
21 were looking for the former soldiers.

22 (Redacted)

23 (Redacted)

24 (Redacted). That's why I said that.

25 It's true, they later attacked other neighbourhoods, but their main target was the

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Boy-Rabe neighbourhood. It was definitely Boy-Rabe. That was definitely their
2 main target, as I've said. That's what I can tell you.

3 Q. [15:03:09] When you arrived at the OCRB, can you describe for the Court how
4 you were received.

5 A. [15:03:56] I think that the welcome that I received when I got there included
6 beatings. I think that the interpreters who are translating for me know what
7 happened. They know that when someone arrives at someone's home, that you
8 should first ask them to sit down, offer them something to eat, something to drink,
9 ask about their family members. But when I went there, that's not what happened at
10 all. I was beaten, and then what happened after was even worse.

11 It was not a game. You call that being welcomed?

12 MS MAKWAIA: [15:04:51] Madam President, I never said welcomed. I said how
13 he was received.

14 Q. [15:05:05] Witness, who beat you?

15 A. [15:05:26] The person who had given the order for me to be arrested, that person,
16 he was the one who began by slapping me across the face. I suppose you already
17 know his name.

18 Q. [15:05:46] So after your step-mom called and your brother, what happened to
19 you?

20 A. [15:06:14] They took me, and they put me in a cell, a cell in the middle, between
21 two other cells. That night, they didn't do anything to me. They did me no harm.
22 It was the next day. That's when they mistreated me. I suppose that's the question.

23 Q. [15:06:51] Can you tell the Court how they mistreated you the next day.

24 A. [15:07:22] I think that question, the question you just put to me, is the one that I
25 wanted to answer, and you interrupted me with another question. That was before

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 break.

2 If you don't mind, I will tell you everything that happened to me. I don't want to
3 skip anything. I have to give you the whole story of what happened properly so that
4 you can understand, and I would like you to let me finish my story so you'll know
5 how -- what to do with your questions.

6 So you asked me a question here. I haven't finished answering. You take me here.
7 You ask me another question. Then you take me -- take me back in time. And that
8 can upset me. I would like you to give me the time I need to describe the scene, and
9 then you can ask me questions after that.

10 PRESIDING JUDGE SAMBA: [15:08:54] Okay. Mr Witness, your concerns are
11 noted. I encourage you again to, you know, just calm down. Don't be upset. You
12 are here to tell us what actually happened, as you promised. Before beginning your
13 testimony, you did say that you are here to tell the truth. So we are here; we will
14 listen to you. Counsel is just trying to kind of guide you because of the time, the
15 time limit. But we really do want to listen to you and all that happened to you, and
16 maybe other persons that you know of. Okay?

17 So after the calls from your step-mother and your brother, as counsel just asked you,
18 you say they took you into a cell, the middle cell, and mistreated you. You say now
19 you want to tell us how they mistreated. So you tell us.

20 THE WITNESS: [15:10:24](Interpretation) I will answer your question. Thank you.
21 I was saying that, when my family members called me, I was taken to the head of the
22 station. He took my name. He asked why I had been arrested, and I told him that I
23 didn't know. He asked them the question, and they went off to ask the person who
24 had arrested me. After that, they talked to one another in Arabic. And they said to
25 the head of the station why I had been arrested. And only afterwards, the head of

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 the station said to me that they had been talking about two people. And I said that I
2 didn't know those people. And he said -- the head of the post said that it was
3 just -- he was just doing his job. And then they put me in a cell in the middle, the cell
4 in the middle. And that night they didn't do anything bad to me. Well, I didn't
5 sleep that night.

6 Afterwards, I saw that they were still bringing people in on vehicles, and then they
7 brought two women and a gentleman all covered in blood. I told you about that.

8 And no one hurt me that night. It was only the next day, the next day that they
9 roughed me up and hurt me. No, that night, no one touched me. No one did
10 anything to me that night. No.

11 When they went, they opened the door of the cell. They pushed me in, and I found
12 myself with the other people in the cell. It was only the next day, the next day, that
13 is when I was subjected to the worst possible treatment. That is what I can tell you
14 so far.

