

Trial Hearing
Procedural Matters

(Open Session)

ICC-01/14-01/21

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 Maria del Socorro Flores Liera
6 and Judge Sergio Gerardo Ugalde Godinez
7 Trial Hearing - Courtroom 2
8 Monday, 14 November 2022
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:19] All rise. The International Criminal Court is now in
11 session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:35:39] Good morning, everyone.
13 Madam Court Officer, can you please mention the case.
14 THE COURT OFFICER: [9:35:48] Good morning, Madam President, your Honours.
15 The situation in the Central African Republic II, in the case of The Prosecutor versus
16 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21. And we are in open
17 session.
18 PRESIDING JUDGE SAMBA: [9:36:04] Thank you very much.
19 Can I ask the parties to introduce themselves, please.
20 MS MAKWAIA: [9:36:08] May it please the Court, for the Office of the Prosecutor this
21 morning, myself, Holo Makwaia, senior trial lawyer; Vanessa Hernández, assistant
22 legal officer; Ramu Bittaye, case manager; and Adeline Belle. Thank you.
23 PRESIDING JUDGE SAMBA: [9:36:35] Thank you very much, Ms Makwaia.
24 Ms Pellet, for the victims, please.
25 MS PELLET: [9:36:40](Interpretation) Thank you, your Honour. The victims are

1 represented by myself, Sarah Pellet, OPCV; and Adeline Bedoucha. Thank you.

2 PRESIDING JUDGE SAMBA: [9:36:51] And for the Defence, Ms Naouri, please.

3 MS NAOURI: [9:36:54](Interpretation) Thank you, your Honour. Beside me Mr Jacobs
4 and Léa Allix, and behind, Capucine Banet. Myself, I am Jennifer Naouri, lead counsel
5 to Mr Said.

6 PRESIDING JUDGE SAMBA: [9:37:15] Thank you very much, Ms Naouri.

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

8 A very good morning to you, Mr Said.

9 MR SAID: [9:37:24](Interpretation) Good morning, your Honour.

10 PRESIDING JUDGE SAMBA: [9:37:28] Now, before we call the witness in, the

11 Chamber notes that the Prosecution submitted a request to introduce an annex to P-
12 0787's witness preparation log pursuant to Rule 68(3) of the Rules of Procedure and
13 Evidence.

14 We also note that the Prosecution submitted a request to include one additional item to
15 its list of evidence, and the Chamber notes that the Defence responded to the
16 Prosecution's Rule 68(3) request last Friday afternoon and requested the disclosure of
17 the video recording of P-0787's preparation.

18 The Chamber also would like to now ask the Prosecution if it would like to submit any
19 observations in response to the Defence's request.

20 MS MAKWAIA: [9:38:37] Thank you, Madam President. I would like to make the
21 following comments.

22 We have met our obligations in terms of disclosure to the Defence with respect to your
23 directions on witness preparation. The Defence has full disclosure of the paragraphs,
24 the series of images that were shown to this witness during the witness prep. The
25 Defence has demonstrated no cause, your Honours - no reasonable cause - apart from

1 casting aspersions - apart from casting aspersions - towards the integrity of the
2 Prosecution team and its undertaking to prepare its witnesses as allowed and directed
3 by the Chamber.

4 They've made very strong allegations, your Honours, suggesting that we even tell the
5 witnesses -- and, in particular, for this instance, they were referring to P-0787 and 2105.
6 The Prosecution categorically refutes these allegations and submits they're unfounded.
7 And we further submit, your Honours, that the Defence has not demonstrated to you
8 that we've deviated, that we've gone against any of your directives in the preparation
9 of these witnesses.

10 They will have full opportunity, they will have ample time to cross-examine these
11 witnesses who will appear before you. They can cross-examine them on anything they
12 wish within the rules, Madam President, your Honours.

13 We, therefore, refute all allegations and aspersions cast towards the Prosecution team.
14 This is a team that undertakes its work seriously. This is a team, your Honours, that
15 works and functions and is guided within the rules and directives of this Chamber and
16 this Court.

17 We, therefore, refute all allegations, and submit to your Honours that they have not
18 shown you any cause, any reasonable cause whatsoever for them to now get the video
19 or the audio of the preparation of Prosecution witnesses. Thank you.

20 PRESIDING JUDGE SAMBA: [9:41:13] Thank you very much, Ms Makwaia.

21 Defence, Ms Naouri, in respect of the additional item that the Prosecution now wants
22 to add to its list of witnesses, you received that additional item in July of this year. Do
23 you have any submissions to make in regard of that request by the Prosecution to add
24 that item to its list of items before the Court?

25 MS NAOURI: [9:42:07](Interpretation) Thank you, your Honour, for allowing me to

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- 1 address the Court. I believe it's the next witness for which we made a request --
- 2 THE INTERPRETER: [9:42:16] Correction.
- 3 MS NAOURI: [9:42:18](Interpretation) -- regarding which there was a request, not the
- 4 current witness. Not 0787. So are you asking us to comment on the next witness or the
- 5 witness who is about to appear, 0787? I just want to make sure that I'm responding in
- 6 regard to the correct witness and that I haven't missed anything.
- 7 PRESIDING JUDGE SAMBA: [9:42:44] Well, it's in respect of the request made by the
- 8 Prosecution to add an additional item to its list of evidence before the Court. I believe
- 9 it's in respect of 0787, the current witness.
- 10 MS NAOURI: [9:43:26](Interpretation) Your Honour, we're somewhat concerned
- 11 because we have not received any request regarding the current witness, 0787. We're
- 12 at a bit of a loss.
- 13 PRESIDING JUDGE SAMBA: [9:43:44] You mean you didn't receive any e-mail,
- 14 maybe, by the Prosecution on Friday?
- 15 MS MAKWAIA: [9:43:53] Perhaps if I may --
- 16 PRESIDING JUDGE SAMBA: [9:43:56] Can you --
- 17 MS MAKWAIA: [9:43:56] If I may assist --
- 18 PRESIDING JUDGE SAMBA: [9:43:58] Yes, Ms Naouri. Can you assist the Court.
- 19 MS MAKWAIA: [9:44:00] Ms Makwaia.
- 20 PRESIDING JUDGE SAMBA: [9:44:02] I'm sorry, yes, Ms Makwaia, please assist the
- 21 Court.
- 22 MS MAKWAIA: [9:44:06] I think that request was actually with our next witness, 14 --
- 23 it's 1429, Madam President, your Honours. It's not with respect to this witness.
- 24 PRESIDING JUDGE SAMBA: [9:44:22] That's noted, Ms Makwaia. It's in respect of
- 25 your next witness, I take it?

1 MS MAKWAIA: [9:44:29] Yes, Madam President.

2 PRESIDING JUDGE SAMBA: [9:44:30] I thank you for the clarification.

3 So we're going to rise and come again with a ruling in respect of the request that is

4 before us in respect of the preparation log for this current witness and the video

5 request made by the Defence, disclosure of the video evidence of the preparation of this

6 particular witness.

7 I'll rise the Court for a short time, five, ten minutes, and we'll come back. Thank you.

8 THE COURT USHER: [9:45:11] All rise.

9 (Recess taken at 9.45 a.m.)

10 (Upon resuming in open session at 9.59 a.m.)

11 THE COURT USHER: [9:59:45] All rise. Please be seated.

12 PRESIDING JUDGE SAMBA: [10:00:20] The Chamber will now render an oral decision

13 concerning the request for disclosure of video of P-0787's preparation session.

14 On Friday, 11 November 2022, the Defence requested via e-mail that the e-mail of the

15 video of the witness preparation of P-0787 be disclosed. The Prosecution responded to

16 the request orally in court today.

17 The Defence argues that it cannot ascertain how the issues addressed during the

18 preparation session were addressed and in which manner the photos were shown to

19 the witness.

20 The Defence acknowledges that it can question P-0787 on this issue during its cross-

21 examination. However, it asserts that this is not sufficient since it needs to be in

22 possession of all useful elements in order to interrogate the witness. Therefore,

23 according to the Defence, the video should be disclosed.

24 The Prosecution objects to the request. It argues that it has met all of its disclosure

25 obligations with regard to P-0787 and adds that the Defence has not demonstrated any

1 real reason why it needs to access the video in order to question the witness.

2 Additionally, the Prosecution disputes the assertion made by the Defence and submits
3 that it did not violate the witness protocol.

4 The Chamber notes that paragraph 13 of the witness preparation protocol and that
5 Annex A of Filing No. 251 lay out the procedure for the disclosure of the video of
6 witness preparation. Specifically, the non-calling party must specify the reason why it
7 believes that the access is necessary and indicate any information - evidentiary or
8 otherwise - demonstrating that granting the non-calling party's access to the video of
9 the witness preparation session is, indeed, warranted.

10 The Chamber finds that the arguments brought forward by the Defence are vague to
11 warrant the disclosure of the video. The Defence does not indicate why it is necessary
12 to obtain the video of this witness, specifically, in order to properly question him.

13 Instead, it makes a general assertion that disclosure should be done in order for the
14 Defence to have all the existing items.

15 Further, the Defence does not provide any information demonstrating why access is
16 warranted.

17 Lastly, the Chamber finds that there are no indications that the protocol on witness
18 preparation was violated during the preparation of P-0787.

19 Considering the above, the Chamber rejects the Defence's request.

20 We will now render our oral decision on the Prosecution's request to introduce the
21 annex of P-0787's preparation log under Rule 68(3) of the rules.

22 By e-mail dated the 11th day of November, Friday, 2022, the Defence requested that P-
23 0787 commence his testifying only today, on the 14th day of November 2022, in order
24 to have sufficient time to analyse this annex before the start of his testimony.

25 On Friday, the 11th day of November, the Chamber granted the request, instructing

1 that P-0787 commences his testimony today, the 14th day of November, 2022. The
2 annex contains corrections and clarifications to P-0787's prior statement, which was
3 already granted introduction via Rule 68(3).

4 Further, the annex contains, amongst others, the witness's comments on photographs
5 shown to him and annotated by him. The Prosecution avers that the annex bears
6 sufficient indicia of reliability, that it's probative, and that its introduction would
7 expedite the proceedings.

8 In its e-mail above referred to, the Defence opposed the request and criticises the extent
9 of the witness preparation of P-0787, arguing that the witness also commented on items
10 newly presented to him.

11 It also suggests that the Prosecution led the witness during the preparation session in
12 order to elicit certain information.

13 The Defence argues that the photos which the witness annotated during the
14 preparation session were not made available to the Defence.

15 At the outset, the Chamber notes that the commencement of P-0787 was postponed to
16 Monday, this morning. This was done in order to ensure that the Defence has
17 sufficient time to prepare itself to question the witness.

18 The Chamber also takes into account the content of the annex and does not consider it
19 to be of such nature to require an unduly burdensome assessment, especially the
20 photos shown to the witness for additional comments which have been used during
21 the questioning of several other witnesses and are well known to the Defence.

22 Accordingly, the Chamber finds that the Defence does not suffer any prejudice in this
23 regard.

24 As regards the other complaints by the Defence, the Chamber finds that the showing of
25 new items to the witness is permissible under the witness preparation protocol. The

1 assertions that the Prosecution may have unduly guided the witness during the
2 preparation session are speculative.

3 Nevertheless, the Defence has always the possibility to raise the issue with the witness
4 during its questioning of P-0787.

5 Regarding the complaint that the witness annotated photos, the Chamber finds that the
6 Defence log contains the specific ERN of the photos and an exact description of the
7 witness's comments with regard to each picture. Accordingly, the Defence is in a
8 position to comprehend what the witness said in regard to which photo. This is the
9 case irrespective of the fact whether P-0787 made annotations on the photos or not.

10 Lastly, and as stated by the Chamber on previous occasions, the fact that the content of
11 the annex contains corrections to the prior recorded testimony, whose introduction
12 under 68(3) has already been granted, is a factor militating in favour of its introduction.
13 Again, the Chamber notes that the Defence will be able to explore the reasons for the
14 clarifications and additions contained in the preparation log while cross-examining the
15 witness in court.

16 In light of the above, the Chamber finds that the introduction of the annex to P-0787's
17 preparation log does not unduly infringe upon the rights of the accused and does not
18 prejudice the Defence.

19 Accordingly, the Chamber authorises the introduction of the annex under Rule 68(3) of
20 the rules. The Prosecution is instructed, when satisfying the outstanding requirements
21 of Rule 68(3), to also fulfil them in respect of the annex.

22 Now, that concludes our oral decision.

23 I would like also to bring certain information to the parties. We're very much mindful
24 of the duty to ensure that the trial is fair and expeditious and that it is conducted with
25 full respect for the rights of the accused and due regard for the protection of victims

1 and witnesses.

2 We request the assistance of parties and participants to ensure that the court time is
3 used as efficiently as possible.

4 For this purpose, the Chamber would appreciate the parties and participants, without
5 prejudice to their rights, of course, under the Statute, to, one, inform the Chamber and
6 the other parties and participants of any situation that may cause trial delays as soon as
7 they arise; two, to conduct the examination of witnesses bearing in mind the purpose
8 for which that witness is being called and focusing on relevant, necessary and
9 appropriate questions; inform the Chamber as soon as possible when the questioning
10 of a witness may conclude up to 30 minutes beyond the scheduled time so that you
11 allow the Chamber to make the necessary consultations with the Registry for extension,
12 if necessary. We ask that you keep within the confines of any additional time granted
13 to complete the questioning of a witness.

14 Now, we do recognise that it is difficult to programme with absolute precision every
15 aspect of the trial proceedings and that unforeseen circumstances may arise. But at the
16 same time, we consider that timely communication is key. And we stress that
17 effectiveness and efficiency are not just abstract principles but are essential components
18 of a fair and expeditious trial which must be given effect for the benefit of the accused
19 and victims who also have a right to prompt justice.

20 We are fully committed to ensure at all times the respect of the rights of the parties and
21 participants in accordance with the Rome Statute and to afford them the time and
22 facilities to carry out their duties, so we urge parties to assist us to make good use of
23 the time that we have and avoid what we'll call irrelevant questions put to witnesses.

24 We note that the Prosecution is now calling its tenth witness, P-0787. We understand
25 that this witness will be testifying in French.

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1 I would remind everyone once again of the importance of the need to speak slowly for
2 the interpreters and to observe the five-second rule between questions and answers.
3 Now, before commencing, the Chamber notes briefly that no protective measures are
4 confirmed for this witness. We also observe that the VWU does not recommend special
5 measures.

6 We ask that we call the witness in, please.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE SAMBA: [10:14:27] Mr. Witness, good morning.

9 THE WITNESS: [10:14:31](Interpretation) Good morning, sir.

10 PRESIDING JUDGE SAMBA: [10:14:34] Yes. Now, you're going to testify before the
11 International Criminal Court. So on behalf of the Chamber, I want to welcome you to
12 this Court.

