

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 3
8 Tuesday, 1 November 2022
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:57] All rise. The International Criminal Court is in now in
11 session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:35:20] Good morning, everyone.
13 Madam Court Officer, can you kindly call out the case.
14 THE COURT OFFICER: [9:35:26] Good morning, Madam President, your Honours.
15 This is the situation in the Central African Republic II, in the case of The Prosecutor
16 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21. And we're in open
17 session.
18 PRESIDING JUDGE SAMBA: [9:35:40] Thank you very much.
19 Can I ask the parties to introduce themselves, please.
20 MS VON BRAUN: [9:35:46] Good morning, Madam President, your Honours. The
21 Prosecution team is today represented by Ms Andreina Rodriguez and myself, Leonie
22 von Braun.
23 PRESIDING JUDGE SAMBA: [9:36:06] Thank you very much, Ms von Braun.
24 Ms Pellet, introduce yourself. You're alone today?
25 MS PELLET: [9:36:13] I am, Madam President. (Interpretation) The victims are today

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1 represented by me, Sarah Pellet, who is at the Office of Public Counsel for Victims.

2 PRESIDING JUDGE SAMBA: [9:36:29] Thank you very much.

3 Ms Naouri for the Defence, please.

4 MS NAOURI: [9:36:31](Interpretation) Thank you, Madam President. Beside me,

5 Counsel Jacobs, Capucine Banet. Behind us, we have Counsel Valduriez. And I'm

6 Jennifer Naouri, lead counsel for the Defence, for Mr Said. Thank you.

7 PRESIDING JUDGE SAMBA: [9:36:49] Thank you very much, Ms Naouri.

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

9 Mr Said, good morning.

10 MR SAID: [9:37:04](Interpretation) Yes, good morning, Madam Judge. Your Honour.

11 PRESIDING JUDGE SAMBA: [9:37:08] Madam Witness, a very good morning to you. I

12 hope you had a good night.

13 THE WITNESS: [9:37:13] Thank you, yes.

14 PRESIDING JUDGE SAMBA: [9:37:14] Good. Now, we're going to continue with your

15 direct examination, and I just want to remind you that you are still on oath.

16 WITNESS: CAR-OTP-P-3108 (On former oath)

17 (The witness speaks English)

18 PRESIDING JUDGE SAMBA: [9:37:24] Madam Prosecutor, please carry on with your

19 direct examination of this witness.

20 MS VON BRAUN: [9:37:28] Thank you.

21 And before we start, I would like to go back a few steps because before the end of the

22 last session, the English transcript had frozen, and I will have to recap a few things

23 before we move on, unfortunately. And that's why for starting this morning, we will

24 bring up again the item on tab 65, which is *CAR-OTP-00000420.

25 PRESIDING JUDGE SAMBA: [9:38:13] And can I just remind you that we're in open

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- 1 session. Just for the record, please.
- 2 MS VON BRAUN: [9:38:18] Yes, thank you, Madam President. And we can continue
- 3 in open session for the time being in my assessment.
- 4 THE COURT OFFICER: [9:38:31] Tab 65 is on evidence channel 2. Just a kind reminder
- 5 for everyone.
- 6 MS VON BRAUN: [9:38:39] Thank you very much.
- 7 QUESTIONED BY MS VON BRAUN: (Continuing)
- 8 Q. [9:38:48] So, madam witness, before we ended the day, we were speaking about
- 9 attributions, and specifically about attributions related to phone numbers for
- 10 Nouradine Adam. And we had looked at this item which you had already described to
- 11 us. And we had started focusing on the first number there, and you had explained the
- 12 structure of this sheet. And then we had brought up the first attribution source that
- 13 you had identified in this annex.
- 14 And for the record, we will have to repeat this this morning so that the transcript
- 15 catches that.
- 16 MS VON BRAUN: [9:39:45] And, therefore, I would like to ask the court officer to
- 17 bring up item -- the item at tab 17, please, in the version that has "R01" in the end. That
- 18 is, CAR-OTP-2023-0882, and at page 0962.
- 19 THE COURT OFFICER: [9:40:21] Currently on evidence channel 1.
- 20 MS VON BRAUN: [9:40:32] Thank you very much.
- 21 Q. [9:40:34] Now, Madam Witness, please have a look at this item and let us know
- 22 whether you recognise it and what you deemed relevant for purposes of attribution.
- 23 A. [9:40:53] This was a --
- 24 Q. [9:40:56] And please take a little pause --
- 25 A. [9:40:58] Yes.

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1 Q. [9:40:58] -- before you answer me so we are -- the interpreters can do their work.

2 A. [9:41:05] This is a page from a diary of a witness, and it was 2013 from
3 recollection. And it provides, on the fifth line, the name and number for Nouradine
4 Adam.

5 Q. [9:41:39] And does it say anything else for Nouradine Adam there that you may
6 have found relevant?

7 A. [9:41:54] It gives his position in relation to CEDAD.

8 Q. [9:42:00] And where do you see that?

9 A. [9:42:05] It's not clear, the handwriting isn't clear, but prior to -- before his name.

10 Q. [9:42:23] Madam Witness, we have the possibility to mark items. You have, like, a
11 little pen there. And if you can, you can --

12 A. [9:42:34] Yup.

13 Q. [9:42:36] -- mark what you are referring to.

14 A. [9:42:38] So on this page it is noted where there are other names. And you'll see
15 that the same references for staff members of CEDAD are there.

16 Q. [9:43:01] Thank you very much.

17 MS VON BRAUN: [9:43:04] And for the record, the witness has marked this item with
18 red in three places where she has said the relevant information can be read. And I
19 would like to request a registration number for this item, please.

20 PRESIDING JUDGE SAMBA: [9:43:40] Yes, Madam Court Officer, can you give us an
21 ERN mark please.

22 THE COURT OFFICER: [9:43:45] It will bear the reference CAR-REG-0002-0055.

23 MS VON BRAUN: [9:43:55] Thank you very much. And just for the record, now I'm
24 dung with recapping from yesterday, I believe, so it can be factored into the timing.

25 Q. [9:44:06] So I'd like to continue on the issue of attributions with you a little bit

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1 longer.

2 MS VON BRAUN: [9:44:16] And would request court officer to bring up the item on
3 tab 18 in the version R02. And this has the reference number CAR-OTP-2050-0273.

