

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: SONGUELEMA

Gender: Male

First Name: Ferdinand

[01/18] PRV

Other names used: N/A

Place of Birth: BIMBO, CAR

Passport number: [01/18] PRV

Date of Birth: 07/11/1963

Nationality(s): CAR

Ethnicity: Ngbaka

Religion: Protestant

Language(s) Spoken: French, Sango, basic English

Language(s) Written: French, Sango

Language(s) Used in Interview: French/English

Occupation: Legal Advisor at the BANGUI Municipality, CAR

Place of Interview: Remote Interview through CISCO Webex meetings.

OTP Investigators: THE HAGUE, The Netherlands

Witness: BANGUI, CAR.

Date(s) and Time(s) of Interview:

11/09/2020; 11:15 - 12:10

25/09/2020; 10:30 - 11:30

29/09/2020; 10:15 - 11:05

[01/18] PRV

[01/18] PRV

[01/18] PRV

[01/18] PRV

CAR-OTP-2122-9042

Names of all persons present during interview: [01/18] PRV (Investigator), [01/18] PRV (Investigator), [01/18] PRV (Interpreter) and Ferdinand SONGUELEMA (Witness).

Signature(s): Ferdinand SONGUELEMA [01/18] PRV
[01/18] PRV
[01/18] PRV

WITNESS STATEMENT

Procedure

1. I was introduced to [01/18] PRV and [01/18] PRV and told that they are investigators with the Office of the Prosecutor (OTP) of the International Criminal Court (ICC). I was introduced to [01/18] PRV and told that he is an interpreter with the OTP of the ICC.
2. The investigators explained to me what the ICC is and described its mandate. They explained the role and mandate of the OTP within the ICC.
3. The investigators explained to me that they are investigating events that took place in Central African Republic from the 1st August 2012 until present. I was informed that the OTP is contacting me because they believe I may have information relevant for establishing the truth.
4. I agreed that the interview would be conducted in French. I fully understand and speak French.
5. The investigators explained to me that I do not have to answer to their questions. The investigators explained to me that they are seeking to find out the truth. I agree to tell the truth and that my answers to their questions are as complete as possible and reflect the best of my knowledge and recollection.
6. I was informed that any information I give to the OTP, including my identity, may be shared with the parties of the proceedings at the ICC; in particular the Judges, Accused persons, the Counsel of the Accused and the legal representatives of the victims.

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7. The investigators have explained to me the reasons and importance of keeping my contacts with the OTP confidential, which I fully understand.
8. Having understood all the above issues, I confirmed my willingness to answer the investigators' questions.
9. The investigators explained to me how the interview was going to be conducted. I was told that I needed to be as accurate as possible in my account and that I should state when I do not know the answer to or do not understand the question. I understand that I need to distinguish between what I have experienced or seen myself and what I have heard or learned about from someone else.
10. The investigators explained to me that the OTP is currently using CISCO Webex Meetings software (with the required security features) to conduct some of its interviews because of the travel and other limitations imposed by the COVID-19 situation. I agreed that the interview is conducted this way and, that at the end of the interview, the investigators will produce a written statement which I will be asked to sign.
11. I would be asked to sign a written statement after having had the opportunity to review it, make any corrections, or add additional information.

Background

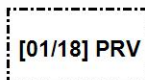
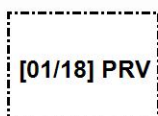
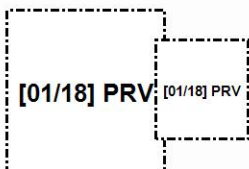
12. I am a lawyer by profession. I have successfully completed my Master's Degree in Private Law with orientation in Legal Matters and speciality in Employment Law from the BANGUI University.

Role/Duties

13. I am presently the Legal Advisor at the BANGUI Municipality. I have been in this position since 2002. I work under the Mayor of BANGUI. I am responsible for all official documents recorded and issued by the BANGUI Town Hall. I also prepare and present files to the lawyers representing the Municipality in cases appearing before the court. The office is regularly audited by different Government departments to ensure that we apply all the laws related to the running and functioning of the municipality. The process gives legality to all documents issued by the Town Hall. Our office can at any time be inspected by these departments, including the Office of the Attorney General, the Public Prosecutors and the State Inspectorate of the Office regulating Good Governance.
14. My office is responsible for the registration of all births in BANGUI municipality and the issuing of birth certificates. The registration of births are regulated by the Family

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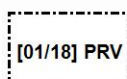
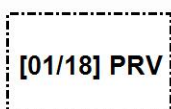
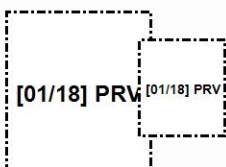


Law of 12 February 1988 in the Central African Republic (CAR). The law prescribes that every Mayor and Municipality are responsible for the registration of birth in their own areas. Only the appointed registrars are competent to register births in their respective areas. For example, a birth that takes place in MBAIKI cannot be registered in BANGUI.