13 THE WITNESS: [10:14:48](Interpretation) Thank you, madam.

14 PRESIDING JUDGE SAMBA: [10:14:49] Good. I'd want to repeat that we note briefly,
15 and that's for the Prosecution's attention especially, that no protective measures are
16 confirmed for this witness, and that the VWU has not recommended any special
17 measures.

18 Mr Witness, you should have before you your solemn undertaking to tell the truth that
19 we expect any witness who appears before us to make before the commencement of his
20 or her testimony.

21 Can I ask you that you read out that solemn undertaking.

22 THE WITNESS: [10:15:37](Interpretation) I declare solemnly that I will tell the truth,
23 the whole truth and nothing but the truth.

24 WITNESS: CAR-OTP-P-0787

25 (The witness speaks French)

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1 PRESIDING JUDGE SAMBA: [10:15:54] Thank you very much, Mr Witness. And do
2 you understand and agree to what you have just read?

3 THE WITNESS: [10:16:00](Interpretation) Yes, I agree completely.

4 PRESIDING JUDGE SAMBA: [10:16:04] Thank you very much. We will continue.

5 I have a few practical matters you should have in mind, Mr Witness, when giving your
6 testimony. As everything we say here in this courtroom is written down and
7 interpreted, it is therefore important that you speak clearly and at a slow pace. Speak
8 into the microphone in front of you and only start speaking when the person asking
9 you the question has finished speaking. You will know that that person has finished
10 speaking when his or her microphone goes off. After that, please wait for five more
11 seconds to allow for the interpretation to finish.

12 If you have any question yourself, or if you need something, including if you need a
13 break, please raise your hand so that we know that you want to say something. Am I
14 clear, Mr Witness?

15 THE WITNESS: [10:17:18](Interpretation) Yes, you are.

16 PRESIDING JUDGE SAMBA: [10:17:23] Thank you very much. We will now start with
17 your testimony, and I'll invite the Prosecutor, Ms Makwaia, to take her position and
18 put her questions.

19 MS MAKWAIA: [10:17:42] Thank you, Madam President, your Honours.

20 QUESTIONED BY MS MAKWAIA:

21 Q. [10:17:45] Good morning, Mr Witness.

22 A. [10:17:47] Good morning, madam.

23 Q. [10:17:49] I am going to put the questions to you this morning on behalf of the
24 Office of the Prosecutor. Now, can you tell the Court your full names, please.

25 A. [10:18:02] My name is Sophil. My first names is Claude, Jean.

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- 1 Q. [10:18:25] And what is your current occupation?
- 2 MS NAOURI: [10:18:26](Interpretation) Sorry, I'm stopping for technical reasons, only
- 3 technical reasons. I think we don't really hear the witness very well, so I can't hear the
- 4 witness. I don't know what the reason is, but we don't hear the witness, so it is not
- 5 transcribed in the French transcripts.
- 6 PRESIDING JUDGE SAMBA: [10:18:52] Can the interpreters assist us, please.
- 7 THE INTERPRETER: [10:19:01] I think it's a more a matter of the transcript rather than
- 8 the interpretation, because the interpretation we can hear but we can't do something
- 9 about the transcript.
- 10 PRESIDING JUDGE SAMBA: [10:19:10] I'm going to ask the Court Officer.
- 11 Is there a problem, Madam Court Officer, with the transcription of the testimony?
- 12 THE COURT OFFICER: [10:19:22] No, Madam President. With regard to the
- 13 transcript, I've heard that the instructions were acknowledged by the French
- 14 interpretation. However, I didn't hear properly the English booth, indeed. So I would
- 15 like just to make sure --
- 16 THE INTERPRETER: [10:19:45] Can you hear the English booth now? Testing 1, 2, 3.
- 17 THE COURT OFFICER: [10:19:46] -- that both channels are on the right --
- 18 THE INTERPRETER: [10:19:46] Can you hear the English booth now?
- 19 THE COURT OFFICER: [10:19:48] -- and that --
- 20 THE INTERPRETER: [10:19:50] Can you hear the English booth now?
- 21 THE COURT OFFICER: [10:19:52] Yes. Can you please just --
- 22 THE INTERPRETER: [10:19:54] Testing 1, 2, 3?
- 23 THE COURT OFFICER: [10:19:56] Can we just proceed with a quick test and can I --
- 24 THE INTERPRETER: [10:19:58] Can you hear the English booth now, testing 1, 2, 3?
- 25 THE COURT OFFICER: [10:20:02] All right. No, this is fixed now, it seems, Madam

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1 President. Yeah.

2 PRESIDING JUDGE SAMBA: [10:20:06] Ms Makwaia, I'm going to ask that you try
3 again and put your questions in fulfilment of Rule 68(3), please.

4 MS MAKWAIA: [10:20:16] Thank you, Madam President.

5 Q. [10:20:18] Mr Witness, I will repeat, because there was a technical issue. Okay? I
6 had asked you what is your current occupation.

7 A. [10:20:48] * I am chargé de mission for the police in the Ministry of the Interior
8 and Public Security in the Central African Republic.

9 Q. [10:21:01] Thank you, Witness. And where did you live in 2013?

10 A. [10:21:03] In 2013, I lived -- I resided in Bangui, in particular, in the Central
11 African Republic.

12 Q. [10:21:28] And what was your occupation around March, April 2013?

13 A. [10:21:33] In March, April 2013, I was in charge of the service of economic and
14 financial affairs at the directorate of the judicial police services.

15 Q. [10:22:10] Did you subsequently hold any other position, Mr Witness, and where?

16 A. [10:22:16] Yes, indeed. In July 2013, the same year, I was assigned as that person
17 in charge for the chief of inquiries and investigation at the central Office of Repression
18 of Banditry, the OCRB.

19 Q. [10:22:45] Thank you, Witness. And for how long did you remain in that position?

20 A. [10:22:48] I stayed in that position for almost a year.

21 Q. [10:23:11] Mr Witness, did you meet investigators from the Office of the
22 Prosecutor of the International Criminal Court?

23 A. [10:23:22] Yes, madam.

24 Q. [10:23:38] And do you recall which year this was?

25 A. [10:23:41] It was in 2016.

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1 Q. [10:24:06] And why did you meet them, Mr Witness? Can you tell the Court.

2 A. [10:24:11] They wanted to meet me because I was in charge of the OCRB which
3 was the only unit that was in operation during the period when the Seleka coalition
4 entered Bangui.

5 Q. [10:24:52] So when they met you, did they interview you?

6 A. [10:24:55] Yes, a lot of questions.

7 Q. [10:25:13] And at the end of this interview with a lot of questions, Mr Witness, was
8 a statement taken?

9 A. [10:25:19] Yes, madam, a statement was taken.

10 Q. [10:25:38] And was this statement -- can you just tell us, in which language was it
11 taken? Do you recall?

12 A. [10:25:44] I spoke -- I spoke French, and it was translated in English -- into
13 English.

14 Q. [10:26:08] And when this statement was completed, was it read back to you,
15 Witness?

16 A. [10:26:15] Indeed, it was read back to me.

17 Q. [10:26:31] And did you subsequently sign it as your statement?

18 A. [10:26:34] Yes, madam. Indeed, after having had it read out, I signed the
19 statement.

20 Q. [10:26:51] And since your arrival here, Mr Witness, have you had the opportunity
21 to read again this statement?

22 A. [10:27:00] Yes, madam. When I arrived, I re-read it.

23 Q. [10:27:16] And when was that? Do you remember?

24 A. [10:27:18] It was the 8th, the 9th, and the 10th of this current month, November.

25 MS MAKWAIA: [10:27:43] Your Honours, with your leave, can we have displayed

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1 CAR-OTP-2036-0410-R03. That would be tab 1, your Honours.

2 Q. [10:28:27] Mr Witness, can you see what is displayed before you?

3 A. [10:28:30] Yes, yes, madam.

4 Q. [10:28:40] Do you recognise this document, Witness?

5 A. [10:28:43] Yes, I recognise it. It's my signature.

6 Q. [10:28:54] Okay. Can you tell the Court -- and I believe you have a marker before
7 you. Can you tell the Court where it is you recognise your signature and, with that
8 marker, please encircle it.

9 A. [10:29:27] Excuse me, what must I do? Must I encircle it?

10 Q. [10:29:35] Your name -- where you see your name and your signature on this
11 page. Thank you.

12 A. [10:29:51] (Witness complies)

13 MS MAKWAIA: [10:29:55] Can he be assisted, please? It doesn't seem to be working.

14 THE WITNESS: [10:30:35] (Witness complies)

15 MS MAKWAIA: [10:30:43]

16 Q. [10:30:43] Can you also read for the record what date appears where you have
17 circled? What's that date we see?

18 A. [10:30:50] The 23rd of the 9th month, 2016.

19 MS MAKWAIA: [10:31:20] Madam Court Officer, can you please just display the full
20 document from the top so that it is clear? We're only getting partial. From the top.

21 Can we go to the end of this document, Madam Court Officer. I just need to ascertain
22 the number of pages.

23 THE COURT OFFICER: [10:32:03] Would the Prosecution first need to have this
24 marked page registered first? Because otherwise, we're going to keep the marking and
25 it's not easy. Thank you.

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1 MS MAKWAIA: [10:32:16] Thank you for that reminder, indeed. Can we have this
2 tendered, please.

3 PRESIDING JUDGE SAMBA: [10:32:23] Yes, can we have an ERN mark for that?

4 THE COURT OFFICER: [10:32:26] Yes, Madam President. CAR-REG-0002-0088.

5 PRESIDING JUDGE SAMBA: [10:32:44] Yes, Madam Prosecutor. Please carry on, if
6 you may.

7 MS MAKWAIA: [10:32:50] Thank you, Madam President, your Honours. Can we now
8 have displayed CAR-OTP-2036-0437, please, of the same document.

9 THE COURT OFFICER: [10:33:07] I will ask for the Chamber's and parties' patience.
10 We need to first save it, and we encounter some difficulties right now. It's going to be
11 solved in a minute. Thank you very much.

12 MS MAKWAIA: [10:33:17] My apologies.

13 THE COURT OFFICER: [10:34:38] It's now displayed on evidence channel 1. Thank
14 you for your patience.

15 MS MAKWAIA: [10:34:51] Sorry, I may have confused it when I initially called for the
16 last page. Can you please display CAR-OTP-2036-0437 of the document.

17 Q. [10:35:17] Mr Witness, can you see -- what can you see on this page? Can you tell
18 us, please.

19 A. [10:35:30] At the bottom of the page, I see my signature. At the very top, I see my
20 name. And at the bottom, I see my signature and the date.

21 Q. [10:35:56] Once again, can I call on you to use the marker and to encircle where
22 you state is your signature and the date on this page. Thank you.

23 A. [10:36:15] (Witness complies)

24 PRESIDING JUDGE SAMBA: [10:37:06] Madam Prosecutor.

25 MS MAKWAIA: [10:37:09] For the clarity of the record, I will read the portion where

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1 the witness has identified his signature and the date, Madam President.

2 It states:

3 "Witness Acknowledgement

4 "This statement written in English has been read over to me in French and is true to the
5 best of my knowledge and recollection. I have given this statement voluntarily and I
6 am aware that it may be used in legal proceedings before the International Criminal
7 Court and that I may be called to give evidence in public before the International
8 Criminal Court.

9 "Signed:" by the witness, and dated by the witness.

10 With your leave, Madam President, your Honours, I would also like to tender this.

11 PRESIDING JUDGE SAMBA: [10:38:18] Madam Court Officer, can we have an ERN
12 number for that page, please.

13 THE COURT OFFICER: [10:38:21] Yes, Madam President. CAR-REG-0002-0089.

14 PRESIDING JUDGE SAMBA: [10:38:35] Thank you very much.

15 Madam Prosecutor, please carry on.

16 MS MAKWAIA: [10:38:41]

17 Q. [10:38:41] Mr Witness, did you tell the truth to the investigators of the Office of the
18 Prosecutor when you gave this statement?

19 A. [10:38:47] Yes, ma'am. I have only spoken the truth.

20 Q. [10:39:10] And with this statement, Mr Witness, did you give the investigators of
21 the Office of the Prosecutor annexures?

22 A. [10:39:19] What sort of annexures? Could you tell me? I'd like to know.

23 Q. [10:39:54] Yes, of course, Mr Witness.

24 MS MAKWAIA: [10:39:58] Can we have displayed in the document CAR-OTP-2036-
25 0436, please.

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- 1 PRESIDING JUDGE SAMBA: [10:40:13] Tab, please.
- 2 MS MAKWAIA: [10:40:24] Tab 5, tab 4, and tab 3. We can start with tab 3, CAR-OTP-
- 3 2036-0439.
- 4 Q. [10:40:53] Do you recognise having given this annexure, marked Annex --
- 5 MS MAKWAIA: [10:41:02] Can you scroll up, please?
- 6 Q. [10:41:05] Annex 1, Mr Witness. Do you recall giving this document?
- 7 A. [10:41:31] Yes, indeed. This is the list of staff, the staff of the Seleka coalition who
- 8 were on duty at the OCRB. Yes, ma'am, I acknowledge that.
- 9 Q. [10:42:01] Thank you, Mr Witness.
- 10 MS MAKWAIA: [10:42:03] Your Honours, we do have the original document of this
- 11 annexure, and we are entirely in your hands if you would like to receive the original
- 12 document. It bears a different registration number, but it is the original of the
- 13 document.
- 14 PRESIDING JUDGE SAMBA: [10:42:27] This is your list of evidence, isn't it?
- 15 Does the Defence have any issues with us using these copies instead of the best
- 16 evidence?
- 17 MS NAOURI: [10:42:43](Interpretation) Thank you, your Honour. We do not object to
- 18 the use of the annex. On the other hand, we would like to examine the original, which
- 19 we believe is in the possession of the Prosecution.
- 20 PRESIDING JUDGE SAMBA: [10:43:00] Okay. I'll ask the Prosecution to give you
- 21 those documents so that you look at them. But for the purposes of fulfilling the Rule
- 22 68(3) requirements, let me allow the Prosecutor to carry on.
- 23 Madam Prosecutor, please.
- 24 MS MAKWAIA: [10:43:22] Thank you, Madam President. Can we now have displayed
- 25 CAR-OTP-2036-0440.

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1 Q. [10:43:42] Mr Witness, what is displayed before you?

2 A. [10:43:45] Yes, ma'am, this is a sketch of the general directorate of the OCRB
3 which I made and showed to the investigators who took it. So we see the offices and
4 the various other buildings that were part of the OCRB.