4 Q. [9:45:43] So you should see a list now on evidence channel 1, Madam Witness.

5 And I would like to ask you whether you recognise this list and whether there is
6 specific relevant attribution information here that you relied on for your assessment.

7 And please take a pause before answering.

8 A. [9:46:06] I think this is a UN panel of experts list. And there are a number of
9 phone numbers and attributions in the list, but the reference, I believe, is important
10 here is to Adam, and he is, on my screen, the third line down with two phone numbers
11 attributed.

12 Q. [9:46:53] Thank you.

13 MS VON BRAUN: [9:46:59] Perhaps we could move to the top of the document so she
14 can situate, for the record, what she means exactly.

15 THE WITNESS: [9:47:05] Okay. Thank you.

16 MS VON BRAUN: [9:47:06]

17 Q. [9:47:06] Yes.

18 A. [9:47:08] In the A column, the seventh line down. And then in the B column and
19 the D column, there are two phone numbers.

20 Q. [9:47:28] And can you read them out for the record, quickly, please?

21 A. [9:47:31] 7 -- excuse me. 75494992, 70555511.

22 Q. [9:47:52] Thank you very much. Then still on the issue of attributions.

23 MS VON BRAUN: [9:48:15] I would like to have the item on tab 19 displayed in the
24 version R02 with the reference number CAR-OTP-2034-0223.

25 Q. [9:48:36] And ask you again, Madam Witness, whether you recognise this item

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1 and whether it was in any way relevant to your attribution work?

2 A. [9:48:47] I think this is an UN OLA, Office of Legal Affairs, document. And again,
3 it provides attribution -- an attribution on line number 2 to Nouradine Adam. It
4 provides his function and telephone number.

5 Q. [9:49:33] And concerning the function that is listed here, is that in any way a
6 criteria for you?

7 A. [9:49:44] The function and, depending on the information that is provided in the
8 same attribution, the function can serve to confirm that we are talking about the same
9 person.

10 Q. [9:50:10] And what function is listed here, for the record?

11 A. [9:50:14] Minister of public security was his role.

12 Q. [9:50:23] Thank you very much. And then I would move to the next item.

13 MS VON BRAUN: [9:50:35] Which is tab 20 in the version R02. And the reference
14 number is CAR-OTP-2076-1002, and then at page 1019, please.

15 Q. [9:51:07] Now, do you recognise this, Madam Witness?

16 A. [9:51:10] I do. There were a lot of attribution sources provided in the annex, but I
17 believe this is from a journalist. It's a journalist's notebook that was provided to the
18 CAR investigation, listing again the contacts with certain entities that she was
19 interested in speaking to or had contacted. And within that is a number of numbers,
20 and one of them is Minister of Security, Nouradine Adam, with the phone number
21 75157575.

22 Q. [9:52:25] Thank you. Can you mark where you see this number?

23 A. [9:52:30] (Witness complies)

24 Q. [9:52:40] Thank you.

25 MS VON BRAUN: [9:52:41] And for the record, the witness has put a red line where

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1 she identified the relevant phone number.

2 Q. [9:52:52] And when looking at this document, can you see whether it is dated in
3 any way?

4 A. [9:53:02] The document was contemporaneous to 2013. And I -- yes, there is a date
5 in the top right-hand corner, 28.4.2013. I can mark it.

6 Q. [9:53:37] Thank you very much.

7 MS VON BRAUN: [9:53:39] Then I would also request a registration number for this
8 item, please.

9 PRESIDING JUDGE SAMBA: [9:53:42] Yes, Madam Court Officer, can you kindly give
10 us an ERN number, please.

11 THE COURT OFFICER: [9:53:49] This item will bear the following reference: CAR-
12 REG-0002-0056.

13 MS VON BRAUN: [9:54:06] Thank you very much. And then I would like to request
14 the item at tab 9 to be displayed, which is the reference number CAR-OTP-2013-0341.

15 Ah, I'm sorry. I'm being advised that it's better for us to do it, since it's an Excel sheet,
16 so it's easier for us to display. I'm sorry, I should have said that.

17 THE COURT OFFICER: [9:54:44] The Prosecution has the floor, evidence channel 2.

18 MS VON BRAUN: [9:54:59]

19 Q. [9:55:00] If you have it on evidence channel 2, Madam Witness, do you recognise
20 this item? And please state whether there's relevant attribution information visible.

21 A. [9:55:24] This is -- this is from AFRICARD, which provided passport services in
22 Central African Republic. So this is the associated data of people who had made
23 applications with AFRICARD. Therefore, it contains the phone number they had
24 provided against their name that the passport would be issued in.

25 Q. [9:56:07] And do you recognise any person's name that was particularly relevant

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1 for your attribution work?

2 A. [9:56:16] There is the name of -- I recall there is a few names that were derived

3 from the AFRICARD materials. On this sheet, what I can see are two names for

4 Nouradine Adam, and line 9 and line 22 of the Excel sheet. And in this case there is a

5 note against the name Mahamat Nouradine Adam on line 22 that states that this

6 application is the son of Minister Nouradine Adam. The number, however, 75157575,

7 had been previously attributed to Nouradine Adam by other sources. So this is an

8 example where the source is credible, because it has been consistent with other

9 attributions, and it is a reliable agency.

10 So the inconsistency here has been assessed in that while it notes that the number is

11 linked to the son of Nouradine Adam, the other attributions were reliable enough for

12 me to make the assessment that it was still a number attributable to Mr Adam, possibly

13 with his son occasionally using it or stating it in his application form.

14 The other number on line 9 was two numbers that again formed -- we had other

15 attributions for, I recall, and all of these were considered reliable attributions.

16 Q. [9:59:17] Thank you very much.

17 MS VON BRAUN: [9:59:21] Then I would request the item at tab 10 to be displayed,

18 which is CAR-OTP-2023-0768.

19 Q. [9:59:45] Madam Witness, it should be on evidence channel 1. And once you have

20 it, please see if there is any relevant attribution information here respective to the

21 contacts of Mr Adam.

22 A. [10:00:10] This document -- sorry, I just need to look for one moment. This

23 document is a subscriber record from Telecel, the telecommunications company in

24 CAR. And Nouradine Adam is named in line 28. And this record was sought from

25 Telecel to identify whether Telecel had registrations, names that had registered against

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1 these numbers that we had attributed -- that I had attributed to Nouradine Adam.

2 And Telecel have provided two names that were now -- were linked as subscribers to
3 those two numbers for Nouradine Adam.