15 PRESIDING JUDGE SAMBA: [15:13:07] Madam Prosecutor, please.

16 MS MAKWAIA: [15:13:10]

17 Q. [15:13:10] Mr Witness, what was this worst possible treatment? Can you tell
18 the Court, please.

19 A. [15:13:42] Yes, if you allow me to continue my story. I'll get there. I'll get to
20 the point about the physical abuse I endured. If you let me continue with my story,
21 I'll get to that.

22 I don't know whether I've answered your question. If you allow me, I can continue
23 with my account, and I can tell you how I was taken out of the cell, how I was
24 taken -- let me continue my account, and we'll get there. We'll get to that point.

25 Please, if you allow me to, I will do that.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 Q. [15:14:29] Please do, Mr Witness.

2 A. [15:14:42] Thank you. When I was put in the cell, the next morning I came out.
3 They opened the door at 6 in the morning, allowing the detainees to leave. Some
4 went to urinate. They had urinated in the plastic bottles. Others went to empty out
5 their pale, the human waste, and some tried to see if their relatives had brought some
6 tea, coffee, or bread so they could have some kind of breakfast. So they were given
7 10 to 15 minutes to eat breakfast before going back into the cell. That was the
8 morning.

9 A soldier, the soldier that I met in the cell whom I had asked why he had been
10 arrested, he said that he had fought the Seleka, and the Seleka had triumphed and
11 taken power. I went out of the cell with him that morning, and they put us with
12 other -- some other people. And all of a sudden, I saw my younger sister appear.
13 She brought me coffee and bread. She also brought me some cigarettes; two kinds of
14 cigarettes, menthol cigarettes and ordinary cigarettes. And she told me that my
15 mother had sent her to see if I indeed was at the OCRB.

16 The family said that she would go see the archbishop to explain the situation, and
17 perhaps the archbishop could intervene and obtain my release. My family said that I
18 was not a soldier and that I had nothing to do with what had happened. That is why
19 my sister came to confirm, to confirm that I was actually there. And then she went
20 back and reported the situation to the family.

21 PRESIDING JUDGE SAMBA: [15:18:54] Is there anybody from the VPRS to help
22 the ...

23 We will take a five-minutes break and come back to court.

24 THE COURT USHER: [15:19:21] All rise.

25 (Recess taken at 3.19 p.m.)

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 (Upon resuming in open session at 3.36 p.m.)

2 THE COURT USHER: [15:36:18] All rise.

3 Please be seated.

4 PRESIDING JUDGE SAMBA: [15:36:41] Okay. Thank you very much, Mr Witness.

5 We will carry on a little bit more.

6 THE WITNESS: [15:36:59] (No interpretation)

7 * PRESIDING JUDGE SAMBA: [15:37:00] You have some water on your right. If

8 you want to drink some water, you can have some. Okay?

9 THE WITNESS: [15:37:14](Interpretation) I've understood.

10 PRESIDING JUDGE SAMBA: [15:37:17] Thank you very much.

11 Madam Prosecutor, your witness, please.

12 MS MAKWAIA: [15:37:23] Thank you, Madam President.

13 Q. [15:37:25] Mr Witness, can you continue to tell the Court what happened to you

14 the next day at the OCRB.

15 A. [15:37:54] Indeed, I can continue.

16 As I was telling you a short while ago, on that morning, we went out, and we kind of

17 set up base where there was a little tube and where we -- where they were selling

18 coffee. We met members of the families who had come to visit us at that place. I

19 told him that he must understand that if he never saw me again, and I would be the

20 last time I'm seeing him, and he should take care of his nephews and his nieces. And

21 he should also pass on this message to the others.

22 When I finished speaking to him, one of my co-prisoners, the soldier, I gave him

23 coffee. I asked him to have coffee. He refused. And he said, I did not want coffee,

24 and I insisted, and I gave him a cigarette. So my sister gave me a 5,000 franc note.

25 And he asked me to keep this money and that could be of use.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 After that, he asked me to look at a place where there were flies. I raised my head,
2 and I saw that place. There was something that resembled a barrel that was put on a
3 stone. He said that someone had been buried there. And as we were speaking, the
4 torturers --

5 THE INTERPRETER: [15:41:35] Says the witness.

6 THE WITNESS: [15:41:38](Interpretation) -- asked what were we talking about. I
7 told him that we were just talking about coffee that was brought to us. He
8 understood Arabic. He told me that he did not want to have coffee, and that really
9 did not fancy him. And then we went back to the cell.