5 Q. [10:44:35] Is that is your signature and name on this document, Mr Witness?

6 A. [10:44:45] Yes, ma'am, that is indeed my name and my signature.

7 Q. [10:44:50] Can you also use the marker to encircle it, please.

8 A. [10:45:05] Yes, ma'am.

9 MS MAKWAIA: [10:45:12] Thank you, your Honours. Can we have a registration
10 number for this document as well.

11 PRESIDING JUDGE SAMBA: [10:45:20] Madam Court Officer, can we have an ERN
12 number, please.

13 THE COURT OFFICER: [10:45:28] Yes, Madam President, CAR-REG-0002-0090, 9-0.

14 PRESIDING JUDGE SAMBA: [10:45:36] Just to remind you, Madam Prosecutor,
15 though, that tab 3 is not marked.

16 MS MAKWAIA: [10:45:45] Right, Madam President. I can revert to that immediately.
17 Can we please go back to tab 3. Let me know when you're done with registration.

18 THE COURT OFFICER: [10:46:36] It's now displayed on evidence channel 1. Thank
19 you.

20 MS MAKWAIA: [10:46:44]

21 Q. [10:46:44] Sorry to bring you back, Mr Witness, but can you -- if you see your
22 name and signature on this document, can you please also encircle it.

23 A. [10:46:54] Yes, ma'am.

24 MS MAKWAIA: [10:47:12] Thank you, your Honours. Can I have a registration
25 number, please.

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- 1 PRESIDING JUDGE SAMBA: [10:47:18] Madam Court Officer, can we have an ERN
2 number for this, please.
- 3 THE COURT OFFICER: [10:47:22] CAR-REG-0002-0091.
- 4 PRESIDING JUDGE SAMBA: [10:47:34] Yes, Madam Prosecutor, please carry on.
- 5 MS MAKWAIA: [10:47:40] Can we now have displayed CAR-OTP-2036-0441.
- 6 Q. [10:48:15] Mr Witness, what is displayed on the screen before you?
- 7 A. [10:48:18] This is a sketch of a vehicle.
- 8 Q. [10:48:50] And who drew this sketch?
- 9 A. [10:49:02] I made this sketch.
- 10 Q. [10:49:07] Did you subsequently sign this sketch as well?
- 11 A. [10:49:15] Yes, ma'am. I signed it at the bottom of the page with my ...
- 12 Q. [10:49:34] Please encircle your signature and your name, please, as well as the date
13 on the document.
- 14 A. [10:49:51] (Witness complies)
- 15 THE INTERPRETER: [10:49:53] The witness concluded his last reply by saying "with
16 my name."
- 17 MS MAKWAIA: [10:49:58]
- 18 Q. [10:49:59] Thank you, Witness.
- 19 MS MAKWAIA: [10:50:00] Your Honours, can we have an ERN number.
- 20 PRESIDING JUDGE SAMBA: [10:50:02] Madam Court Officer, can we have an ERN
21 number, please, for this document.
- 22 THE COURT OFFICER: [10:50:07] CAR-REG-0002-0092.
- 23 MS MAKWAIA: [10:50:55] Your Honours, before tendering this document under Rule
24 68(3), I would now like to address the witness prep annexure which was subject of our
25 11 November 2022 application under Rule 68. And I'm mindful that you've granted

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1 that it forms part of the Rule 68 original application.

2 Can we, therefore, have displayed, at tab 33, CAR-OTP-00000594. But before that, I can
3 lay some foundational questions.

4 Q. [10:51:54] Mr Witness, upon your arrival in The Hague, did you meet members of
5 the Office of the Prosecutor?

6 A. [10:52:04] Yes, ma'am, I did meet with some people from the Office of the
7 Prosecutor.

8 Q. [10:52:27] And when you met them -- or can you tell us, what was the purpose of
9 meeting with them?

10 A. [10:52:34] Actually, it was a meeting to allow me to familiarise myself with
11 everything that was going to go on, and I was going to be given explanations,
12 instructions and the like about everything that would be happening here in The Hague.

13 Q. [10:53:19] Okay. Did you also meet myself and other members of the team when
14 you arrived in The Hague before today, Mr Witness?

15 A. [10:53:35] Yes, I did. I met you and the members of your team.

16 Q. [10:53:50] And when you met us, were you given the opportunity to read and
17 review your statement?

18 A. [10:54:00] Indeed, I had an opportunity to read and look over my statement.

19 Q. [10:54:27] And did you provide clarifications and explanations with respect to
20 some paragraphs of your statement?

21 A. [10:54:37] Indeed. I did specify -- well, provided specific information, additional
22 specific information about my statement.

23 Q. [10:55:02] And were these clarifications and additional specifications recorded in a
24 document?

25 A. [10:55:09] Yes, Madam Prosecutor, the statements were recorded.

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1 Q. [10:55:39] And after recording of this document, was it read back to you or were
2 you given the opportunity to also read it?

3 A. [10:55:48] Indeed, I did have an opportunity to read over that document with the
4 additional information. The information I added.

5 Q. [10:56:13] And do you recall in which language this document was recorded or
6 written?

7 A. [10:56:24] It was written in French.

8 Q. [10:56:36] During these meetings, were the services of an interpreter also used?

9 A. [10:56:51] Indeed, an interpreter was used during those sessions.

10 Q. [10:57:11] Now, the clarifications, explanations that you gave to your statement of
11 2016, Mr Witness, was this information also truthful?

12 A. [10:57:26] Yes, indeed. The information that I provided, the additional
13 information, all of that is true.

14 Q. [10:57:54] Were you subsequently asked to sign this document, Witness?

15 A. [10:58:00] Yes. At the end, I signed the document.

16 MS MAKWAIA: [10:58:34] With your leave, Madam President, I would like the
17 document to be handed to the witness.

18 PRESIDING JUDGE SAMBA: [10:58:43] Can we be assisted, Madam Court Officer.

19 MS NAOURI: [10:59:23](Interpretation) The document has a number of things written
20 on it in red ink, so I think actually the witness should be provided --

21 MS MAKWAIA: [10:59:38] I'll get another copy.

22 THE INTERPRETER: [10:59:38] Overlapping.

23 (Trial Chamber and court officer confer)

24 MS MAKWAIA: [11:00:41]

25 Q. [11:00:41] Mr Witness, I'm going to give you a few minutes to read the document,

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- 1 and then I'll ask you some questions. Okay?
- 2 A. [11:00:53] Thank you.
- 3 PRESIDING JUDGE SAMBA: [11:01:03] I hope counsel is mindful of the time. We can
- 4 deal with it, and hopefully you're not going to be long.
- 5 MS MAKWAIA: [11:01:13] No, I'm just going to make him identify it and then that
- 6 could be the end of the questions at this point.
- 7 PRESIDING JUDGE SAMBA: [11:01:20] Okay. Thank you.
- 8 MS MAKWAIA: [11:01:30]
- 9 Q. [11:01:30] Mr Witness, do you recognise this document?
- 10 A. [11:01:42] Yes, I recognise it.
- 11 MS MAKWAIA: [11:01:45] With the assistance of the court officer, can we have
- 12 displayed CAR-OTP-00000594-000008, please.
- 13 Q. [11:02:21] Before I ask you a question with respect to this page, Mr Witness, you
- 14 said you recognised this document. What is it? Can you tell the Court.
- 15 A. [11:02:32] This document contains the clarifications, the precisions, and some
- 16 changes which I introduced as regards my statement of 2016.
- 17 Q. [11:03:00] Thank you, Witness. Now, looking at the page displayed before you,
- 18 can you see your name and signature?
- 19 A. [11:03:05] Yes, madam.
- 20 Q. [11:03:16] Can you please encircle them, including the date.
- 21 A. [11:03:20] (Witness complies)
- 22 MS MAKWAIA: [11:03:45] Thank you, Madam President, your Honours. Can we have
- 23 a registration for this. And I think it would be an opportune moment to take the break.
- 24 PRESIDING JUDGE SAMBA: [11:03:53] Madam Court Officer, can we have an ERN
- 25 number for that, please.

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- 1 THE COURT OFFICER: [11:04:00] CAR-REG-0002-0093.
- 2 PRESIDING JUDGE SAMBA: [11:04:11] Thank you very much.
- 3 Mr Witness, we're going to stop here for now.
- 4 Counsel, I note that -- I think you started at about 10.17. You're not yet concluded. But
- 5 when we come back, just be guided as to time, because you asked for one hour to deal
- 6 with this witness, please.
- 7 I'll rise the Court and ask that we come at 11.30, please.
- 8 THE COURT USHER: [11:04:47] All rise.
- 9 (Recess taken at 11.04 a.m.)
- 10 (Upon resuming in open session at 11.37 a.m.)
- 11 THE COURT USHER: [11:37:33] All rise. Please be seated.
- 12 PRESIDING JUDGE SAMBA: [11:37:43] Good morning again, everyone.
- 13 Madam Prosecutor, can you finish off with the Rule 68(3) requirements, please. Thank
- 14 you.
- 15 MS MAKWAIA: [11:38:12] Thank you, Madam President.
- 16 Q. [11:38:17] Mr Witness, you have identified the statement you gave to investigators
- 17 of the Office of the Prosecutor in 2016 before the Court today. Do you recall that?
- 18 A. [11:38:33] Yes, I do recall that, madam.
- 19 Q. [11:38:48] And shortly before the break, you identified another document, your
- 20 witness preparation log. Do you recall that?
- 21 A. [11:38:52] Yes, Madam Prosecutor, I do remember that as well.
- 22 Q. [11:39:08] Having done that, Mr Witness, I have the following questions to put to
- 23 you. Can the Judges of this Chamber use your statement and its annexures, your
- 24 statement of 2016, as well as the witness preparation log that you have identified as
- 25 your own today, can they do that?

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1 A. [11:39:40] Yes, madam.

2 MS MAKWAIA: [11:39:54] Having said that, your Honours, it's my submission that the
3 procedural requirements under Rule 68(3) are now satisfied, and I have no further
4 questions for the witness, unless otherwise instructed.

5 PRESIDING JUDGE SAMBA: [11:40:09] Thank you very much, Ms Makwaia. Having
6 satisfied the Rule 68(3) requirements, and your having indicated to the Court that you
7 don't have any further questions for this witness, I'm going to ask counsel for the
8 Defence to put questions to this witness in cross-examination. Thank you very much.
9 Ms Makwaia, thank you, you may be seated. Thank you.

10 Ms Naouri, please.

11 MS NAOURI: [11:40:59](Interpretation) Thank you, your Honour.

12 QUESTIONED BY MS NAOURI: (Interpretation)

13 Q. [11:41:01] Good day, Mr Witness.

14 A. [11:41:07] Good day, madam. Good day.

15 Q. [11:41:09] My name is Jennifer Naouri, and I am going to ask you questions on
16 behalf of the Defence of Mr Said. We both speak French.

17 A. [11:41:17] Indeed.

18 Q. [11:41:24] So that the interpreters can understand and interpret what we say in
19 English, we must be careful not to overlap. I'm going to be very careful. When I finish
20 my questions, I'm going to put off my microphone and wait some seconds, and I hope
21 you'll do the same. Is that okay?

22 A. [11:41:40] Fine.

23 Q. [11:41:46] Well, we'll start immediately. Firstly, as you know that your statement
24 was admitted to the file, I'd like to follow your career, and in particular as regards
25 before you entered the police, because you said in your statement, and you corrected

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1 this information during the preparatory phase, that you entered the police in 2004. So I
2 would like to know what did you do before entering the police? Because if I
3 understand correctly, in 2004 you were 44 years old; is that correct?

4 A. [11:42:34] Yes.

5 Q. [11:42:35] Where did you go to school, Mr Witness?

6 A. [11:42:37] The primary school? I started primary school in Bangui, where I
7 followed almost the entire schooling.

8 Q. [11:43:04] Did you do secondary school, and if so, in which lycée or secondary
9 school?

10 A. [11:43:13] I started the secondary school at the Rapid Lycée in Bangui until the 3rd
11 class. I then went to the Lycée Barthélemy Boganda in Bangui. I came back to the
12 Marie Jeanne Caron lycée where I passed my baccalaureate. After that, I registered at
13 the University of Bangui.

14 Q. [11:44:08] I'm waiting for the five seconds. Could you tell us what baccalaureate
15 did you actually do, Mr Witness?

16 A. [11:44:17] B, baccalaureate B.

17 Q. [11:44:27] Fine. So you started to say that you registered at the Bangui university.
18 Could you tell us a little more about that. What subject did you register for, enroll for?

19 A. [11:44:36] I registered for the faculty of economic sciences for the first year. And
20 for family reasons, I left for Cameroon and didn't complete.

21 THE INTERPRETER: [11:45:09] Correction.

22 THE WITNESS: [11:45:11](Interpretation) I completed my studies in the Cameroon.

23 MS NAOURI: [11:45:15](Interpretation)

24 Q. [11:45:15] So did I understand fully, when you carried economic science, did you
25 get a diploma before going to Cameroon or did you not get any sort of diploma?

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1 A. [11:45:26] No, after the first year, no. I just did the first year and then I went to the
2 Cameroon.

3 Q. [11:45:38] Very well. Could you tell us what you did in Cameroon?

4 A. [11:45:53] In Cameroon, I re-registered again in economic science until I got my
5 licence or my master's.

6 Q. [11:46:07] Fine. Firstly, which year did you go to Cameroon? Do you remember
7 that?

8 A. [11:46:13] Yes, I left for Cameroon in 1985, 1986.

9 Q. [11:46:31] Thank you for that clarification. So you said you did a licence, a degree.
10 Did you actually obtain that degree?

11 A. [11:46:43] Yes, madam.

12 Q. [11:46:50] Do you still have that diploma of your licence, your bachelor's degree?

13 A. [11:46:57] Excuse me? What?

14 Q. [11:47:01] To be clear, do you still have the original of your diploma that you got
15 from the university?

16 A. [11:47:07] Yes, madam.

17 Q. [11:47:15] If we need it for this Court, could you provide it to us?

18 A. [11:47:21] No, sorry, I can't because I haven't got it with me.

19 Q. [11:47:33] No, I understand you haven't got your university degree with you. I
20 understand that. Don't worry about that. We will take everything one step at a time.
21 I'm going to say once again: If a representative of the Court asked you, once you are
22 back in Bangui, for example, if you could send us or provide us with a copy of your
23 diploma, your university diploma, was that something you could do?

24 A. [11:47:54] Yes, I could do that for you. Yes, madam, I would be able to do that for
25 you.

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1 Q. [11:48:16] Thank you, Mr Witness. After your university degree, what did you
2 do? Did you stay in Cameroon and follow your studies, or did you return to Bangui?
3 Tell us a bit.

4 A. [11:48:35] After the university degree, I stayed for some years in Cameroon before
5 returning to Bangui.

6 Q. [11:48:51] How many years and what did you do those years? How did you deal
7 with your daily needs?

8 A. [11:48:58] I'd like to specify that I was in Cameroon with my family. I wasn't
9 alone. I was under the responsibility of my uncle, * who was a civil servant at the
10 Central bank in Yaoundé. And after my university degree, I had some small jobs here
11 and there, and then I decided to return to Bangui.