4 What is relevant is the start dates for those names. Kongo, Franck, was 14-July 15,
5 which Telecel indicate is the first date they had that name linked to that number. And
6 the second name started on 8 April 2014. So this was held to be not inconsistent with
7 his use of the phone in 2013 since no other names were associated with the phone until
8 post the relevant period.

9 Q. [10:03:08] Thank you very much.

10 MS VON BRAUN: [10:03:16] The item can be removed. And then I would request item
11 at tab 21 to be brought up, which is CAR-OTP-2056-0580 (sic) in the version R02, and at
12 page 0581. Can we go to page 0581. I should repeat? I'm sorry, I have to repeat the
13 reference number for the transcript. CAR-OTP-2059-0580, so that is captured properly.

14 Q. [10:04:56] Madam Witness, do you recognise this item?

15 A. [10:04:57] Could you go back to the first page?

16 Q. [10:05:05] Yes, we can do that.

17 A. [10:05:09] Okay, thank you. I can go to the page you were referring to.

18 This list was the list of the presidential cabinet, (Redacted)

19 (Redacted). So the document

20 itself is not dated, but within the statement he confirms when he held --

21 Q. [10:06:10] Wait, wait, we're in open session so --

22 A. [10:06:12] Okay.

23 Q. [10:06:13] -- I'm happy for you to continue.

24 MS VON BRAUN: [10:06:16] But I think I would request a short private session for her
25 to continue since it relates to potentially identifying information of a Prosecution

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- 1 Witness, Madam President.
- 2 PRESIDING JUDGE SAMBA: [10:06:25] Can we go into a brief private session, please.
- 3 (Private session at 10.06 a.m.)
- 4 THE COURT OFFICER: [10:06:41] We're in private session, your Honours.
- 5 PRESIDING JUDGE SAMBA: [10:06:43] Thank you very much.
- 6 Madam Witness, can you continue, please.
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 MS VON BRAUN: [10:07:29]
- 13 Q. [10:07:30] And the relevant attribution information here for you, in particular, was
- 14 what?
- 15 A. [10:07:34] Line 6 for Nouradine Adam, stating his function and three phone
- 16 numbers.
- 17 Q. [10:07:53] Thank you very much.
- 18 MS VON BRAUN: [10:07:55] The item can be removed. I think for the next item,
- 19 Madam President, for the same reasons, we'll just remain in private session just a little
- 20 bit longer. And I would request tab 22 to be brought up, please, which is the reference
- 21 number CAR-OTP-2122-2803. And that is an -- yeah, once it's brought up, we can
- 22 move to the page.
- 23 Q. [10:08:56] So this is still on evidence channel 1, Madam Witness. Do you recognise
- 24 this?
- 25 A. [10:08:56] It's a witness statement, but not off the top of my head, sorry.

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1 MS VON BRAUN: [10:09:14] All right. Let us move to page 2837, please.

2 Q. [10:09:17] Have a look at this page and let us know if there was anything that was
3 relevant for attribution to you here?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:10:21] And whose name did you refer to in line 1374 that was relevant for you?

9 A. [10:10:25] It says "Monsieur Nouradine", but it would be Nouradine Adam.

10 Q. [10:10:38] Thank you. And the phone numbers you deemed relevant are listed in
11 line 1387. Did I understand correctly?

12 A. [10:10:45] Yes.

13 Q. [10:10:53] Thank you.

14 MS VON BRAUN: [10:10:55] The item can be removed.

15 Q. [10:11:07] Now I would like to bring up again your annex, briefly, at tab 65.

16 MS VON BRAUN: [10:11:16] The Prosecution will do this, because we're going to
17 continue a bit on attributions. And I would like us to scroll down a bit to the name that
18 is visible as Damboucha Isseine.

19 Q. [10:11:59] So can you tell us a bit about the relevance of this name and how you --
20 why it features here?

21 PRESIDING JUDGE SAMBA: [10:12:04] Is it on our screen?

22 MS VON BRAUN: [10:12:06] It should be on evidence 2, Madam President, now.

23 PRESIDING JUDGE SAMBA: [10:12:18] Which number on the table it is? Because I see
24 numbers.

25 MS VON BRAUN: [10:12:22] Yes, so it is scrolled down to where -- it starts with line

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1 21.

2 Q. [10:12:27] And my question to the witness was why this name and information
3 concerning this name features here.

4 A. [10:12:45] Isseine Damboucha was a Seleka officer at OCRB and was involved or
5 cooperated with detaining people at the OCRB and is -- and in the trial brief is cited as
6 part of the common plan. So his communication with him was identified as potentially
7 relevant in the call data records.

8 MS VON BRAUN: [10:13:43] And I'm mindful that I think we're still in private session.
9 We can go back into open session for a while.

10 PRESIDING JUDGE SAMBA: [10:13:52] Yes, Madam Court Officer, can we go back
11 into open session, please.

12 (Open session at 10.14 a.m.)

13 THE COURT OFFICER: [10:14:15] We are back to open session, your Honours.

14 PRESIDING JUDGE SAMBA: [10:14:17] Thank you very much.

15 Madam Prosecutor, please.

16 MS VON BRAUN: [10:14:22]

17 Q. [10:14:22] Now, you just spoke about the person by the name of Isseine
18 Damboucha and the reasons why he would be relevant and any communications with
19 him relevant. When looking at your -- at the overview here that you produced, can you
20 tell us whether there are attributions or not, and in what way? And mindful that we're
21 in open session, so we can discuss any details witness-related in private session.

22 A. [10:15:07] There are two numbers attributed to Damboucha, one on -- the first one
23 on line 21. That number had three sources of attribution that are listed. Then line 25
24 was the second number for Damboucha, and that had one source of attribution. That
25 same source of attribution was used for both numbers. And because the first number

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1 that ends in 313 had two other attributions, it showed that the handwritten list was
2 reliable. It was consistent with other attributions.

3 So even though there is only one attribution for the second number, that list that was
4 the source of that number was considered reliable because it had other consistencies
5 with other sources.

6 Q. [10:16:53] All right. Thank you. Then let's have a look at some of these sources.

7 MS VON BRAUN: [10:16:58] So first I would like to have displayed - and this is now,
8 again, evidence channel 1 - tab 24 in the version R03, CAR-OTP-2070-0080.