15. Article 134 of the Family Law regulates the registration of births in the country. A birth must be declared within one month from the date of birth of a child. The birth is registered based on a document issued either by a hospital or the Chief of the neighbourhood (*Chef de quartier*).
16. The birth certificate issued by the hospital does not include the name of the father. The name of the father is only recorded once the birth of the child is registered at the Town Hall.
17. The parents of a child who was not born in a hospital must report the birth to their respective neighbourhood chiefs (*Chef de quartier*) who has to record and document the birth. This document is called a declaration of birth. Based on this document the parents can then register the child at the Town Hall.
18. In the case where the birth of a child had not been registered within a month the Town Hall cannot issue the birth certificate. The matter must then appear before a Judge who can issue a judgement instructing the Town Hall to issue the birth certificate.
19. Article 183 of the Family Law states that a record must be kept of all births registered and it must be archived. A person who has lost his birth certificate can therefore return at any time to the Town Hall and retrieve the data of a birth from the birth register.
20. The physical control and maintenance of the municipal archive is the responsibility of the Administration Director of the Municipality. The archived material in BANGUI municipality are largely kept in hard copies and some are electronically stored. All documents before 2000/2001 were physically recorded and stored in the archives. From the year 2000/2001 records were electronically stored and the archive maintained on a computer server. The server however broke down some time ago and was sent to FRANCE for repairs. I do not recall the date when it broke down. The server has not been returned. The office is struggling to reconstruct the birth certificates for the period when the certificates were captured on the server. I also have to inform you that during the events in 2013 the Seleka looted and damaged sections of our archives and we lost many records and documents.

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Birth Certificate CAR-OTP-2121-2577

21. The investigators showed me a copy of a birth certificate marked CAR-OTP-2121-2577 and pointed out to me some discrepancies regarding the dates mentioned in the document.
22. I reviewed the document and noted the reference numbers reflected on the document as 2000/000212 and 2000 00 06 34 212.
23. It appears to be an original birth certificate issued by the CAR authorities. I can see that it was signed by Michel BISSAKONOU who was the Deputy Mayor of BANGUI and the Registrar at the time. He has since moved on and is presently living in [01/18] PRV CAR. I do not have his contact number.
24. I can see that the date reflected in the second line is 10 August 2001 which is an error. I believe that it is a typographical error as it is clear from the serial numbers 2000/000212 and 2000 00 06 34 212 that appears on the document that the birth was registered in the year 2000. This document was completed on a computer. The information was typed in and saved on the municipal server. A copy of the certificate was printed out and signed by Michel BISSAKONOU. The signed document would then have been handed over to the parent.
25. In the case where an error has been identified in a birth certificate the affected person must approach the Town Hall office and report the error. The matter will then be raised with a judge who will instruct the Town Hall to correct the error. A new birth certificate will be issued.
26. On 23/09/2020 I had my archivist conduct a search in our archive for the birth certificates with serial numbers 2000/000211, 2000/000212 and 2000/000213. He was unable to find these documents. We do not have any hard copies of birth certificates for the period 2000 and 2001 in the archive. As explained I am also not able to run an electronic search for these documents as the computer server is broken and it is presently in for repairs.

Closing Procedure

27. I was informed that I may be called to testify before the Court. It was brought to my attention that ICC trials are held in public and explained to me that, as an exception to the principle of public hearings, the judges may apply protective measures to those testifying if circumstances require.
28. The investigators informed me of the protective measures that may apply during and after the investigation and/or trial proceedings.

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29. I have nothing to add to the above statement nor do I have anything to clarify. I am available to be contacted in the future for clarifications or questions on topics not covered during this interview.
30. I have given the answers to the questions of my own free will.
31. There has not been any form of coercion, duress, threat, promise or inducement which has influenced my account.
32. I have no complaints about the way I was treated during this interview.

WITNESS ACKNOWLEDGMENT

This statement has been read over to me in the French language and (it) is true to the best of my knowledge and recollection. I have given this statement voluntarily and I am aware that it may be used in legal proceedings before the International Criminal Court and that I may be called to give evidence in public before the Court.

Signed:

[01/18] PRV

Date:

[01/18] PRV

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[01/18] PRV

[01/18] PRV

INTERPRETER CERTIFICATION

1. I, [01/18] PRV certify that:
2. I am duly qualified to interpret from the French language into the English language and from the English language into the French language.
3. I have been informed by Ferdinand SONGUELEMA that he speaks and understands the French language.
4. I have orally translated the above statement from the English language to the French language in the presence of Ferdinand SONGUELEMA who appeared to have heard and understood my translation of this statement.
5. Ferdinand SONGUELEMA has acknowledged that the facts and matters set out in his statement, as translated by me, are true to the best of his knowledge and recollection and has accordingly signed his signature where indicated.

Signed: _____

[01/18] PRV _____

Dated: _____

29/09/2020 _____

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