12 Q. [11:49:54] Thank you for that clarification, Mr Witness. So what year did you
13 return to Bangui?

14 A. [11:49:57] * I returned to Bangui in 1991-1992, roughly speaking.

15 Q. [11:50:29] And when you say 1991, 1992, what was your profession or occupation
16 when you returned?

17 A. [11:50:35] When I entered in Bangui, if that's the correct date, I submitted a file for
18 becoming a civil servant. And in the meantime, I worked on a project for the World
19 Bank under the Ministry of Planning and International Cooperation. For some years, I
20 worked within that capacity. And I had an opportunity to work in 1990, to work with
21 a company, Telecel, which was responsible for mobile communications, and that was
22 what I did. That was about in 1999. Just before my integration.

23 Q. [11:51:56] Some follow-up questions. The file which you submitted to enter into
24 this function in the Central African Republic, can you tell us what the procedure was,
25 how it was completed?

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1 A. [11:52:08] In order for the integration to take place, I had to fill in a complete
2 application. Initially, this is a clarification, I submitted the form for the Ministry of
3 Planning -- the Ministry of Planning and International Cooperation, but the file was
4 sent to the Ministry of Interior -- or redirected to the Ministry of Interior.

5 Q. [11:53:02] Thank you. So that I understand fully. So you submitted a form for a
6 public function for the Ministry of Planning and Cooperation, but that application was
7 redirected to the Ministry of Foreign Affairs; is that correct?

8 A. [11:53:26] No, no. Not Ministry of Foreign Affairs. Ministry of Internal Affairs, of
9 the Interior.

10 Q. [11:53:37] Thank you for that. Ministry of Interior. So when you had this position
11 which you mentioned as regards the World Bank, and the Ministry of Planning and
12 International Cooperation, page 38, line 11 to 13 of the transcript, within which
13 framework did you have this position in the World Bank? Is it because of the file you
14 submitted as an international civil servant, or was this a private contract? Could you
15 elaborate, please.

16 A. [11:54:10] As regards the plan, it was a contract. It was contractual. *It was a
17 project, the DSAD project "social dimension of adjustment and development" which
18 seeks to check household purchasing power. We called that the CAR household survey
19 and it was supposed to cover the entire territory. So with this contract it was purely
20 linked to this territory, but it had nothing to do with this programme of integration.
21 This contract was of a limited duration.

22 Q. [11:54:53] Thank you for this clarification. And when you talk of the ministry, et
23 cetera, you mustn't talk too quickly so that we can put everything in the transcript.
24 You know we have instant recording of what you say, so sometimes some elements
25 might be missing. So it's -- as regards what particular functions you had. But thank

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1 you for this clarification.

2 If I understand correctly, you had this contract which had a limited duration in time.

3 And after that, you joined Telecel? Was that in 1999, if I understand correctly?

4 A. [11:55:38] Yes, madam.

5 Q. [11:55:44] Could you tell us a bit more about your duties within Telecel.

6 A. [11:55:49] Within Telecel, I had to first have a test, and then I was admitted to
7 Telecel as chief of the administrative services.

8 Q. [11:56:20] Fine. And when did you leave Telecel?

9 A. [11:56:23] I think at 2002. 2001, 2002.

10 Q. [11:56:59] Fine. So what did you do at the end of your contract with Telecel?

11 A. [11:57:05] At the end of my contract with Telecel, I didn't have any follow-up
12 activity immediately.

13 Q. [11:57:22] Fine. So if I understand correctly, between 2002 and 2004, before
14 becoming part of the police force, you didn't have any particular main activity or
15 occupation?

16 A. [11:57:36] No, I didn't have any job.

17 Q. [11:57:46] Can you say who looked after your needs during those two years?

18 A. [11:57:49] I wasn't married then, but I did have a girlfriend at that time who
19 worked in a cabinet of an accountancy firm. And she catered for our needs.

20 Q. [11:58:23] Thank you, Mr Witness. So you joined the police. But before joining the
21 police, did you have any further training?

22 A. [11:58:36] Other training? I would say no.

23 Q. [11:58:53] Fine. So I'm going to lead an extract of your previous statement.

24 MS NAOURI: [11:59:06](Interpretation) It is tab 2 of our list of notification, 1 for the
25 English version, CAR-OTP-2130-0883, at page 0899, paragraph 28.

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1 Q. [11:59:36] In this paragraph, you say the following:

2 "I actually met Adam before in Cairo when I went there for training."

3 And then afterwards you say --

4 MS NAOURI: [12:00:07](Interpretation) *And that is Annex A of the prep log. And this
5 time, it's tab 38 of our list in the English version, CAR-OTP-00000594, page 000006,
6 paragraph 28.

7 Q. [12:00:30] Where it specifies:

8 "*I knew or found out in Cairo, during my visit of the Police Academy, that Tidjani was
9 the brother of Nourredine Adam. Tidjani lived there with Nourredine Adam."

10 Mr Witness, can you tell us when this training took place, if I understand correctly, at
11 the police academy of Cairo, and what did this entail?

12 A. [12:01:06] I was at the academy, the police academy in Cairo once I was included
13 or incorporated at the Ministry of the Interior. As regards bilateral cooperation with
14 the CAR and the Egyptian republic, we had training sessions on particular topics
15 where police members participated, and it was under this umbrella that I attended the
16 training in Cairo.

17 Q. [12:02:06] Thank you for this information. So you said that senior members of the
18 Central African police were part of this training. What was your rank and title at that
19 time when you took part in that training?

20 A. [12:02:23] I was a police commissioner.

21 Q. [12:02:40] Thank you. And what year was this training given in?

22 A. [12:02:42] I'm not entirely sure. I don't want to get it --

23 Q. [12:03:00] Tell us what you remember. That's fine.

24 A. [12:03:08] 2009, I think. I'm not entirely sure of the exact year.

25 Q. [12:03:19] Thank you, Mr Witness. Now -- thank you for that additional

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1 information about the training. Now, when you joined the police force in 2004, could
2 you tell us exactly how you joined the police force? Through which channel did you
3 enter the police force?

4 A. [12:03:35] I was admitted because of my qualifications, thanks to my
5 qualifications.

6 Q. [12:03:51] Could you elaborate, Mr Witness?

7 A. [12:03:52] Yes. As I said earlier, I had made an application to join the public
8 service of the Central African Republic. Given that it was expected that a very large
9 number of people would be leaving for retirement, more than 200 people were
10 expected to retire, more than 200 senior people from the police force. And so there was
11 this risk of having a vacuum within this profession. I was not the only one who was in
12 this category. There were a hundred young people from the Central African Republic
13 who had the right profile, and they were sent or streamed to make up for this expected
14 vacuum within the Ministry of the Interior.

15 That is why the decision was taken at the government level. And so people joined in
16 this manner, and I was one of the people who joined in this manner.

17 Q. [12:05:48] Thank you for that additional information, Mr Witness. If I've
18 understood, you're telling us that in 2004 you joined the police thanks to an application
19 that you filed in the past, in 1993, 1994 --

20 THE INTERPRETER: [12:06:11] Correction.

21 MS NAOURI: [12:06:13](Interpretation)

22 Q. [12:06:13] 1991, 1992.

23 A. [12:06:17] Yes.

24 Q. [12:06:18] How were you informed of this integration, this admission upon
25 qualifications, if I've understood correctly? Admission to the Ministry of the Interior.

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1 A. [12:06:45] This group of young people, we were summoned to the Ministry of
2 Employment and Service and we were given a notification. There was an
3 announcement over the radio calling upon people to the ministry, so we received
4 notification.

5 Q. [12:07:13] Very well. And when you were summoned to the Ministry of
6 Employment and the Public Service and you were informed of this proposal, this
7 possible job, did you have to take any particular training? Then what happened?

8 A. [12:07:28] Yes, we were admitted to the Bangui National Police Academy where
9 we spent a certain amount of time - initially, nine months - nine months of training,
10 basic common -- basic general training, and we continued. The following year, we did
11 a number of -- well, we worked as trainees in a number of units, but then we were to
12 return to the national police academy, because we were part of an ongoing education
13 programme there or system.

14 Q. [12:08:43] Thank you, Mr Witness. So these traineeships that you did through the
15 national police academy, could you tell us about them? I believe, if I've understood
16 correctly, they were after the nine months of training.

17 A. [12:09:01] Yes, indeed. The training was done after nine months spent at the
18 national police academy.

19 Q. [12:09:12] Could you tell us exactly which traineeships you did yourself, Mr
20 Witness?

21 A. [12:09:16] Myself, I started -- well, you see a schedule was drawn up, and I started
22 with the administrative police directorate and that unit handled administrative
23 investigations and intelligence, the DSPA. Then I was sent to do a traineeship in
24 investigations with the judicial police directorate. And then after that, I was sent to the
25 Central Office for the Repression of Banditry in Bangui. And then -- well, that was it.

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1 Q. [12:10:39] Thank you, Mr Witness. So the first traineeship that you did, do you
2 remember which year it was? The traineeship at the DSP?

3 A. [12:10:55] No, I can't remember the exact time or date.

4 Q. [12:11:00] No problem. Could you perhaps give us an estimate?

5 A. [12:11:15] Between 2007 and 2008.

6 Q. [12:11:26] Very well. And what were your duties when you were a trainee there
7 at the DSPA?

8 A. [12:11:31] I didn't have specific duties. I was a trainee. So when you're doing a
9 traineeship within a directorate, you go from one unit to the next and you are taught --
10 well, for example, you go to the records unit, you learn how to maintain records. You
11 go to another unit, and you're taught how to prepare an information sheet. You go to
12 another unit, and you're taught techniques to approach a possible subject, to infiltrate a
13 group, that sort of thing.

14 Q. [12:12:29] Thank you for that information, Mr Witness. Do you remember how
15 long the traineeship lasted at the DSPA?

16 A. [12:12:43] As I said a few moments ago, there was a schedule that had been drawn
17 up. And every month the trainees went from one unit or one directorate to another.

18 Q. [12:13:02] Very well. One last question about the DSPA. Who was responsible for
19 the DSPA at that time?

20 A. [12:13:09] Yes, I remember the person but the name escapes me, because the
21 commissioner who was in charge passed away. His name was -- now, what was his
22 name? I remember him well, but his name escapes me. He has passed away. He
23 passed away a number of years ago.

24 Q. [12:13:55] Very well. Thank you, Mr Witness. And then your traineeship within
25 the judicial police directorate, if I've understood correctly, you were doing that as part

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1 of a sort of a rotation, and so that was immediately after your traineeship at the DSPA?

2 A. [12:14:24] Yes, yes, that's right. But between two traineeships, we would go back
3 to the school, to the academy for an evaluation, and then we would go out again.

4 Q. [12:14:53] Very well. So when -- if you don't mind, I will jump backwards a bit in
5 time. When you were at the DSPA, do you remember the staff members there? How
6 many people were there, approximately?

7 A. [12:15:05] That's a tough one. That directorate had five or six units. There was the
8 administrative investigations unit, the borders -- border management unit. I couldn't
9 tell you for sure exactly how many staff members there were within this directorate,
10 because it had several units within it.

11 Q. [12:15:58] Very well. Now, if we break this directorate down into the various
12 units you've just mentioned - for example, the administrative investigations unit -
13 could you give us an estimate of the number of people within that specific unit?

14 A. [12:16:13] Yes, I could estimate it at half a dozen officers.

15 Q. [12:16:39] Very well. And the official travel unit?

16 A. [12:16:53] There was a head of unit, there was a deputy head of unit, that makes
17 two people, and then three other officers.

18 Q. [12:17:10] Thank you. And the last unit you mentioned was the border
19 management unit. Could you give us an estimate of the number of people who
20 worked within that unit, Mr Witness.

21 A. [12:17:28] That would have been the largest union. In actual fact, it was the DS --
22 the acronym was somewhat different. It was the unit with the largest number of staff
23 members, and it became a directorate. The DST, Directorate of Territorial Services. It
24 had the most people, because they had officers throughout the entire country.
25 Everywhere where there was a border, I mean.

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1 Q. [12:18:07] Thank you, Mr Witness. Now, if we could go back to the investigation
2 unit within the judicial police, could you give us an estimate of the number of staff
3 members when you were doing your traineeship there.

4 A. [12:18:36] When I got there, I was placed with the economic and financial affairs
5 group or unit. There would have been ten of us.

6 Q. [12:19:03] Thank you, Mr Witness. And you've told us that your third traineeship
7 was at the OCRB. So the same question to you is this, but if you could tell us -- well,
8 could you tell us the units and the number of people at the OCRB in 2007, 2008? Let's
9 begin with the investigations unit within the OCRB.

10 A. [12:19:33] At the OCRB -- well, there were the incumbents there, and then -- I was
11 a trainee. There was about ten investigators who were there. That was just the
12 investigations section. About ten people were there.

13 Q. [12:20:03] Very well. And these ten people within the investigations group, what
14 were their hours of work?

15 A. [12:20:12] Between 8.00 a.m. and 3.30 p.m.

16 Q. [12:20:38] And were there shifts or times of duty, anything like that? Rotations?

17 A. [12:20:46] Yes. On a daily basis - daily basis - there was one officer who was an
18 investigator who was supposed to stay and be on duty. Just in case cases came in late in the
19 day, *he would be able to handle them, including placing someone in police custody etc.

20 Q. [12:21:20] Very well. Do you remember who was in charge of investigations at the
21 OCRB in 2007, 2008, Mr Witness?

22 A. [12:21:37] There was a commander or a commissioner. Now, what was his name? There
23 was -- I can remember the name of the deputy, Patchanga was his name. He was the
24 deputy.

25 Q. [12:22:31] Thank you. *When you remember a -- when you remember a name,

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1 please give us that name, even if it is the deputy, it is of interest to us. It's very useful
2 to us. Thank you for that name. Now, when you were doing your traineeship at the
3 OCRB, how many people were part of the response unit? Do you remember?

4 A. [12:22:53] The response unit, the way it was set up, there was the head of the
5 service, the head of section, the CU, we called him, commander of the unit. There was
6 a deputy and all the others were rank and file, so to speak. They were part of the
7 response unit, including the rank and file.

8 Q. [12:23:39] Very well. Were there several brigades within the intervention or
9 response unit?

10 A. [12:23:45] Yes, we had two brigades.

11 Q. [12:23:56] How many elements were in each brigade, approximately?

12 A. [12:23:59] About 15.

13 Q. [12:24:20] Very well. Do you remember what the hours of work were within this
14 unit?

15 A. [12:24:25] The response unit worked 24 hours a day, non-stop. Just to be specific,
16 the response unit, they had 48 hours and then another brigade would come in to take
17 over. 48-hour shifts.

18 Q. [12:25:08] Thank you, Mr Witness. If I've understood correctly, there would be a
19 rotation between the two brigades every 48 hours; correct?