9 Q. [10:17:41] Do you recognise this statement, Madam Witness?

10 A. [10:17:45] Is this on evidence 1?

11 Q. [10:17:47] Yes --

12 A. [10:17:52] Oh --

13 Q. [10:17:52] -- evidence 1 --

14 A. [10:17:55] -- excuse me.

15 Q. [10:17:55] -- now, so you have to switch.

16 A. [10:17:57] Yes, it's a witness statement.

17 MS VON BRAUN: [10:18:11] And we can move to page 0085.

18 Q. [10:18:26] And I would like to have you take a look and see -- tell us where the
19 relevant information is located by you.

20 A. [10:18:36] Paragraph 27 provides the -- yes, provides the name Isseine Damboucha
21 and his phone number. And the witness was at CEDAD in the 2013 period, but that is
22 stated -- it's actually in -- it's in -- it's stated in the statement, his period of activity.

23 Q. [10:19:28] And this attribution information relevant to this phone number, is that
24 also relevant to the 2013 period?

25 A. [10:19:35] It is -- well, it's inferred from the context of the paragraph.

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1 Q. [10:19:48] And in what sense? Mindful that we're in open session, but on what
2 way inferred from the paragraph?

3 A. [10:19:55] That he had been at -- he had been at CEDAD, he knew Seleka from the
4 region, and that he had a -- he was a relative, as he states, by alliance to Damboucha
5 who he then provided a number for. And again, it's inferred that he hasn't -- he hasn't
6 said -- he's talking about the 2013 period, and he hasn't differentiated that this was a
7 later timeframe or that the number had changed. And I think if -- I would have to look
8 at -- you would have to look at the other attributions, but if they're consistent with the
9 2013 period, then we're drawing an inference that this is also 2013.

10 Q. [10:21:17] Okay. Thank you.

11 MS VON BRAUN: [10:21:21] Then I would like to move to tab 25, please, which is
12 CAR-OTP-2089-0942. And it is still evidence channel 1.

13 Q. [10:21:43] And, Madam Witness, when you have a look at this item, please let us
14 know whether there is relevant attribution information visible here to the same person
15 we were just talking about.

16 A. [10:22:05] This document -- this document was obtained in 2016, so a later period,
17 but it was a pre-existing document. So it's not a big length of time between 2013 and
18 when the document was obtained. It was obtained during the -- it's a document
19 obtained from Hissene, Abdoulaye Hissene, and it was obtained during a search of his
20 house, I think, when he was arrested. I think that's the background of the document.
21 So given his relationship and association with Seleka, it was reliable. They're
22 handwritten. These are numbers he, obviously, was needing and relied upon. And it
23 lists Damboucha with the two numbers that are also in the attribution sheet.

24 MS VON BRAUN: [10:23:42] Thank you, then we move to --

25 Q. [10:23:44] Before we move it away can you mark where the relevant attribution is,

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1 since we don't have a numbering or anything on this item.

2 A. [10:23:54] (Witness complies)

3 MS VON BRAUN: [10:23:56] And then I would request a registration number.

4 And for the record, the witness has marked in red where she identifies the relevant
5 information.

6 PRESIDING JUDGE SAMBA: [10:24:14] Yes, Madam Court Officer, can we have an
7 ERN mark please. Thank you.

8 THE COURT OFFICER: [10:24:20] This item will bear the following reference: CAR-
9 REG-0002-0057.

10 MS VON BRAUN: [10:24:36] Thank you very much. And then we would move to tab
11 5, which is CAR-OTP-2023-0646, in the version R02, please, also on evidence channel 1.

12 Q. [10:25:36] Once you have it on your screen, Madam Witness, can you please let us
13 know if there is any relevant attribution information according to your opinion
14 relevant to the person we were just talking about?

15 A. [10:25:52] This is a list of CEDAD members. And on line 19, there is an attribution
16 to Isseine Damboucha with the number 75211313.

17 Q. [10:26:35] Thank you. And we've looked at this item before. But for the record,
18 do you recall the source of this document? And mindful that we're in open session.

19 A. [10:26:47] I recall it was provided by a witness as a part of their statement -- oh,
20 no. Sorry. No, I'm not -- I thought that it might have been provided directly by the
21 government, but I can't confirm the source at this time. I can't recall.

22 Q. [10:27:27] All right. Thank you. We will move back to your annex one more time.

23 MS VON BRAUN: [10:27:34] Which the Prosecution will display on evidence channel
24 2. And I would like to move down the list to lines 34 and 36.

25 Q. [10:28:04] And ask you also why did these names end up being relevant in terms

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1 of the communications you analysed, and then I would like to discuss the individual
2 attribution sources quickly with you.

3 A. [10:28:44] Sorry.

4 Q. [10:28:45] Yes?

5 A. [10:28:45] Sorry, could you repeat the --

6 Q. [10:28:47] Yes, I'm sorry.

7 A. [10:28:48] I haven't got this.

8 Q. [10:28:50] Yes. So line 34 and 36, why did these names feature in your --

9 A. [10:28:55] I don't --

10 Q. [10:28:58] -- work?

11 A. [10:28:59] -- have lines 34 and 36. I've still only got the original page.

12 PRESIDING JUDGE SAMBA: [10:29:07] Are you on evidence channel 2, Madam
13 Witness?

14 THE WITNESS: [10:29:12] Thank you.

15 MS VON BRAUN: [10:29:15]

16 Q. [10:29:15] I'm sorry.

17 A. [10:29:17] It's okay.

18 Q. [10:29:18] I should have repeated that it's evidence channel 2. So lines 34 and 36,
19 there are names. And please give an overview of why they feature here.

20 A. [10:29:29] Line 34 -- both line 34 and 36 were Seleka who were named in the trial
21 brief as part of the common plan. Mahamat Saleh was -- cooperated with Mr Said at
22 OCRB, particularly in the detention of prisoners. And Mahoroka was Mr Said's driver
23 and operational at OCRB. And there are numbers provided -- one number provided
24 for each of them.

25 Q. [10:30:36] All right. And concerning the sources, can you tell us from your own

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1 memory what the attribution sources were; and when describing them, mindful that
2 we're in open session?