10 After some time, the director of the OCRB, to be more specific with you -- in fact,
11 there were two directors of the OCRB. One was Muslim and the other was
12 Christian.

13 The Muslim director was called Said. I'm sorry. I said I will not mention the names
14 of people, but since he is here, I can mention his name without a problem, but I prefer
15 not to mention the other person's name.

16 So it was the director who himself opened up the various cells. They started up with
17 the first one.

18 MS NAOURI: [15:43:22] (Overlapping speakers)

19 PRESIDING JUDGE SAMBA: [15:43:23] Sorry, Mr Witness, just a moment, please.

20 Yes, Ms Naouri.

21 MS NAOURI: [15:43:29](Interpretation) Your Honour, I have a small request
22 because the witness started asking a question, and in order for me to make my
23 request, I need to move to private session and get the witness out in order to avoid
24 influencing him. Thank you, your Honour.

25 PRESIDING JUDGE SAMBA: [15:43:56] Sorry, Ms Naouri, you mean you want for

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 us to go into private session for the Prosecutor to continue asking questions in chief,
2 or you want to ask or make an objection in private session?

3 MS NAOURI: [15:44:16](Interpretation) In fact, I would like to make a request in
4 private session on the statement that was just made by the witness.

5 PRESIDING JUDGE SAMBA: [15:44:31] You are both standing.

6 Madam Prosecutor, why are you standing? Do you have anything to say?

7 MS MAKWAIA: [15:44:39] With the leave of the Court, I could reply to the -- I don't
8 know if it's an objection or a comment.

9 PRESIDING JUDGE SAMBA: [15:44:45] No. She wants to make a request that she
10 thinks could be made in private session.

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

12 (Private session at 3.45 p.m.)

13 THE COURT OFFICER: [15:45:14] We are in private session, Madam President.

14 PRESIDING JUDGE SAMBA: [15:45:16] Thank you very much.

15 Yes, Ms Naouri.

16 MS NAOURI: [15:45:19](Interpretation) Thank you, your Honour.

17 Could you please ask the witness to leave in order to avoid the witness being -- from
18 being influenced. So if I could actually request you to ask the witness to leave so
19 that I avoid influencing him. Thank you, your Honour.

20 PRESIDING JUDGE SAMBA: [15:45:41] Do we -- can you, Madam Court Clerk, help.
21 Thank you.

22 Mr Witness, you'll excuse us for just a few minutes, please.

23 (The witness exits the courtroom)

24 PRESIDING JUDGE SAMBA: [15:46:11] Ms Naouri.

25 MS NAOURI: [15:46:15](Interpretation) Thank you, your Honour.

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 The witness first talked about the Christian director, P-338, of the OCRB. Now, in
2 order to ensure the sincerity of the testimony of P-338, I request that the line of
3 questioning should be done in private session because we have previous statements,
4 and there are very specific statements on which P-338 and the other witness
5 and -- said opposite things. * So for the testimony of P-0338 to be sincere, he should
6 not be able to hear what P-0547 says so that he was not influenced.
7 Moreover, it's this logic that basically led the Registry to ensure that they don't travel
8 together. They are not staying together. So in order to actually keep the measures
9 effective, we really think it would be nice if the line of questioning of P-338, for
10 instance, the freeing of P-547 or visits in the cell, should not be in public session.
11 And this is why the line of questioning should be done in private session.
12 Thank you so much, your Honour.

13 PRESIDING JUDGE SAMBA: [15:48:05] Yes, Madam Prosecutor, do you have
14 anything to say in response?

15 MS MAKWAIA: [15:48:09] Yes, Madam President.

16 I think counsel is casting aspersions on the witness. The witness has said nothing
17 but there are two directors of the OCRB; one a Christian, one a Muslim.