20 A. [12:25:19] Correct.

21 Q. [12:25:19] And who was in charge of this unit in 2007, 2008?

22 A. [12:25:24] * Yes, Mr Azoukateme, Azoukateme, he was the police commander,
23 Azoukateme.

24 Q. [12:26:31] Thank you, Mr Witness. Now still regarding the OCRB, the urban
25 police, how many people were there? The police post, also called the urban corps or

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1 body.

2 A. [12:26:50] Actually, the urban group worked this way. With their staffing of at
3 least 15 people, the chief would designate people to go to the police post and that --
4 there would be -- they would specify each particular person and with their title. For
5 example, chief, and a person who did the writing. That sort of thing. The person in
6 charge of the shift.

7 Q. [12:27:44] Just to make sure that the transcript is complete, could you repeat the
8 various positions where X, Y, and Z were assigned to. If you don't mind.

9 A. [12:27:55] One, there was the chief of the post. And then that person had a
10 deputy. And then there was a writer, someone who did the writing at the post. And
11 then there was the head of the shift. There was someone in charge of the cells. There
12 was someone who was in charge of -- who kept an eye on the yard, the entrances. He
13 was the one who -- those were the various positions. And every 48 hours, there would
14 be a shift change.

15 Q. [12:29:07] Thank you, Mr Witness. Do you remember who was in charge of this
16 post in 2007, 2008?

17 A. [12:29:23] No, I couldn't tell you. I don't remember.

18 Q. [12:29:39] That's not a problem. Tell me if you remember. And already we're very
19 grateful. So security with the OCRB in 2007, 2008, how was security organised?

20 A. [12:29:58] The director was responsible for security. The director of the OCRB.

21 Q. [12:30:07] And do you remember how many people handled security in 2007,
22 2008?

23 MS MAKWAIA: [12:30:24] Madam President, sorry for interrupting, but it is outside
24 the scope of the charges against the accused.

25 PRESIDING JUDGE SAMBA: [12:30:32] And I was actually going to ask what's the --

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1 really, the relevance of all this timeframe that counsel is asking about, 2007, 2008,
2 when, in fact, we're looking at something to do with 2012 following, 2012 through to
3 2014.

4 And I will be happy for an answer, if you have one.

5 MS NAOURI: [12:31:02](Interpretation) Of course, madam, your Honour, I'll answer
6 with pleasure, but I cannot answer within the presence of the witness because that
7 might influence his answers. Part of my answer is also -- would reveal our Defence
8 strategy. So I can give an initial answer in the presence of the witness, but another part
9 of my explanation would reveal our strategy, so I cannot enter into the details of the
10 relevance, the crucial relevance of this line of questioning. So I can answer initially but
11 not in the presence of the witness because it would influence his answers. I can
12 partially answer your question in the presence of the Prosecution as well.

13 PRESIDING JUDGE SAMBA: [12:31:48] I mean, what do you mean? You want the
14 witness to be outside while you give us your partial -- even your partial answer, or
15 could you give your partial answer before this witness? We all know that this is a
16 professional person.

17 MS NAOURI: [12:32:07](Interpretation) Your Honour, you know very well that when I
18 can, I will, but now it's not possible because it could have an influence on the witness
19 who is present in the courtroom. * So the part of the answer that I can give in the
20 presence of the Prosecution, I cannot do in the presence of the witness because it would
21 influence his answers.

22 PRESIDING JUDGE SAMBA: [12:32:30] Ms Naouri, what that means is that you will
23 never be able to give us reasons for asking questions with which the Chamber may
24 deem actually not relevant to the charges on the sheet, because it means that you can
25 just ask any questions. And, as we stated before, this witness came in, we're very much

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1 mindful of delays and time wasted. Not that I'm saying that you're wasting time,
2 because, of course, if we know the relevance of the questions put to the witness -- but
3 I'm just very much concerned about the timeframe and the manner in which you're
4 doing it, the length of time that it's taking.

5 Maybe if you cut it short and dress it up nicely so that we get to the point to which you
6 want to get to, we will appreciate. Not that I'm shorting you off or up or anything.
7 You know, just be mindful of the relevance of the questions that you're putting,
8 appreciating that, in fact, that's a professional person you are talking to. Thank you
9 very much.

10 MS NAOURI: [12:33:54](Interpretation) Thank you, your Honour. We are, as you
11 know, very cautious and very conservative with the time we have available to us and
12 the time before the Court, and it's also in the interest of justice that we respect this
13 hour.

14 These questions are very important to us. We are happy to answer the Court to assure
15 you that these questions are fundamental and relevant for our line of questioning,
16 particularly in that timeframe. And if I understand, that we continue with our
17 questions, if I've understood correctly.

18 PRESIDING JUDGE SAMBA: [12:34:30] You may continue, and we'll follow up on
19 how the questions go. Thank you very much for your understanding also. Thank you.

20 MS NAOURI: [12:34:48](Interpretation)

21 Q. [12:34:49] Mr Witness, I will try and go back to the question where we stopped.
22 Well, the question: Do you recall how many people were responsible for security in
23 2007, 2008?

24 A. [12:35:21] Yes, madam. Well, you know, I would say it like this. It was, if you
25 like, a police barracks. The security was carried out by everyone. There was no

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1 specific way where X and Y ensured security. We were all involved. We had a director
2 who was responsible for security, and security was done by all.

3 Q. [12:36:01] Thank you for that clarification, Mr Witness. So at the same timeframe,
4 could you tell us how the provisions were provided for the staff of the OCRB?

5 MS MAKWAIA: [12:36:15] Objection, Madam President. Relevance, outside the scope
6 of the charges.

7 PRESIDING JUDGE SAMBA: [12:36:28] Yes, Ms Naouri.

8 MS NAOURI: [12:36:34](Interpretation) Your Honour, I'd like to continue this line of
9 questioning. As regards the operations when the witness was in the OCRB in 2007 and
10 2008, I understand that I could continue this line of questioning, so I don't understand
11 this objection, because yet again we are using the time available to us as well as we can.
12 I would use much less time than we were catered for. We've always done everything
13 to be ready. We've done everything possible so that this procedure runs smoothly.
14 We've always had very targeted questions. This is a vital, crucial point for us, how the
15 OCRB operated. We are trying to understand what the OCRB is, how did it work, how
16 did it work in the periods where there were different people in charge who are here,
17 who are responsible for the OCRB.

18 We have a witness before us who can explain to us what the position was in 2007, 2008.

19 It's very interesting to find out what the position was in 2007, 2008, as it was in 2012,
20 2013, and in 2014.

21 To understand 2013 means you have to understand what it was like before and also
22 what it was like afterwards. You cannot understand 2013 if you don't know what
23 happened before. I will continue by giving very specific examples, and I cannot do that
24 in the presence of the witness because it would influence his memory and I do not
25 want that to happen. It's normal, my professional responsibilities that that doesn't

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1 happen.

2 So I cannot give you another tangible example. There is one element of his answer

3 which is fundamental for our Defence only in this line of questioning. We know what

4 we are doing. We are professionals. We have never ever used the time available to us

5 adversely.

6 We do not understand -- this Prosecution talks about the OCRB. Why cannot we

7 explore in the time allocated to us how the OCRB functions in 2008? We also don't

8 understand the objection of the Prosecution. We are happy to give you some

9 additional information but not in the presence of the witness. And one or two

10 examples could be interesting, but it would reveal the strategy of the Defence later on

11 as regards the Prosecution, and we have the right to have the final word, your Honour.

12 PRESIDING JUDGE SAMBA: [12:39:07] Ms Naouri, of which, we appreciate, you have

13 your right to your time allocated to you, and I do appreciate your generosity in respect

14 of timing for other witnesses who you have put questions to in cross-examination. But

15 I'm sure that you would agree with me that it doesn't mean that if you have a right to

16 eight, ten hours, that means that you should use all of those hours if really - really - you

17 are asking questions, which I'm not saying you're doing now, outside -- or questions

18 that you would say are not necessary for the purpose of the charges on sheet.

19 Having said that, if you are of the impression that we ask -- because he is a professional

20 person before us. We do know that. We recognise that. If you want to explain to us

21 the reasons why you want these questions in which appear outside the scope of the

22 charges before us, we're happy to ask the witness to give us five minutes so that we

23 hear you.

24 Madam Court Officer, can we kindly get assistance so that this witness waits for us.

25 Just a few minutes, Mr Witness, and we'll call you right back in. Thank you.

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1 (The witness exits the courtroom)

2 PRESIDING JUDGE SAMBA: [12:40:48] And while the witness goes out, just a point of
3 clarification. You say the Prosecution has been dealing with or putting questions to
4 witnesses that has to do with the OCRB, but the periods that they've been dealing with,
5 mostly, is in respect of the periods that are on the charge sheet before us.

6 So can we hear you as to the relevance of this line of questioning, really.

7 Ms Naouri, please.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 2 (Redacted)
- 3 (Redacted)
- 4 PRESIDING JUDGE SAMBA: [12:46:01] Madam Court Officer, can we go into private
- 5 session. I didn't want to cut Ms Naouri off as she was on her legs.
- 6 Can we go into private session, please.
- 7 (Private session at 12.46 p.m.)
- 8 (Redacted)
- 9 (Redacted)
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18 (Redacted)

19 (Open session at 12.52 p.m.)

20 THE COURT OFFICER: [12:52:46] We are back to open session, Madam President.

21 PRESIDING JUDGE SAMBA: [12:52:48] Thank you very much.

22 Ms Naouri, please.

23 MS NAOURI: [12:52:51](Interpretation) Thank you, your Honour.

24 Q. [12:52:56] Mr Witness, I'm going to ask my question on provisions in the period
25 where you were still in a traineeship.

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1 A. [12:53:11] Yes, the police in the OCRB were civil servants, firstly, with a salary.

2 And for those who were kept for the day, because I spoke about a rotation or a shift for
3 48 hours, for those who were away from their family, they had what we called a PGA
4 for food which was given to them for those particular two days. As the name suggests,
5 it's for food and this is how they could feed themselves.

6 Q. [12:53:55] Thank you, Mr Witness. Do you know how much this bonus was?

7 A. [12:54:03] It was 2.000 francs per day and per element.

8 Q. [12:54:21] Thank you, Mr Witness. And could you tell us a little bit about the
9 weapons? How were the police armed at that time?

10 A. [12:54:26] Are you talking about the police of the OCRB?

11 Q. [12:54:31] Yes, we are.

12 A. [12:54:40] The OCRB, as the name suggests, was the Office for Repression of
13 Banditry. I referred to it being like a barracks before. Within the OCRB, there was a
14 room, a strong room, an armoury for the state weapons, and that is where the weapons
15 were, and also some ammunition. Because the OCRB was responsible for repression,
16 so this is what they used once they were alerted that there was a possible attack or
17 there was an armed robber. We had to be in a position to have a rapid response. But
18 these were weapons who were all registered and they belonged to the state authorities.

19 Q. [12:55:45] One or two follow-up questions. You said that the weapons were
20 registered and identified on the state register. Could you tell us how they were
21 registered and identified on this particular register, please.

22 A. [12:56:00] The Central African Republic -- for clarification, the armoury was
23 managed by the forces of the Central African Republic. So weapons were made
24 available to the different forces, and these arms were all marked and they were also
25 handed down to the OCRB with a register. You arrived in the morning, and the arms --

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1 the weapons were taken for the individual who would use them. And at the end of the
2 service, he would hand back the weapons he had been using.

3 Q. [12:57:01] So if I understand correctly, within the OCRB there is a register where
4 all the weapons who were taken out and put back in; is that correct?

5 A. [12:57:13] That is correct.

6 Q. [12:57:25] Two final questions on this. The weapons in the OCRB, where were
7 they stored at that point in time?

8 A. [12:57:30] When I said just now, there is a strong room within the OCRB. There's a
9 strong room where the weapon was stored.

10 Q. [12:57:47] Could you tell us where this strong room was?

11 A. [12:57:50] I will describe something that we haven't seen. It's just behind the
12 police post. When you pass that post, if you go towards the office of the director, there
13 is an iron door which is reinforced where the weapons are stored.

14 Q. [12:58:25] Thank you, Mr Witness. And the elements who are working at the
15 OCRB at the different posts, did they carry weapons during their times of duty?

16 MS MAKWAIA: [12:58:41] The timeframe, Madam President, can we have a timeframe
17 that is being referred to, please?

18 PRESIDING JUDGE SAMBA: [12:58:45] Yes, when you say "the elements", what
19 timeframe are you talking about? Are we still in 2007, 2008? Because the word
20 "element" rings a bell. Which period are you talking about?

21 MS NAOURI: [12:59:05](Interpretation) Yes, the elements. I said the elements at the
22 OCRB. It's the period which we're talking about, when the witness was doing a
23 traineeship.

24 MS MAKWAIA: [12:59:18] So that the record is clear, Madam President, can we just
25 have the year so we don't have to go back in time.

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1 MS NAOURI: [12:59:30](Interpretation) Of course. That is the traineeship, we talked
2 about it, 2007, 2008.

3 PRESIDING JUDGE SAMBA: [12:59:37] Thank you.

4 Mr Witness.

5 THE WITNESS: [12:59:46](Interpretation) Yes, as I was just saying. It's a unit at that
6 time. The elements were obliged to carry weapons because as soon as there was a call,
7 they had to leave and act. They had to act. So those who were on duty had their
8 weapons on them. And as soon as there was something you had to respond to, they
9 had to react. They couldn't open the stronghold to get out -- to take out the weapon,
10 no, that was done in the morning. The vehicle was also ready. And as soon as
11 something happened, they were ready to leave.

12 MS NAOURI: [13:00:40](Interpretation)

13 Q. [13:00:40] Thank you, Mr Witness. That was my last question on this topic.

14 MS NAOURI: [13:00:43](Interpretation) And I see it is 1.00 on the dot, so I have
15 finished for right now, your Honour.

16 PRESIDING JUDGE SAMBA: [13:00:47] Yes.

17 Mr Witness, we are going to break off at this point for lunch, and we shall come back at
18 2.30 so that counsel can continue with your cross-examination. Thank you very much.
19 I'm going to rise the Court and ask that we come at 2.30, please. Thank you.

20 THE COURT USHER: [13:01:06] All rise.

21 (Recess taken at 1.01 p.m.)

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

23 THE COURT USHER: [14:32:31] All rise. Please be seated.

24 PRESIDING JUDGE SAMBA: [14:32:39] Good afternoon, everyone.

25 Mr Witness, we're going to continue with your cross-examination by Ms Naouri,

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1 counsel for the Defence.

2 Ms Naouri, please.

3 MS NAOURI: [14:33:12](Interpretation) Thank you, your Honour.

4 Q. [14:33:13] Hello again, Mr Witness.

5 A. [14:33:16] Good afternoon, madam.

6 Q. [14:33:24] All right, then. So before the luncheon break, we'd talked about your

7 various internships after you'd joined the national police academy. All right, then.