3 A. [10:30:52] P-0789 was -- well, he was a witness. Sorry, I can't recall, apart from
4 that he was a witness and has provided the CEDAD lists. So he was involved in, you
5 know -- I can't recall 789. And 885, P-0885 (Redacted)

6 MS NAOURI: [10:31:38] I think maybe we go into private session for this information,
7 Madam President.

8 PRESIDING JUDGE SAMBA: [10:31:46] Well, the information is already in. Do you
9 want this redacted?

10 MS NAOURI: [10:31:53] Yes. We will request a redaction for that, and go into a quick
11 private session. I'm sorry.

12 PRESIDING JUDGE SAMBA: [10:32:00] Can we go into private session, Madam Court
13 Officer.

14 THE WITNESS: [10:32:00](Interpretation) That was all -- that was my summary of
15 those witnesses.

16 PRESIDING JUDGE SAMBA: [10:32:12] Just a moment, Madam Witness.
17 (Private session at 10.32 a.m.)

18 THE COURT OFFICER: [10:32:26] We are in private session, your Honours.

19 MS VON BRAUN: [10:32:29] Thank you.

20 MS NAOURI: [10:32:30](Interpretation) Sorry to interrupt you, but this is for the
21 transcript. And for the rules in the French transcript, all the figures that have been
22 given are incomplete. So in order to prepare the cross-examination, I would ask for
23 your indulgence and I would ask that my colleague keep to the five-second break so
24 that we can get all the figures accurately.

25 Thank you very much, Madam President.

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1 MS VON BRAUN: [10:33:04] Just a quick question, does that relate to the ERN
2 numbers that I cited, that they are incomplete?

3 MS NAOURI: [10:33:14](Interpretation) It's hard to say. Well, with the excerpt, it is the
4 witness number that you directly quoted, but we have: "He ... no, I do not remember. I
5 do not remember. 789 ... P-885." So it's very hard for us to be able to use this transcript
6 and then quote something for the witness. This is just one example, among others.

7 MS VON BRAUN: [10:33:58] All right. Thank you very much. So then we'll be
8 mindful of that again a bit more.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [10:35:15] Thank you.

16 MS VON BRAUN: [10:35:17] Let's have a look at the item at tab 14. And I would like
17 to request this to be displayed on evidence channel 1. And it has the reference number
18 CAR-OTP-2031-0070. And we're displaying the -- yes, the version R04.

19 Q. [10:35:51] So, Madam Witness, do you recognise the statement?

20 A. [10:35:55] It's a statement from the witness as noted in the attribution list.

21 Q. [10:36:10] Which witness, please?

22 A. [10:36:11] This is 885.

23 Q. [10:36:17] All right.

24 MS VON BRAUN: [10:36:22] And then we would like to move to page 0074, and to the
25 top of the page, please, if possible. Yes.

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1 Q. [10:36:40] And, Madam Witness, when you have a look, there seems to be a list at
2 the top of the page. Can you tell us in what way, if any, this is relevant to your
3 attribution work?

4 A. [10:37:00] During this statement, the witness has been asked for contact numbers
5 and names of persons relevant to the case. And these are the names that he has
6 provided. The names and numbers relied upon in the attribution table are at number
7 b) -- sorry, letter b) and letter i).

8 Q. [10:37:57] And at letter i), can you please read out the name and the number for
9 the record, please?

10 (Redacted)

11 Q. [10:38:20] Thank you very much.

12 MS VON BRAUN: [10:38:25] And this item can be removed. And we would move to
13 the -- your annex once again quickly at tab 65, and that is now again on evidence
14 channel 2.

15 Q. [10:39:07] And I would like to focus your attention, when you have it -- do you
16 have it?

17 A. [10:39:10] Yes.

18 Q. [10:39:11] Yes. All right. I would like to focus your attention on lines 58 and 59.
19 And we are still in private session, so it is -- and I would request to remain so for a little
20 while longer. So have a look at the numbers in those lines and give any information
21 relevant to attributions, please.

22 A. [10:39:49] This is for 964 -- excuse me. These are the attributions for Witness P-
23 0964. And there are two sources. Yes, there's two sources for his one number.

24 Q. [10:40:31] And according to your memory, why is this person relevant, this 0964?

25 (Redacted)

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21 features on the first tab of this -- the second tab of this annex, I would like you to

22 summarise the results of your analysis. Taking together the work you did on the call

23 data records with the work you did on the attributions, what does this -- if anything,

24 what can it tell us; yeah? What does it say? What is the result?

25 A. [10:49:07] This sheet, the annex, which shows the call sequence tables, shows the

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1 calls -- the communications identified as relevant from the broad collection of call data
2 records, and it identifies why they're relevant by attributing persons to the phone
3 numbers. Those attributions and the sources are shown in the attribution sheet.
4 The attributions to those numbers shows that Mr Said was in communication with
5 persons who were high-ranking Seleka or Seleka at the OCRB, other persons connected
6 to the OCRB, which is consistent with his role at the OCRB. That's based on the
7 attributions and the source of the -- the reliability of the sources to attribute those
8 names to the numbers identified in the call sequence tables.

9 Q. [10:51:08] And just to follow-up on that point, when you say "regular contact",
10 what do you mean by that?

11 A. [10:51:15] There are -- the CST have been provided, so you can scroll through in a
12 chronological order and see the regularity of the calls. And over the period from April
13 2013 to November 2013, there are regular calls with, for example, Nouradine Adam on
14 most months - or all months, I think, in the case of Adam - and I have not allocated
15 specific numbers to those frequencies because of the issues I discussed yesterday with
16 the duplicates. But the specific records are there, and it's simply a matter of scrolling
17 through and seeing the regularity with which these communications occurred. They
18 were not communications that were once in the period or twice in the period.

19 Q. [10:52:55] All right. Thank you. Now, you mentioned Nouradine Adam. Can
20 you say the same thing for the attributions to the name -- to the other names we
21 discussed for this number?

22 A. [10:53:05] Not specifically with numbers. I would say for the persons identified,
23 such as persons involved in -- that we've named, Mahamat Saleh, Damboucha, these
24 are persons that he has regular contact with, but I cannot put a specific number on
25 those contacts. And then it becomes less regular based on some of, maybe, the more

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1 peripheral persons, such as 964 or, I think, 887.

2 So there are different people there, and they have different roles, all linked to the OCRB
3 and Mr Said's function, and that represents -- that role and function and interaction
4 between them reflects their presence at the OCR -- sorry, how often they were at the
5 OCRB or interlinked with his function. But I can't give a specific number or name or
6 pattern to the calling.

7 Q. [10:54:46] All right. But as you said, these calls are indicated in the annex, plus
8 you've indicated whether they're duplicates or not.