18 Your Honours, these trials are supposed to be, as much as possible, public trials. So
19 to just assume that because this witness is giving evidence that may interrelate with
20 other future witnesses, we therefore should automatically go to into private session.
21 Your Honours, it's our submission that there's really no basis for this, and we object to
22 this request.

23 PRESIDING JUDGE SAMBA: [15:48:54] I would think that, normally, Ms Naouri,
24 why we go into private session would be basically for the security and safety of
25 witnesses and their loved ones. You know, because of the principle of publicity, it's

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 our position that this witness would continue in public session, answering these
2 questions in public session, and where possible, you know, we will go into private
3 session purposely for his own security and that of his loved ones. There is nothing
4 before us to show that, you know, Witness P-0338, that you're referring to, will have
5 any discussions with this witness. And if we pick up that line, as you are suggesting,
6 then we may as well have the entire trial in private session.

7 So I'll ask that the witness comes back and we continue in public session, and where
8 necessary, we go into private session. Thank you very much.

9 Can the witness come back in, please.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE SAMBA: [15:51:03] Thank you very much, Mr Witness.

12 Ms Madam Prosecutor, you may carry on with your direct examination, please.

13 MS MAKWAIA: [15:51:14] Thank you, Madam President.

14 Q. [15:51:16] Mr Witness, can you continue giving the narrative of --

15 PRESIDING JUDGE SAMBA: [15:51:25] Sorry, Madam Prosecutor, just so that we
16 are guided, we are in private session.

17 MS MAKWAIA: [15:51:35] May we revert to a public session, Madam President.

18 PRESIDING JUDGE SAMBA: [15:51:40] Madam Court Officer, can we go back to
19 public session, please.

20 (Open session at 3.51 p.m.)

21 THE COURT OFFICER: [15:51:55] We are back in open session, Madam President.

22 PRESIDING JUDGE SAMBA: [15:51:58] Thank you very much.

23 Yes, Ms Makwaia.

24 MS MAKWAIA: [15:52:03]

25 Q. [15:52:03] Mr Witness, can you continue with your testimony, please.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 A. [15:52:26] * At the end of authorized visiting time, we were taken back to the
2 various cells. And then the director of the OCRB, with a
3 police officer and (Redacted), opened the cells to get the people who were recently
4 arrested out to get them to appear before the prosecutor.
5 I would like to say that, when I was taken and they asked me the question when I was
6 arrested, "I was arrested yesterday evening," he said that I must be freed. And we
7 then gathered other people as well in order to make us appear before the prosecutor.
8 And this confirms what one of the detainees told me in the cell.
9 He said that, generally, in the morning, some of the detainees were made to appear
10 before the prosecutor. And once I get there, and if I'm lucky, the prosecutor would
11 free me.
12 When he said that, the people who beat me up and said -- they came and they said,
13 "Not him. We've got instructions on him. He has to remain in the cell." So this is
14 why I was taken back to the cell.
15 At 1 p.m., which was the visiting hours and when the family members brought food,
16 the doors of the cells would be open. The people would come out. And the people
17 who had beaten me up that evening refused to let me out. * So I had to remain in the
18 cell during the visiting hours at 1 p.m. I couldn't say anything. So I remained in the
19 cell, and I told the person with me, who was detained with me, * and I told him that if
20 my sister had brought anything, he should bring it to me. He said, "ok".
21 First of all, he did not want to leave because no one would actually come to see him
22 because his family members were unaware that he was here. So he actually just -- he
23 went out just for me. And it's the other detainees who would give him food and
24 coffee. But I insisted that he left. I insisted that he wait for my younger sister. He
25 left, and thank God my sister had brought grilled peanuts, bread and some money. I

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 do not remember the amount anymore. And this is how he left.

2 After he left, he told my sister that I was not allowed to leave, and he was supposed to

3 bring back the food. My sister gave him the food, and he brought the food back to

4 me in the cell. And he gave me the food, what my sister had given him. He was

5 calm. He looked at me, and he said, "Brother, I heard people saying that you should

6 be removed from the cell, and the members of your family should be told that you

7 * were taken elsewhere. And that's what I'd do.

8 "If they want to remove me from here and they want to take me somewhere, if they

9 want to take me to bury me, they have to inform my sister, my younger sister."