8 Here is my next question, witness: What is your first official position within the police
9 force?

10 A. [14:33:43] My first official position was head of service at the Department of
11 Economic and Financial Affairs.

12 Q. [14:34:11] Very well. And where was that particular position, Mr Witness?

13 A. [14:34:13] At the judicial police section HQ.

14 Q. [14:34:21] Very well. And what year was that, if you recall?

15 A. [14:34:24] No, I can't -- I can't retrieve the exact date.

16 Q. [14:34:46] That's not a problem. But how much time would you say or how much
17 time would you put it after your spell at the police academy?

18 A. [14:35:03] Possibly seven years. Seven -- six or seven years, possibly.

19 Q. [14:35:20] Okay. Thanks very much, Mr Witness. And just to have an
20 understanding of what your duties involved, what did you have to do in that
21 particular position, the position within the Economic and Financial Affairs
22 Department?

23 A. [14:35:41] As the name suggests, really, it's a department that deals with economic
24 and financial affairs. That's it, really.

25 Q. [14:35:56] Very well. And your particular role and your specific job title?

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1 A. [14:36:05] Head of service.

2 Q. [14:36:14] Did you want to add something, Mr Witness?

3 A. [14:36:22] Yes. In this particular department, there are about a dozen or so
4 investigators. And when accusations or complaints arrive, I would receive them and
5 then I would hand them on to a police officer to deal with that particular grievance or
6 complaint or accusation.

7 Q. [14:36:49] Very well. And as head of service, what was your job title or rank?

8 A. [14:36:58] At that particular point, I was police commissioner already.

9 Q. [14:37:09] So just so that we have things in their proper backdrop, you said you
10 did your training to become police commissioner. So when exactly did you become
11 police commissioner, Witness?

12 A. [14:37:27] I'd really have to wrack my brains, because the appointments are made
13 by official -- by an official text, and so it's a bit tricky for me to remember exactly when
14 that decree or when that particular administrative decree was issued from the ministry.
15 I can't put my finger on it.

16 Q. [14:38:11] Very well, Mr Witness. That's not a problem. Anyway, you tell us
17 when it comes back to you. Or, if not, there it is. So when did you leave that position
18 and what position did you join after that one?

19 A. [14:38:27] I stayed in that position all the way through to 2013. I stayed until 2013.
20 July 2013, if memory serves.

21 Q. [14:39:06] All right. And who was your superior at that particular point in time,
22 Mr Witness?

23 A. [14:39:24] The director of the judicial police.

24 Q. [14:39:33] Would you be kind enough to give us his name?

25 A. [14:39:35] Well, there were two directors during my time. The second one was

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1 Ngbo-Toubakette. He was one of them. And the first one, in fact, was -- the name
2 escapes me. Unfortunately, he is since deceased. Do forgive me. The second one was
3 Commissioner Ngbo-Toubakette. But the first one will come back to me. There were
4 two directors, as I said. That's right, it's come back now. Mr Sonzake, Commissioner
5 Sonzake. Sonzake was his name.

6 Q. [14:40:51] Good. Right. Sonzake and Ngbo-Toubakette. Which one of these two
7 gentlemen was the first of your hierarchical superiors?

8 A. [14:41:05] Mr Sonzake was.

9 Q. [14:41:08] All right, then. So in 2013 when you were a member of the DSPJ, it was
10 Mr Toubakette who was your hierarchical superior; is that right?

11 A. [14:41:22] Yes, that's right.

12 Q. [14:41:24] And who took over from Mr Toubakette when he left? Do you know?

13 A. [14:41:38] Well, in between, as I was saying earlier on, I was appointed somewhere
14 else -- sorry?

15 Q. [14:42:05] Well, tell us where you went then.

16 A. [14:42:07] It was in 2013 that I was sent to the OCRB. I was seconded, if you will,
17 to the OCRB. OCRB.

18 Q. [14:42:24] All right. Well, we're going to get there, absolutely, your 2013 OCRB
19 secondment. But you don't know who took over from you when you moved on to the
20 OCRB in 2013? Is that your evidence, Mr Witness? Have I understood?

21 A. [14:42:40] No, but you asked me my hierarchical superior after my period in my
22 initial position. That was your question.

23 Q. [14:42:46] I asked who took over from him.

24 A. [14:42:58] I think it was Mr Mbayagebe (phon). Mbayagebe.

25 Q. [14:43:12] Very well. All right, then, Mr Witness. I'm going to show you a

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1 document now.

2 MS NAOURI: [14:43:16](Interpretation) *This is on tab 7 in our list of documents,
3 CAR3 OTP-2004-0439, page 0454. So we have the document here. * This is decree
4 14.226, so 8 July 2014, and it's appointing or confirming the appointment of police
5 managers to occupy positions in the Central African national police force.

6 Q. [14:44:08] And in the left-hand column, right in the middle, we see on bullet 3,
7 direction -- well, management of judicial police service.

8 MS NAOURI: [14:44:21](Interpretation) If you don't mind zooming in, that would be
9 very helpful. Thanks very much. A little further down. If you wouldn't mind scrolling
10 just a smidgen further down. That's it. Thanks very much. All right then. A little bit
11 higher, if you wouldn't mind. It's just on the border there -- look. That's lovely.

12 Q. [14:44:40] So we see head of service of economic and finance -- financial affairs, Mr
13 Mallo, Benjamin, police commissioner. Do you see that, Mr Witness?

14 A. [14:44:50] Yes, I can see that.

15 Q. [14:45:00] Does that jog your memory somewhat, Mr Witness?

16 A. [14:45:01] Yes. That's 2013, is it?

17 Q. [14:45:16] Well, this is 8 July 2014 decree.

18 A. [14:45:21] 2014. Yes, but in 2013, as I was saying a moment ago, I was seconded to
19 the OCRB. And Mallo, who was the director, he, in 2014, was installed in the position
20 as director of the national judicial police force.

21 Q. [14:46:00] All right. Thank you very much for that clarification, Mr Witness.
22 Now, for the avoidance of doubt, because you told us previously that you were
23 seconded in 2013 to the OCRB, and let me quote an excerpt from your preparation log.

24 MS NAOURI: [14:46:18](Interpretation) Item 34 on our list of documents, this is CAR-
25 OTP-00000594. This is on page -- we have again 77777 and 88888. And here we read

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1 *on the document CAR-OTP- -- it's written very small, I do apologize, 2004-0814. And
2 here we read the following. This is the official journal of July 2013:

3 "I recognise my name on page 28 CAR-OTP-2004-0842. It was at the time of President
4 Djotodia's tenure as president and I was appointed as head of investigations and
5 inquiries, and * I spent a year in that position between July 2013 and July 2014."

6 Q. [14:47:24] So here's my question -- or my first question, Mr Witness, is the
7 following: What were your duties? What was your position, exactly, if there is a
8 difference, I would say, between your position as head of economic and financial
9 affairs and your secondment to the OCRB in July 2013?

10 A. [14:47:53] Well, there is a difference, very much so. These are two different
11 departments altogether. The judicial police department on the one hand, and the
12 OCRB on the other.

13 Q. [14:48:14] Yes, but between the two, did you occupy another position?

14 A. [14:48:18] No. I stayed all the way through to July, and then in July 2013 I was
15 seconded as head of service in the inquiries and investigation department at the OCRB.

16 Q. [14:48:40] Very well. Now, in your written statement.

17 MS NAOURI: [14:48:45](Interpretation) And this is tab 2 for the French version, tab 1
18 for the English version. This is CAR-OTP-2130-0893, page 0889 and page 0900 on
19 paragraph 29, 30.

20 Q. [14:49:09] You say the following, paragraph 29:

21 *"The mission to N'Djamena was in line with the GABAC anti-money laundering
22 initiative. Each country in the GABAC group had its own ANIF, standing for Agence
23 Nationale Investigation Financière. In the course of this work I met a French officer
24 named Louis Phillippe Autier. He was one of our trainers.

25 "I have checked in my passport and I can see that I left CAR for N'Djamena on 13 April

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1 and returned on the 21st."

2 So this particular mission that you undertake in April 2013, you attend this training
3 course, but in what status did you undertake this trip to N'Djamena between the 13th
4 and 21st of April, 2013, Mr Witness?

5 A. [14:50:22] Thank you very much for your question, counsel. By virtue of my
6 professional profile, the police authorities of the time, the DG, made me available to the
7 CEMAC which is a region commission because, you know, in -- like other African
8 regions, a particular cell had to be constituted for combatting money laundering, a
9 particular group. So it was in that capacity that I was trained. I was trained for that
10 purpose in the various CEMAC steps to constitute this body to combat money
11 laundering.

12 So I was pretty much or even -- in fact, I was the focal point of the CEMAC within the
13 police, pending the setting up of that particular body. So this N'Djamena mission
14 involved the setting up of the ANIF, the Central African Republic's ANIF, alongside
15 the Cameroon ANIF. So I underwent some training at N'Djamena for setting up the
16 ANIF, the A-N-I-F, for the Central African Republic.

17 Q. [14:51:59] Thanks very much for these clarifications, Mr Witness. So who did you
18 report to during that training course while you were a CEMAC focal point?

19 A. [14:52:09] I reported initially -- well, as a priority to my DG, the police DG. And
20 this particular organisation, this particular structure is latched on to the finance
21 ministry. So there's a reporting line that linked me to the finance ministry. Can I
22 continue?

23 Because I didn't go to this training course on my own. I was part of a group. There
24 were police officers. There were finance civil servants. There were customs officials
25 and members of the justice service. So it was a composite team that went upon that

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1 training course.

2 Q. [14:53:07] Thank you very much, Mr Witness. So that particular team that went in
3 April 2013, can you tell us, if you recall, who was a member of that team, how many
4 went, and if you can provide the names, if you remember, of those who were part of
5 that group?

6 A. [14:53:26] The head of mission was a magistrate. He was a magistrate. Because
7 when we came back from N'Djamena, he was killed in cold blood, that particular
8 magistrate. What was his name? I can't remember his name. Anyway, there was
9 another magistrate. Ndakala was his name. Ndakala. I can't -- I can't remember. The
10 names escape me. The other -- the other members of the delegation, I can't -- I can't
11 recall their names.

12 Q. [14:54:38] If you don't remember, Mr Witness, it doesn't matter. As soon as it
13 comes back to you, then you tell us.

14 A. [14:54:48] Okay.

15 Q. [14:54:49] But do you remember how many you were to go to N'Djamena?

16 A. [14:54:52] We must have been five. Two from the magistrature, two from the
17 finance department, and me, I was alone as a police representative.

18 Q. [14:55:17] And this mission that took place in April 2013, who funded it?

19 A. [14:55:20] It was the CEMAC, Central African Monetary and Finance Committee.

20 Q. [14:55:39] * Can you clarify what the GABAC is?

21 A. [14:55:45] Yes, it's an action group to combat money laundering in Central African
22 Republic.

23 THE INTERPRETER: [14:56:01] Interpreter correction: In Central Africa as an African
24 region.

25 MS NAOURI: [14:56:12](Interpretation)

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1 Q. [14:56:12] Thank you very much, Mr Witness. Now let me show you a document,
2 tab 66 in our list of documents served on the Prosecution.

3 MS NAOURI: [14:56:18](Interpretation) CAR-OTP-2036-0452.

4 Q. [14:56:38] Can you see the document?

5 A. [14:56:39] Yes, I can.

6 Q. [14:56:41] Do you recognise this document?

7 A. [14:56:42] This is a page from a passport.

8 Q. [14:56:49] Yes, that's right. It is. Do you recognise this particular passport page?

9 A. [14:56:53] Well, there's no identity particulars on the page.

10 Q. [14:57:14] All right. But I can tell you it's a page from your passport. It was
11 disclosed to us as being a page from your passport, where we see the exit visa to
12 N'Djamena on the date. We see four stamps. On the top right, we see an entry visa to
13 the Douala airport on 13 April 2013. On the bottom right, we see an exit stamp from
14 the Douala airport on 13 April 2013. Bottom left, we see an entry stamp in the
15 N'Djamena airport, and the date we see is 13 April 2013. And then top left, we see an
16 exit stamp from the N'Djamena airport, 21 April 2013. Does this jog your memory, Mr
17 Witness?

18 A. [14:58:14] Yes, counsel. It does.

19 Q. [14:58:31] All right, then. So on this particular passport page, because we only
20 have this, but we don't see the stamp -- your exit stamp from Chad on 21 April 2013.
21 So can you tell us how did you leave Chad? Do you have a stopover; and if so, where,
22 before, obviously, returning into Central African territory?

23 A. [14:59:01] Well, the 21 April 2013 stamp on the top right is the departure from
24 Chad.

25 Q. [14:59:09] That's right. But on the way out, on your outbound journey, you made

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1 a stopover. We know that you left Chad, but we don't have any documentary evidence
2 for your return back to CAR. So what did you do? Okay, on 21 April, 2013, you leave
3 Chad. That's right. That's clear. And we have an international N'Djamena airport
4 stamp 21 April 2013. But that's your departure point. Fine. But here's my question:
5 What was your itinerary?

6 A. [14:59:38] It could be that the other stamps are on the other pages of the passport.

7 Q. [15:00:05] All right. Well, thanks very much, Mr Witness. Well, if that's the case,
8 would you be agreeable to making available to the Chamber the entirety of your
9 passport? Because we only have at our avail this particular photograph. We'd like,
10 therefore, to see the document in its entirety.

11 A. [15:00:27] Yes, I can do that. This was a professional passport. These are
12 passports -- a duty passport, if you will. We, as civil servants, when we use these
13 passports, upon our return the passports are kept at the Ministry of Foreign Affairs.
14 And when you go on another assignment, then you retrieve your duty passport. I
15 could possibly be able to retrieve that passport and make it available to the Chamber.
16 Unless it's expired, but I will see about that.

17 Q. [15:01:04] Thank you very much, Mr Witness. Now, my next question is this:
18 When you came back from N'Djamena in April 2013, on the 21st, what did you do?
19 What was your job then? Did you go back to your work, or did you do something else?
20 Could you explain to us, Mr. Witness.

21 A. [15:01:30] I came back on 21 April. We came back on that date. And the country
22 was in a situation such that all the units were busy. You really had to be very careful
23 where we were going. And until we received instructions from the president at the
24 time, until we got instructions to go back to work, because there had to be a cross-check
25 -- well, we landed in Bangui at nearly 1800 hours. I think there was a kind of a curfew,

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1 and it was difficult to go back to our homes. It was truly difficult to get to our homes.

2 Almost impossible. We had to walk with suitcases for kilometres and kilometres and

3 go through various neighbourhoods. There were no vehicles on the roads after 1800

4 hours. So that was the situation that prevailed at the time.

5 Q. [15:03:21] Very well. Now, the instructions from the president asking all public

6 servants of the time to go back to work, do you remember when that occurred, Mr

7 Witness?

8 A. [15:03:32] No, I couldn't tell you exactly when it was. But it was broadcast over

9 the radio. But other than that -- it was broadcast. It was on the radio.