9 A. [10:54:51] For the CST that is on the screen now, I've indicated duplicates because
10 this is the CST that drew from source materials that had the greatest overlapping
11 period. And that is also noted in the report, what timeframes were covered by this one
12 series of CST. It was not necessary for the other call sequence tables.

13 Q. [10:55:39] Thank you very much. Now, Madam Witness, I would like to -- we
14 have five minutes left in this session.

15 MS VON BRAUN: [10:55:54] And I would probably, Madam President, after the break
16 at 11.30, only need another ten more minutes. So is that all right, considering my
17 timing?

18 PRESIDING JUDGE SAMBA: [10:56:05] Well, considering your timing, and you know
19 the time that you had asked for to deal with this witness, which was, I think, two
20 hours. You've done --

21 MS VON BRAUN: [10:56:16] I think --

22 PRESIDING JUDGE SAMBA: [10:56:17] -- three hours.

23 MS VON BRAUN: [10:56:20] -- I've done -- well, am I at three hours already?

24 PRESIDING JUDGE SAMBA: [10:56:24] Well, about that. I mean, if we get to 11.00, it
25 will be three hours.

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- 1 THE COURT OFFICER: [10:56:28] Two hours, 25, to be precise.
- 2 MS VON BRAUN: [10:56:32] Then I will finalise within the next five minutes.
- 3 PRESIDING JUDGE SAMBA: [10:56:36] Okay.
- 4 MS VON BRAUN: [10:56:36] Thank you.
- 5 Q. [10:56:37] So, Madam Witness, I would like to have a last look at this annex
- 6 displayed here and go to the next tab here, which also includes a number, and ask you,
- 7 from your memory concerning your work, what was the relevant information that you
- 8 looked at that you considered for the attribution of this phone number.
- 9 A. [10:57:14] Could you slide it to the source, please. Okay. This call sequence table
- 10 is for a second number of Mr Said shown on the tab. And this number also represents
- 11 calls that were identified within Mr Adam's call data records. So we had not collect --
- 12 sorry, the OTP had not collected CDR for this phone number for Mr Said, but we had
- 13 collected for the phone number for Mr Adam, ending in 0040.
- 14 Once we had attributed the number ending in 7609 to Mr Said, I could then locate it
- 15 within Mr Adam's call data records. And that's called a secondary number. It was not
- 16 the primary number and it was not the target number of the call data record collected,
- 17 but it is present in somebody else's call data records.
- 18 And there were other records also collected from a different source, and that is why
- 19 you see this record as well also has duplicates. You can identify that by the time. You
- 20 will see that there are repetitive times, slight variation. And this is because one of the
- 21 records, one of the CDR was for Mr Said and another one of the records was for Mr
- 22 Adam. So it's the same call, but because it's from two different perspectives, on one
- 23 record it's an incoming call and on the other record it's an outgoing call because the
- 24 target of that data, the target of that call data record was different.
- 25 Therefore, technically speaking, they are not exact duplicates and have not been

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1 marked as such. That's what this record represents, so there is only communication
2 with Mr -- with Nouradine Adam for the phone number attributed to Mr Said ending
3 in 7609.

4 Q. [11:00:31] And the background information to this number, is that also
5 summarised in your report, the one that we looked --

6 A. [11:00:39] Yes.

7 Q. [11:00:39] -- at yesterday?

8 A. [11:00:40] Yes.

9 Q. [11:00:40] All right.

10 A. [11:00:42] The sources, the attributions, the call data records collected are
11 summarised in the report.

12 Q. [11:00:50] Thank you very much.

13 MS VON BRAUN: [11:00:52] So, Madam President, that would conclude my
14 examination-in-chief, and thank you for your indulgence.

15 PRESIDING JUDGE SAMBA: [11:00:57] Thank you very much, Ms von Braun.

16 Madam Witness, we're going to take a little break for some 30 minutes, and when we
17 come back at 11.30 or thereabouts, we'll continue. And counsel for the Defence, Ms
18 Naouri, will put questions to you. Thanks for your cooperation.

19 I'll rise the Court and ask that we come back in 30 minutes, please. Thank you.

20 THE COURT USHER: [11:01:22] All rise.

21 (Recess taken at 11.01 a.m.)

22 (Upon resuming in open session at 11.32 a.m.)

23 THE COURT USHER: [11:32:19] All rise. Please be seated.

24 PRESIDING JUDGE SAMBA: [11:32:39] Well, good morning again, everyone.

25 Madam Witness, we're going to start your -- I'm getting the French version on my

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1 channel and I'm on English channel 1, but I'm hearing French.

2 THE COURT OFFICER: [11:33:21] Can I ask the English interpreters to quickly check

3 whether they are on the right channel and if their microphone was properly switched

4 on. Thank you.

5 THE INTERPRETER: [11:33:29] This is the English booth. Can you hear me? This is

6 the English booth.

7 PRESIDING JUDGE SAMBA: [11:33:33] Yes, I can. Thank you very much.

8 We're going to continue with your -- we're going to start your cross-examination by

9 Counsel Naouri. But before we do so, allow me to deliver a short oral decision in

10 respect of P-2400.

11 The Chamber will now issue this brief oral decision in relation to the Defence's request

12 for the lifting of redactions in documents pertaining to Witness P-2400 in filing 515.

13 In its request, the Defence asks for the disclosure of the phone numbers of P-2400 as

14 well as his place of residence between 2014 and 2019.

15 The Prosecution has since disclosed the witness's old phone numbers that are no longer

16 in use but argues that it cannot disclose numbers which the witness is still using.

17 The Chamber notes that the Prosecution does not explain why disclosing the witness's

18 current phone numbers or the location where he resided from 2014 until 2019 would

19 create an objectively justifiable risk.

20 Given the fact that the Defence already knows the identity of P-2400, and given the lack

21 of specific explanations by the Prosecution, the Chamber does not find that in the

22 current circumstances an objectively justifiable risk has been established.

23 The Defence asks for the disclosure of the identity of the interpreter who assisted P-

24 2400 when filling out his victim's application form. The Prosecution does not explain

25 why this person would be at an objectively justifiable risk if his or her identity were to

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1 be disclosed. However, the common legal representative of victims argues that the
2 security situation in the Central African Republic context is very volatile and points out
3 that persons residing there live under rampant fear that their involvement with the
4 Court would become known.

5 The Chamber notes that the person concerned is a national of the Central African
6 Republic who still lives in the country. Given the current security situation in the
7 Central African Republic, and the common legal representative's claim that the person
8 would live in fear of his security if his identity were disclosed to the Defence, the
9 Chamber finds that there is an objectively justifiable risk in this instance.