10 He said, "You should be brave. That's life, and it's okay."

11 * I said "ok, it doesn't matter, it doesn't matter." We were there. We were still in the

12 jail. And at some point of time, we saw * a vehicle come into the courtyard. They

13 shouted and all the elements stood to attention. It was a RAV4. The vehicle stopped

14 before the cell near the tree. Everyone was looking out through a hole, and they said,

15 "He's come. He's come." And I asked, "Who's come?" And the person who was

16 next to me said nothing at all, perhaps because, since he'd already heard that I was to

17 be taken elsewhere, and this is why, when we saw the car, he did not want to say.

18 Perhaps that was it. I don't know. But people were looking. And I was also asked

19 to look through the hole to see who it was.

20 I asked who was it. "But you must introduce the person." And it was Nouradine.

21 And I went to look at the person. People were greeting him. People were calling

22 him "General". Some people called him "His Excellency". He was walking slowly.

23 He, I think, had a limp. He had a slight limp. He had a walking stick as well. He

24 came, and he was far from me. And I was there.

25 I continued looking through the hole, and I wanted to see what he was doing. He

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 put his hand on the door of the car, and he spoke to people. And the motor of his
2 vehicle was still running.

3 After talking to people - he didn't take a lot of time - he got into his car, and he left.
4 He left a while later, and I saw the people who had roughed me up. And those were
5 the people who were supposed to take me out of the cell and take me somewhere else.
6 I saw them coming. And he asked that the door of the cell be opened. He was with
7 some other soldiers. And he asked me to get out of the cell. He said, "Hey you,
8 come on out." I had already been warned, you see, so I got up and I left the cell.
9 I said to the person who was being detained with me, I said to him, "Okay, tell my
10 sister when she comes." So I got out of the cell. They took me from the cell, and
11 they took me to the place where they had registered me when I had arrived the
12 evening before.

13 We got there, and the person who registered me when I arrived was no longer there.
14 There was another officer on duty. He asked me to give my name to the officer, and
15 I did. And the head of the stations -- the other head of the station said to me, "When
16 were you brought here?" * And I said, "Yesterday in the evening, around 5 p.m., 6 p.m."
17 And he found my name in the list, and he used a red pen to mark my name.
18 He asked, "Is that your name?" I showed him my name. And he was told to strike
19 out my name. If my family members were to come and ask questions, they were
20 supposed to tell them that I had been taken to an unknown location, and those
21 instructions should be shared with all the elements who were on duty. So that's how
22 they took me.

23 They went to open up a hole. There's a hole in the cell, in the building. The hole
24 was covered by planks. There was a bit of an opening, and they told me to get into
25 the hole through that opening. I went into the hole, and I wanted to sit down or lean

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0547

1 up against the wall. And I saw someone else lying down on the floor in the hole.

2 The person who was there in the hole said, no. Asked me not -- close to the person

3 there. He said to come more towards him, that the person who was laying down

4 there was already dead. I didn't say anything. I did what he advised me to do.

5 When they put me in the hole, he went off again to tell the people who had come with

6 me, he said ...

7 PRESIDING JUDGE SAMBA: [16:05:21] Yes, Mr Witness, what we're going to

8 do -- you've come up to a point of you wanting to explain about a hole in a cell, so

9 what we're going to do at this point is to adjourn so that tomorrow, when we come

10 back, you will start your testimony with your explanation from that hole. Okay?

11 I'm sorry. I missed my channel. Did he say yes?

12 Do you understand, Mr Witness?

13 THE WITNESS: [16:06:25](Interpretation) Yes, I understand. You asked us to stop

14 here at this point, and tomorrow morning, when we come back, I'm supposed to

15 resume my testimony as of the point when I was talking about the hole in the cell.

16 That's where I'm supposed to start tomorrow. That's what you told me,

17 Madam President, and I've understood you just fine.

18 PRESIDING JUDGE SAMBA: [16:06:52] Thank you very much, Mr Witness.

19 So we are going to adjourn this matter to tomorrow when we will meet here again at

20 9.30 in the morning. Thank you.

21 THE COURT USHER: [16:07:06] All rise.

22 (The hearing ends in open session at 4.07 p.m.)