10 Q. [15:03:49] Was it a few weeks, a few days, a few months after your return from

11 N'Djamena?

12 A. [15:04:00] A few days after.

13 Q. [15:04:06] Very well. Thank you, Mr Witness. I'd like to show you another

14 document now.

15 MS NAOURI: [15:04:11](Interpretation) This is tab 6 on our list, CAR-OTP-2004-0814.

16 And if we could go to 0823, page 0823. * This is the government decree 13216 of the 4th

17 July of 2013 appointing or confirming police chiefs to positions of responsibility.

18 Q. [15:04:50] And I think you've got your bearings now. And at page 0825 -- we'll

19 move forward to another page in this decree. On the left-hand side -- left-hand

20 column, we read the following. The first heading: "Security and public order

21 directorate". And the second point: "Chief of section, coordination and external

22 relations: Mr Sophil Claude-Jean, police commissioner."

23 MS NAOURI: [15:05:39](Interpretation) That is at page 0825. If we could now move to

24 0827. Page 0827, left-hand column again in the middle. We read the following -- I'm

25 having a little bit of trouble. If you could zoom out slightly. Thank you. In the middle

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1 we read the following: "Judicial police services directorate."

2 And then if we could scroll down a bit. "Head of section, economic and financial
3 affairs, Mr Sophil, Jean-Claude, police commissioner."

4 Q. [15:06:42] My question to you is this, Mr Witness: In the same government decree,
5 you are holding two positions, namely, head of the coordination and external relations
6 within the security and public order directorate, and also head of section, economic
7 and financial affairs within the judicial police services directorate.

8 Could you give us some kind of timeline? How did this all unfold within your career,
9 Mr Witness?

10 A. [15:07:19] Thank you, ma'am. Well, I'm not the one who issues decrees. These
11 decrees are prepared within the general secretariat of the government. In this
12 particular case, I remember. This was a mistake. It was a double entry. I think there
13 was another government decree issued to correct the error.

14 Q. [15:07:49] Thank you. So could you tell us which position you held and which one
15 was a mistake, an error?

16 A. [15:08:01] I was at the economic and financial affairs unit, not the other unit.

17 Q. [15:08:10] Very well. That is 4 July 2013. So if I've understood correctly, in July
18 2013 you were the director of judicial affairs; is that correct?

19 A. [15:08:29] Within the directorate.

20 Q. [15:08:41] Very well. Could you explain this position that you held of 4 July 2013,
21 or perhaps slightly before that? Because this is a decree confirming appointments.
22 What was your job there within the directorate?

23 A. [15:09:00] Well, it says head of section, economic and financial affairs. It's right
24 there.

25 Q. [15:09:15] Are you asking me the question?

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1 A. [15:09:33] No, I'm confirming that I was the section head, economic and financial
2 affairs. I can also tell you that regarding that period of time, 2013, when the Seleka
3 entered Bangui, as you can see, there was a great deal of - well, how should I put this? -
4 comings and goings in the appointments, because the people responsible for various
5 units and sections and the like, these assignments were done rather quickly. So it was
6 truly an exceptional period of time. It was a period -- you know, if you were to talk
7 about someone's career -- careers or anything like that, these appointments were a bit
8 of a fairytale, really.

9 Q. [15:10:43] Very well. Thank you for that information. But in your preparation log,
10 on the basis of this decree from July 2013.

11 MS NAOURI: [15:11:00](Interpretation) *And I can give the reference, tab 34,* it is your
12 preparation date, in CAR-OTP-0000-0594, pages 00007 and 00008.

13 Q. [15:11:20] You said this:

14 "I was appointed chief of service, and I spent a year there."

15 Can you confirm that particular period of time, Mr Witness? Section chief
16 investigations, July 2013 to July 2014. Can you confirm?

17 A. [15:11:52] Yes, I believe that's confirmed by the Official Gazette.

18 Q. [15:12:00] I'll show you the item, Mr Witness.

19 MS NAOURI: [15:12:22](Interpretation) Just a moment, if you could please be patient.
20 You were shown this during the preparation session, and I just want to make sure I
21 haven't gotten anything wrong. So now the item is CAR-OTP-2004-0814. We'll begin
22 with that particular item. 2004-0814.

23 PRESIDING JUDGE SAMBA: [15:13:06] Is there a tab number, Ms Naouri?

24 MS NAOURI: [15:13:09](Interpretation) I'm looking for the tab number. And since I'm
25 working from the preparation log, I'm looking there, not at the list of materials. The

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1 log is tab 6 on the list of materials. Yes, tab 6 on our list. And this is the item
2 mentioned, tab 6.

3 PRESIDING JUDGE SAMBA: [15:13:50] Did you say tab 6 of the documents you
4 presented? I see a Journal Officiel.

5 MS NAOURI: [15:14:05](Interpretation) Indeed, the official journal or gazette that is
6 mentioned in the preparation log. I want to make sure I'm showing the same item to
7 the witness. This is an official journal, and I'm quoting from the log. This is from July
8 2013, CAR-OTP-2004-0814.

9 Q. [15:14:28] And I'll continue reading out:

10 "I recognise my name ..."

11 Very well. We can see the official journal or gazette.

12 MS NAOURI: [15:14:58](Interpretation) *Ok, perfect. Can we now move on to the
13 official journal or gazette, page 28 at CAR-OTP-2004-0842.

14 Q. [15:15:11] Can you see the document, Mr Witness?

15 A. [15:15:12] Yes. Could you zoom in?

16 Q. [15:15:18] Yes, we'll zoom in. And we'll zoom in -- we'll find your name and then
17 zoom in on that.

18 MS NAOURI: [15:15:38](Interpretation) I'm afraid this is not the right page. My
19 apologies. We're on the wrong page, 42 --

20 THE INTERPRETER: [15:15:47] Message from the interpreters: Many numbers given
21 at speed.

22 MS NAOURI: [15:16:08](Interpretation) If we could look to the left, and I think we're
23 just at the right spot. If you could just scroll up slightly. Thank you. Perfect.

24 Q. [15:16:21] We see: "Section head, investigations and -- investigations, Mr Sophil,
25 Claude-Jean, police commissioner." This is a government decree from July 2013. The

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1 other decree we have talked about, and this one is correct, I believe, Mr Witness.

2 PRESIDING JUDGE SAMBA: [15:17:10] Ms Naouri, I'm going to ask that we get the
3 proper reference. We are looking at tab 6. The date is July 2013. Is that the document
4 you're looking at, the official journal?

5 MS NAOURI: [15:17:30](Interpretation) To ensure that we have a complete record, yes,
6 this is the official journal. And this is document -- I'll give the ERN number. It is CAR-
7 OTP-2004-0814, and we are at page 0842. We are on the correct page. And, indeed, this
8 is one of the pages from this large document entitled "Official Journal 2013."

9 Q. [15:18:09] And I turn to you now, Mr Witness. This government decree that we
10 can see up on the screen, if you could look at the entire decree which indicates that you
11 were the section chief responsible for investigations in 2013. In July 2013, to be more
12 specific, as of 8 July 2013. And if you want me to, I can guide you when it comes to the
13 date.

14 MS NAOURI: [15:18:50](Interpretation) And I'll ask the usher to move on to the
15 another page so that we can see the date. The page is 0838.

16 Q. [15:18:59] This is the same document but a few pages before, 0838.

17 MS NAOURI: [15:19:05](Interpretation) For the sake of the record, we have already
18 discussed a decree from 4 July 2013. And this is from 8 July 2013, as you can see here
19 on this page which is right up on the screen now, where we see "Decree 13.236 of 8 July
20 2013 with regard to appointment or confirmation of police officials to various positions
21 of responsibility."

22 Q. [15:19:44] Is this correct, Mr Witness?

23 A. [15:19:45] When I read this, Decree No. 13.326 -- no, Decree 13.23 --

24 Q. [15:20:06] No, no, no, no, that is the one on the left. I'm reading from the column
25 on the right-hand side, Decree 13.236 of 8 July 2013, appointing or confirming the

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1 senior police officials to positions of responsibility. If we could scroll down, we will
2 see your own appointment. If we could slowly scroll down, and you will see that this
3 is continuous, and gradually we'll get to page 0842, where we were a few moments
4 ago.

5 Would you like a hard copy of this document? I think that might be more practical for
6 you rather than reading off the screen, but stop me if I'm incorrect.

7 PRESIDING JUDGE SAMBA: [15:21:30] Madam Court Officer, maybe if you can --
8 because what we have on the screen is the page Ms Naouri earlier referred to. If we
9 can go to CAR-OTP-2004-2842 and zoom in on that. Yes. And if you go to the bottom.
10 Mr Witness, can you see your name on the left on the page before you? Can you
11 answer, not nod your head. Can you --

12 THE WITNESS: [15:22:31](Interpretation) Yes, yes.

13 PRESIDING JUDGE SAMBA: [15:22:32] Thank you very much. Thank you.

14 THE WITNESS: [15:22:34](Interpretation) Yes, I do see my name.

15 PRESIDING JUDGE SAMBA: [15:22:42] Thank you.

16 Ms Naouri.

17 MS NAOURI: [15:22:44](Interpretation) Thank you, your Honour.

18 Q. [15:22:49] Now, the page you see there is the continuation of the decree of 8 July
19 2013, a decree regarding appointments or confirmation of senior officials. Now, what
20 you see before you, is this correct?

21 A. [15:23:03] No, I think there's something wrong here. They organised the
22 document -- there's some kind of overlap. Why do I say that? Because I got to the
23 OCRB and Mr Mallo Benjamin was the director. That's on the left. And that is the
24 continuation of the decree of 4 July, in my opinion because, you see, they compiled two
25 decrees. Perhaps when they did that, they --

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1 Q. [15:23:49] To be entirely complete, it would be wise for me to show you hard
2 copies, and you can confirm what you see or don't see.

3 MS NAOURI: [15:24:02](Interpretation) I think that would be fairer to the witness, to
4 give him a hard copy and see how the pages go one after another rather than showing
5 one or two pages helter-skelter. We have --

6 PRESIDING JUDGE SAMBA: [15:24:17] I'm asking for the help of the court clerk,
7 please.

8 MS MAKWAIA: [15:24:44] Perhaps the witness can be provided the entire journal,
9 Madam President, your Honours. These are just selected pages.

10 PRESIDING JUDGE SAMBA: [15:24:50] Do you have the journal? I mean, I have some
11 in my file. So that the witness understands and appreciates -- I understand his answer.
12 He just gave an answer that what we see on page CAR-OTP-2004-0842 must be a
13 continuation of what we see on CAR-OTP-2004-0843, which is dated 4 July, but it is for
14 him to -- you know, to explain so that we have that or we understand properly what
15 he's trying to say.

16 Do you have a copy of the journal, Ms Naouri?

17 MS NAOURI: [15:25:40](Interpretation) I have a copy. And it's very important. And I
18 would be very happy to provide the entire document to the witness.

19 PRESIDING JUDGE SAMBA: [15:25:56] Can I ask the court clerk kindly to use my
20 copy. I'll read from the screen. And I'll take it back. Oh, it's all right. I thought you
21 said you are using it. Thank you. Ms Naouri, can you direct the witness, please.

22 MS NAOURI: [15:27:16](Interpretation) Yes.

23 Q. [15:27:16] Mr Witness, you have a document here. Have you seen this document
24 before?

25 A. [15:27:20] Yes, this is the official journal or gazette.

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1 Q. [15:27:27] The entire document. Have you ever been shown the entire document
2 during the preparation session with the OTP?

3 A. [15:27:34] Not the entire document but some parts that had to do -- that were of
4 concern to us.

5 Q. [15:27:47] Very well. Regarding the parts that are of interest to us, if you don't
6 mind -- well, I'll give you a few moments to leaf through the document. Do you see
7 some numbers at the bottom of the page, CAR-OTP, and then there's four numbers,
8 2004, and then there's four more numbers. Do you see those numbers?

9 A. [15:28:12] Yes.

10 Q. [15:28:13] Great. We're now going to go to 0838. If we could move to CAR-OTP-
11 2004-0838.

12 I'll try to guide you, Mr Witness. About page --

13 A. [15:28:57] No, I found it.

14 Q. [15:28:58] Great. You see this page, Mr Witness, *and you can see this decree
15 13236 of 8th July 2013, correct?

16 A. [15:29:25] Yes.

17 Q. [15:29:25] *I'll let you read this initial page.

18 If you could continue to read through as if you were reading a book from page 0838 to
19 0839, 0840, 0841, 0842 all the way to 0849 and once you get there let me know.

20 MS NAOURI: [15:32:26](Interpretation)

21 Q. [15:32:29] How are you getting on, Mr Witness? Were you able to read the pages
22 chronologically from 0839 all the way through to 0842?

23 A. [15:32:38] Yes.

24 Q. [15:32:49] All right, then. So now you've got the document in its entirety without
25 being broken up and you can see its rationale. So this 8 July 2013 decree which

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1 appoints you as head of investigations, does this document strike you as accurate?

2 A. [15:33:05] Yes. Yes, it's accurate.

3 Q. [15:33:21] Very well. Thank you very much, Mr Witness. Now, you make

4 mention of Benjamin Mallo before we addressed ourselves to this gazette. Was he

5 already in his position when you joined the OCRB in 2013?

6 A. [15:33:42] Yes, he was already there when I joined.

7 Q. [15:33:50] When you arrived on 8 July 2013. All right. But you didn't arrive at

8 exactly the same time as Benjamin Mallo; isn't that right?

9 A. [15:34:06] Sorry?

10 Q. [15:34:06] So if I followed your evidence, you and Benjamin Mallo, you didn't

11 arrive at the OCRB at the same time; is that right?

12 A. [15:34:29] Yes, that's right. We didn't arrive at the same time.

13 Q. [15:34:36] So how long had Benjamin Mallo been in that place before you actually

14 arrived, if you know, Mr Witness?

15 A. [15:34:44] He had been there since 2012. I don't know whether he was there

16 beforehand, but in 2012 he was responsible for the OCRB.

17 Q. [15:35:02] Very well. So to the best of your knowledge, there were no other OCRB

18 directors between 2012 and July 2013. Is that what I should understand from your

19 evidence, Mr Witness?

20 A. [15:35:19] No. After -- well, it was in this period of July -- no, no, there wasn't

21 another one. No. It was him.

22 Q. [15:35:41] Very well. Let me show you a document. This time it will be displayed

23 on your screen.

24 MS NAOURI: [15:35:50](Interpretation) This is tab 63 in our list of materials, CAR-

25 OTP-2034-1740.

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1 Q. [15:36:16] So it should be appearing on your screen. There it is. This is a
2 departmental memorandum. Can you see that, Mr Witness? I want to know whether
3 you can see it properly. We can ask to zoom in more.