10 Moreover, the Chamber finds that it is not prejudicial to the rights of the accused to
11 leave the redaction in place. Indeed, in light of the explanations provided by the
12 common legal representative of victims, the Chamber does not see how disclosing the
13 identity of the interpreter could assist the Defence in clarifying the issues it identifies in
14 its request. This part of the request is, accordingly, rejected.

15 That ends our oral decision.

16 We shall start the cross-examination of this witness.

17 Ms Naouri, your witness, please.

18 MS NAOURI: [11:37:37](Interpretation) Thank you, Madam President. And for this
19 witness, the cross-examination will be conducted by Counsel Jacobs.

20 PRESIDING JUDGE SAMBA: [11:37:45] Thank you very much, Ms Naouri.

21 And, Counsel Jacobs, we note your request for added time. We think the two hours
22 more requested is a little bit too much, because it eats into our table. But we'll listen to
23 you for the rest of the day, and hopefully you'd finish with this witness by the end of
24 today's session. If not, we shall consider a little bit into the morning of tomorrow.

25 Thank you.

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1 MR JACOBS: [11:38:20](Interpretation) Thank you, Madam President.

2 QUESTIONED BY MR JACOBS: (Interpretation)

3 Q. [11:38:38] Good morning, Madam Witness. I am Dov Jacobs and I will be asking
4 you questions on behalf of the Defence team for Mr Said. So as you see, we will not be
5 speaking the same language, so we will make a joint effort to speak slowly and to keep
6 to the five-seconds pauses between my questions and your answers so that the
7 transcript can be taken down properly and the interpreters can work properly.

8 I would like to begin by going back briefly over your professional career.

9 MR JACOBS: [11:39:22](Interpretation) And I think we can go into private session at
10 this point.

11 PRESIDING JUDGE SAMBA: [11:39:25] Madam Court Officer, can we go briefly into
12 private session, please.

13 (Private session at 11.39 a.m.)

14 THE COURT OFFICER: [11:39:45] We are in a private session, your Honours.

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24 (Open session at 12.00 p.m.)

25 THE COURT OFFICER: [12:00:47] We are back to open session, your Honours.

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1 PRESIDING JUDGE SAMBA: [12:00:52] Thank you very much.

2 Mr Jacobs, please.

3 MR JACOBS: [12:00:58](Interpretation) Thank you, your Honour.

4 Q. [12:01:02] Now, Witness, you said that you were involved in compiling screening
5 notes with respect to potential witnesses; is that correct?

6 A. [12:01:12] No, I didn't say screening notes.

7 Q. [12:01:41] So I shall clarify my question. Did you take part when a witness was
8 being interviewed in a preliminary interview?

9 A. [12:01:53] Yes.

10 Q. [12:01:56] Thank you, Witness.

11 Now, I'd like to put some questions to you with regard to methodology, in that
12 connection. First of all, is there a methodology document that has to be followed at the
13 Office of the Prosecutor when compiling notes on a preliminary interview?

14 MS VON BRAUN: [12:02:26] Sorry, I would like to object to this line of questioning.

15 This is very generalised. It has nothing to do, apparently, at least to me, with the focus
16 of this witness's testimony in this case, which we have all seen, and the examination-in-
17 chief is on a wholly different subject matter. So I don't understand the relevance and
18 where this is going.

19 PRESIDING JUDGE SAMBA: [12:02:54] Mr Jacobs, your response please.

20 MR JACOBS: [12:02:58](Interpretation) Yes, your Honour. It's true that that was not
21 covered during the examination-in-chief, but these are questions which the Defence
22 wishes to put to the witness to understand the methodology which was followed by
23 the Office of the Prosecutor when organising or carrying out screening interviews and
24 compiling notes thereon.

25 We had witnesses previously appear before this Court, and there were issues which

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1 arose in this connection. The most recent witness explained often, when giving his
2 testimony, that the summary in his previous statement was not correct. So I think that
3 it is absolutely appropriate that the Defence is given the opportunity to explore these
4 matters with the witness, because they have an impact when it comes to the documents
5 which are submitted in these proceedings when it comes to earlier interviews or earlier
6 statements.

7 PRESIDING JUDGE SAMBA: [12:03:56] Yes. As Madam Prosecutor would know,
8 questions asked in cross-examination are not necessarily related to questions that
9 would have been put in-chief.

10 I appreciate that the witness has stated her role at the OTP, but she did say that she's
11 been involved in preliminary interviews of witnesses. And if at all there is a
12 methodology at the OTP, if she knows, she could tell the Court. If she doesn't know,
13 she is free to say so. The objection is overruled.

14 Madam Witness, can you answer the question please?

15 THE WITNESS: [12:04:39] Could you repeat the question for me?

16 MR JACOBS: [12:04:41](Interpretation)

17 Q. [12:04:41] Of course, Witness. So my question was, is there a methodology
18 document? That is to say, a methodology to be followed when compiling notes on
19 screening interviews. A document which is applied in the Office of the Prosecutor.

20 A. [12:05:01] Yes, there are documents and processes to be followed, but I don't have
21 particular knowledge of them because I'm not an investigator in the office.

22 Q. [12:05:40] Thank you, Witness. So based on your experience with such practice,
23 could you tell me whether screening interviews are recorded?

24 A. [12:05:47] Do you mean a screening or do you mean an interview?

25 Q. [12:06:05] Well, to be perfectly clear I will use the English word, and the English

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1 word I find appropriate is "screening".

2 A. [12:06:30] A screening is a particular process prior to an individual being
3 identified as a potential witness for an investigation. There are protocols around that
4 and to my knowledge they are not audio recorded, if that's what you're referring to.
5 They are recorded in written form. That's what I know of screenings.

6 Q. [12:07:35] So when a number of people are present, a number of representatives of
7 the Office of the Prosecutor when screening takes place, do they all take notes?

8 A. [12:07:41] Why do you say "a number of people"? Who are you referring to?

9 Q. [12:07:56] Well, to give you a specific example, perhaps we could display tab 69 on
10 our notification list. That's CAR-OTP, and that would be 2055-0099.

11 A. [12:08:22] This is an investigator, myself, and an interpreter. So the investigator
12 and myself would have taken notes. The interpreter would have taken notes for their
13 own interpretation purposes unrelated to the screening process, but those notes are
14 represented in this screening note.