4 A. [15:36:34] I can see it.

5 Q. [15:36:35] Very well. This is a departmental memorandum signed by Nouradine
6 Adam on 18 April 2013, and we see here:

7 "Pending the confirmation decree, Police General Louis Mazangue is duly appointed
8 director of the Central Office for the Repression of Banditry (DOCRB) replacing Mr
9 Mallo Benjamin who has been relieved of his duties." Does this jog your memory, Mr
10 Witness?

11 A. [15:37:29] Yes.

12 Q. [15:37:30] Tell us more. What bell does this ring about Louis Mazangue?

13 A. [15:37:36] Well, I remember this document. It's refreshed my memory. I think
14 there was a problem in the procedure, because a police commissioner is appointed by
15 decree. And so with -- if he's relieved of his duties by a departmental memorandum,
16 then that would throw up a problem.

17 The minister at that particular point in time, given the rise in the levels of violence, he
18 wanted to bring back this general who had been previously on retirement. At the time,
19 he had been able to suppress banditry in the city of Bangui. So the minister really tried
20 to bring him back. He tried, basically, to bring him back into that particular position.
21 But this appointment threw up a huge amount of problems.

22 Q. [15:38:58] Thank you very much for those clarifications, Mr Witness. And what
23 about you? Louis Mazangue, did you see him ever at the OCRB?

24 A. [15:39:06] Yes, I saw him. I saw him at the OCRB.

25 Q. [15:39:19] All right, then. Let's turn our minds to an exhibit, Mr Witness.

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1 MS NAOURI: [15:39:26](Interpretation) This is tab 19 in our list of materials, CAR-
2 OTP-2064-0791. I repeat CAR-OTP-2064-0791. I repeat for clarity.

3 Q. [15:39:46] Can you see that photo, Mr Witness?

4 A. [15:39:48] Yes, I can see it more clearly.

5 Q. [15:39:50] Very well. Now, the first person on the left sitting on a chair, he's
6 wearing what looks like civilian dress. He's got a notebook in his hand or a book. Can
7 you tell us who that person is, please?

8 A. [15:40:11] That's the General Mazangue. That's him.

9 Q. [15:40:16] Thank you very much, Mr Witness. Do you have anything you would
10 like to add based on this photo?

11 A. [15:40:25] No, nothing specific, I'd say.

12 Q. [15:40:36] All right, then. Thanks very much. Now, when we look at the
13 transcript, it may not be clear. Would you mind circling Louis Mazangue and then
14 we'll make sure that this annotation is recorded as an exhibit.

15 A. [15:40:47] (Witness complies)

16 Q. [15:41:07] Thank you very much, Mr Witness.

17 MS NAOURI: [15:41:14](Interpretation) So, your Honour, could we have an exhibit
18 number allocated to this particular item, this annotated exhibit.

19 PRESIDING JUDGE SAMBA: [15:41:24] Madam Court Officer, can we please have an
20 ERN number for that photo.

21 THE COURT OFFICER: [15:41:28] Yes, Madam President, CAR-REG-0002-0094. Thank
22 you.

23 PRESIDING JUDGE SAMBA: [15:41:40] Thank you.

24 Carry on, Ms Naouri, please.

25 MS NAOURI: [15:41:45](Interpretation) My thanks, your Honour.

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1 Q. [15:41:51] All right, Mr Witness. So you take up your duties at the OCRB in July
2 2013. At that particular point, therefore, do you receive a salary? You joined your
3 position on 8 July 2013.

4 A. [15:42:02] Yes, I had a salary.

5 Q. [15:42:04] Do you remember how much your salary was at that particular point in time?

6 A. [15:42:15] Well, around 2.000 CFA francs. Around there.

7 Q. [15:42:44] Thanks very much.

8 THE INTERPRETER: [15:42:50] Interpreter correction: 200.000 CFA francs.

9 MS NAOURI: [15:42:55](Interpretation)

10 Q. [15:42:55] Now, Mr Witness, if I've understood properly, you received a salary
11 throughout the entirety of your duties conducted at the OCRB; is that right?

12 A. [15:43:06] Yes.

13 Q. [15:43:07] Thank you very much, Mr Witness. Now, in your statement, you talk
14 about an investigation that you ran concerning an individual call Julien Boyko.

15 A. [15:43:29] I know Mr Boyko because he's a doctor. He has a consultancy in
16 Bangui. It was in that capacity that I knew him. Possibly connected with a statement?

17 Q. [15:44:01] Yes, please do. Please continue.

18 A. [15:44:03] Yes. One day the prosecutor of the republic asked me to go with him. It
19 was a Sunday. He asked me to go with him at the fire brigade's HQ which was ran by
20 a general, General Moussa, because there were individuals who were detained and Mr
21 Boyko, that doctor, was among the detained. So we went to the fire brigade's HQ and
22 there we met General Moussa with his interpreter. And the prosecutor laid out the
23 matter at hand. He was in charge of the investigations, and he needs to know where
24 people are detained.

25 Now, after some threats made by the general, asking us to tell him who told us that he

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1 was holding people, then he called Minister Nouradine who came. And after some
2 discussion, Minister Nouradine gave his telephone to the prosecutor, who handed on
3 to me, and there was a message which stated that there were people on the other side
4 of the river in the DRC who were availing themselves to attack Bangui, the Seleka
5 positions in Bangui. *And he had, therefore, detained the doctor because his brother
6 was crossing over with a package in which there was also a notebook of a General;
7 because upon the arrival of the Seleka, a number of elements in the regular army had –
8 had crossed over, including a General. *So by searching that bag of that man, they
9 found the General's diary, and that's why they can get their hands on him. He said that
10 it was his brother who is a doctor who had giving him that diary to give it to somebody
11 on the other side of the river. So we were able to convince the minister and General
12 Moussa to allow us to take everybody to the OCRB, and they had to be recorded
13 individually on our ledgers. And that's -- that's how Mr Boyko told us what happened
14 and the accusations that were being held against him.

15 Q. [15:46:54] Thank you very much, Mr Witness, for those clarifications. They will be
16 very valuable. All right, then. In your statement you also talk about the following.

17 MS NAOURI: [15:47:05](Interpretation) Here I refer to paragraph 39 and 40 of your
18 prior statement.

19 Q. [15:47:18] Here you make mention of some names, and I'd like to dwell upon these
20 names. *Jean-Claude Koutoulingar was he at the OCRB when you arrived in 2013?

21 A. [15:47:33] Yes, he was already at the OCRB at that particular point in time.

22 Q. [15:47:38] How long had he been at the OCRB before your arrival, Witness?

23 A. [15:47:56] I couldn't really tell you very precisely. Maybe one or two years prior to
24 my arrival.

25 Q. [15:48:00] And what was his particular job exactly, if you remember?

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- 1 A. [15:48:09] Head of service of the response unit.
- 2 Q. [15:48:27] And after December 2013, what did he do? Did he stay at the OCRB?
- 3 A. [15:48:30] In December of which year did you say?
- 4 Q. [15:48:50] Well, perhaps I didn't clarify. December 2013. 2013 is the year. It's the year
- 5 2013 which, quite obviously, interests me. So after, let's say, the fall of Michel
- 6 Djotodia's presidency, December 2013, *can you tell me whether Jean Claude
- 7 Koutoulingar stayed at the OCRB or did he move on to a different position, if you know?
- 8 A. [15:49:17] No, I don't know. I couldn't tell you.
- 9 Q. [15:49:30] Thank you very much. Beltoungou, was he at the OCRB before you
- 10 arrived in 2013?
- 11 A. [15:49:33] No, Beltoungou, he must have come after my arrival.
- 12 Q. [15:49:57] Very well. And when you became director of the OCRB in 2014, was he
- 13 a member of your team?
- 14 A. [15:50:12] Yes, he was. He continued to work under me.
- 15 Q. [15:50:15] And in 2013, what was his precise job?
- 16 A. [15:50:17] Beltoungou was part of the judicial police team in the inquiries and
- 17 investigation section.
- 18 Q. [15:50:44] Very well. And 2014?
- 19 A. [15:50:45] He was in the same position in 2014.
- 20 Q. [15:50:59] Very well. And what does he do now to the best of your knowledge?
- 21 A. [15:51:02] He was transferred to a position on the corridor between Cameroon and
- 22 CAR, (indiscernible) maybe was the village, unless I'm mistaken. It's called the
- 23 corridor. The corridor that has to be secured all the way up to the exit point into
- 24 Cameroon. These are posts. Some were created, some were reinforced, and so he was
- 25 actually appointed to that particular corridor.

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1 Q. [15:51:44] And that falls under the purview of the police or the gendarmerie?

2 A. [15:51:47] The police.

3 Q. [15:51:49] And which police department, if you know?

4 A. [15:51:51] Well, it's under the directorate of public security, the commissariat of
5 public safety or security.

6 Q. [15:52:08] Very well. Thanks very much for those clarifications. Now, Prisca
7 Dillah, was that person already on site when you arrived at the OCRB in 2013?

8 A. [15:52:20] No, she arrived a little later after my arrival.

9 Q. [15:52:29] Very well. Thank you. And her exact job, what was that if you
10 remember?

11 A. [15:52:32] What was the first question you put about Dillah?

12 Q. [15:52:41] Well, I wanted to know whether that person was already at the OCRB
13 when you arrived in July 2013. Was she already there?

14 A. [15:52:54] No, she wasn't there, but she also joined the OCRB in 2013.

15 Q. [15:53:05] So if I follow what you're saying, she arrived in 2013 but after you; is
16 that right?

17 A. [15:53:11] That's exactly right.

18 Q. [15:53:12] Thank you very much, Mr Witness. So my question on the back of that
19 one was to know what job she occupied in 2013.

20 A. [15:53:30] She was part of the judicial police section. She had a certain amount of
21 experience in that field, and so she was kept in the same department.

22 Q. [15:53:41] All right. And then when you took over as director in 2014, did she stay
23 or did she go?

24 A. [15:53:52] She stayed.

25 Q. [15:54:05] Throughout your entire term as director?

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1 A. [15:54:07] Yes, counsel.

2 Q. [15:54:08] Thank you. And if you know, what job does she have now?

3 A. [15:54:11] Today she is in the commissariat for public security in the 5th
4 arrondissement of the city of Bangui. She is responsible for everything pertaining to
5 investigations in the 5th arrondissement.

6 Q. [15:54:46] Thank you, Witness. Brice Théodore Doctor-Bomesset, I may have got
7 that -- I may have massacred that name, but was he there at the OCRB when you
8 arrived in 2013?

9 A. [15:55:02] No, he wasn't there when I arrived, but he arrived afterwards.

10 Q. [15:55:10] Thank you very much. And what was his job in 2013 when he joined
11 the OCRB after you?

12 A. [15:55:16] Bomesset, he was also -- he also served in the investigations department
13 and he also was responsible for helping the response unit because he was -- by virtue
14 basically of his body size. He was a very strong individual.

15 Q. [15:55:44] Okay. I understand. Thank you very much, Mr Witness. And then
16 from December 2013, spilling into 2014, did he stay at the OCRB when you were
17 director or did he go?

18 A. [15:55:58] No, no, he stayed. He stayed. We worked for a while together before
19 he ultimately left.

20 Q. [15:56:08] And to the best of your knowledge, what does he do now?

21 A. [15:56:12] Today he works in the humanitarian sector.

22 Q. [15:56:23] Okay. Let's look at Mangabas. Was he there in 2013? Did he join the
23 OCRB after your arrival?

24 A. [15:56:29] In fact, I think he was one of the old hands at the OCRB. He was there
25 before I arrived.

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1 Q. [15:56:39] What was his exact job?

2 A. [15:56:41] He was operations officer. He was responsible for operations.

3 Q. [15:56:59] Okay. And the same question, December 2013 and into 2014, did he
4 stay at the OCRB?

5 A. [15:57:10] No. Unfortunately, no. When the Seleka arrived, to be absolutely clear,
6 given his acquaintances within the Seleka, he was a police captain and he was shot up
7 to director level. Unfortunately, he didn't stay very long. He fell ill and he died very
8 quickly. In fact, in the space of a few weeks it was over.

9 Q. [15:57:53] *Thank you very much for that clarification, Mr Witness. Was Mangabas
10 already at the OCRB when you arrived there in 2013?

11 A. [15:58:13] No, he arrived after me. He arrived after I came.

12 Q. [15:58:20] Thank you very much. And did he stay at the OCRB from December
13 2013 into 2014?

14 A. [15:58:29] Yes, he stayed right up to the present day. He is the current director of
15 the OCRB.

16 Q. [15:58:35] And he's done nothing else in the interim, to the best of your
17 knowledge?

18 A. [15:58:42] Could you rephrase your question?

19 Q. [15:58:48] Did he occupy another position in the interim before returning to the
20 OCRB?

21 A. [15:58:52] No. When he arrived at the OCRB, he was in the response team, and
22 then he was promoted to head of the response unit as a commander, and then he
23 stayed at the OCRB right up to the present day as director, ultimately.

24 Q. [15:59:19] And Patchanga, was he there before you in 2013?

25 A. [15:59:30] Patchanga, Patchanga, he's one of the old hands at the OCRB and he's

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1 only ever worked at the OCRB.

2 Q. [15:59:37] All right. So he was there in December 2013 all the way through to
3 December 2014; is that right?

4 A. [15:59:43] That's exactly so, yes.

5 Q. [15:59:45] * Charadet, what about Charadet? Was he there before your arrival in
6 2013?

7 A. [16:00:04] Charadet, no, he arrived after me.

8 Q. [16:00:06] And December 2013 into December 2014, did he stay?

9 A. [16:00:11] Yes, he did. He stayed. Can I offer additional information, please?
10 Patchanga in 2014, 2015, he went on retirement. He cashed in his chips to go upon
11 retirement.

12 Q. [16:00:25] Thank you for that additional information. And now we were talking
13 about Charade, what is he up to now?

14 A. [16:00:39] Yes, yes. He was the head of a particular branch office. We had a
15 number of secondary offices. In addition to the central office in the 8th arrondissement
16 of Bangui, we had smaller offices or branch offices. So he's heading up one of the
17 branch offices in the 8th arrondissement of Bangui.

18 Q. [16:01:10] Very well.

19 MS NAOURI: [16:01:13](Interpretation) I see the time, your Honour. I'm in your
20 hands, your Honour, but I believe this might be the moment to conclude for today.

21 PRESIDING JUDGE SAMBA: [16:01:23] Indeed, it's a good time to stop now.

22 Mr Witness, we're going to stop here today, and we'll come back again tomorrow so
23 that counsel can finish her questioning. I'm going to ask of you -- I know you know
24 that as a police officer. I'm going to ask, though, that you do not discuss your
25 testimony with anybody when you leave this courtroom.

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- 1 So I'm going to rise the Court now and ask that we meet tomorrow at 9.30.
- 2 THE COURT USHER: [16:02:00] All rise.
- 3 (The hearing adjourned in open session at 4.02 p.m.)