15 Q. [12:09:15] And is there a procedure by which your notes are conserved or stored
16 on file?

17 A. [12:09:22] They are typed into the screening note contemporaneously, and I cannot
18 answer for what the -- what the notes of the investigators -- what happens with the
19 notes of the investigators. But when -- yeah, I -- I don't know what happens with notes,
20 because not everybody writes notes. The screening process is typed generally
21 contemporaneously into a screening note.

22 Q. [12:10:15] Okay, Witness. Now, when you say that the note is produced
23 contemporaneously -- for example, if we take this example, who writes the note? Who
24 types up the note?

25 A. [12:10:36] There is no particular rule around that, so I can't answer in that case. I

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1 don't recall on this screening. And I -- I don't know.

2 Q. [12:11:06] So if I understand correctly what you have said, Witness, it is possible
3 that some screening notes are written by you and not by the investigator?

4 A. [12:11:24] Yes. But all -- all of the notes are then -- I would write a draft, one
5 person would write a draft, and then it would be reviewed, finalised, approved by the
6 person responsible for that screening, which would be the investigator.

7 Q. [12:12:01] Is a screening note written systematically after having screened a
8 witness?

9 A. [12:12:14] I think in my previous explanation I said that it was usually drafted
10 contemporaneously. It's a draft, so it is a mixture of both. And at the point at which
11 it's finalised, I can't answer because I'm not responsible. I have not been responsible for
12 the final screening notes.

13 Q. [12:13:11] I'll return to my question to make sure that there's no issue of
14 interpretation. So you say that there is always a draft screening note that is produced,
15 but you don't know if it is systematically finalised or not. That's what I've understood
16 from your answer.

17 A. [12:13:30] No. My answer is that when you are screening a witness, you are
18 typing the document as a person is being screened. Then that would -- that would be
19 the draft, and then that draft is reviewed and finalised.

20 Q. [12:14:12] Okay, Witness. I'll put my question again to make sure I'm clear. So
21 after each screening, a screening note is produced?

22 A. [12:14:22] Yes.

23 Q. [12:14:26] Thank you, Witness. Now, on this point you were involved in taking
24 the earlier statements of two particular witnesses; is that correct?

25 A. [12:14:56] I don't specifically recall because I haven't reviewed any of this material

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- 1 for this testimony.
- 2 THE INTERPRETER: [12:15:11] The interpreter adds that the two witnesses concerned
- 3 are P-1737 and P-2060.
- 4 MR JACOBS: [12:15:21](Interpretation)
- 5 Q. [12:15:22] Okay. Now, your name appears on the first page of those prior
- 6 statements. Perhaps we can post those on the screen.
- 7 MR JACOBS: [12:15:31](Interpretation) *The first one is -- so tab 76 in the French
- 8 version, tab 75 in the English version, CAR-OTP-2130-2086. Thank you.
- 9 And, Court Officer, if you could --
- 10 PRESIDING JUDGE SAMBA: [12:16:10] It's not yet on. Which tab number are you
- 11 referring to, Mr Jacobs? Which tab number?
- 12 MR JACOBS: [12:16:17](Interpretation) So for the French version, it is tab 76, and
- 13 English version, 75, tab 75. And I think it's now posted actually on evidence 1. So if we
- 14 could zoom in on the bottom of the page, the persons present, just above the
- 15 signatures. So at the bottom of the page there.
- 16 Q. [12:17:17] Witness, do you see your name amongst the persons present?
- 17 A. [12:17:20] Yes.
- 18 Q. [12:17:29] Thank you, Witness.
- 19 MR JACOBS: [12:17:35](Interpretation) So if we could now display document CAR-
- 20 OTP-2074-1900, and that is at tab 80. It is 2074-1900 at tab 80. Thank you, court officer.
- 21 And if we could once again go to the bottom to look at the list of those present.
- 22 Q. [12:18:24] Witness, is that your name amongst the list of persons present during
- 23 the interview?
- 24 A. [12:18:30] Yes. Yes, it is.
- 25 Q. [12:18:51] Now, Witness, you said a little earlier that after each screening, a

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1 screening note is produced. However, in the case of these two former statements, the
2 Office of the Prosecutor has not disclosed screening notes and I'd like to know why.

3 A. [12:19:13] These interviews are from 2017 and 2018, respectively, and I have not
4 reviewed this material for this testimony. I -- my recollection is that when a screening
5 is organised and at that point a person is determined to be a witness and is available,
6 that if all of the resources are available, that it is more effective to interview directly at
7 that time. That is what I can add on those two pieces.

8 Q. [12:20:39] Thank you, Witness. Now that we're on the topic of previous
9 statements, I have a few questions to put to you on that matter. And I would put the
10 first -- the question that I put to you earlier regarding screening notes. Are there
11 written procedures which are followed by the Office of the Prosecutor when taking a
12 prior statement?

13 A. [12:21:00] I don't know the answer to that.

14 Q. [12:21:08] I would like to know on what basis is it decided that an analyst of the
15 Office of the Prosecutor, such as yourself, is to be present during screening, as in the
16 case that we see on the screen?

17 A. [12:21:41] Resources, who was available at the time and -- yeah, I think I have not
18 done many because it is not my core role. I can do them as a support. And sometimes
19 an analyst might have a specific expertise or knowledge and they would attend, so
20 reasons may vary. But in this case, it was availability of resources and I was available
21 and qualified to be second on an interview.

22 Q. [12:23:14] When you say that you were qualified to act as a second during the
23 screenings, what do you mean by that?

24 A. [12:23:20] That was covered in the CV section, that I have done training and I have
25 experience in this area.

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- 1 Q. [12:23:47] Thank you, Witness. On what basis is it decided to conduct a French-
- 2 speaking witness by members of the Office of the Prosecutor who do not speak French?
- 3 A. [12:24:01] I can't answer that question because I am not a team leader and I do not
- 4 make those decisions.
- 5 Q. [12:24:36] To your knowledge, when an interpreter is deployed - and I would ask
- 6 you not to mention any names - would that interpreter be recruited locally?
- 7 A. [12:24:46] I have no knowledge around the logistical issues for interviews.
- 8 Q. [12:25:18] And, therefore, you, personally, Witness, when you take part in these
- 9 interviews, how do you manage if you do not speak French?
- 10 A. [12:25:25] In the same way that we are all managing here now. We have
- 11 interpreters and we have translators, they are qualified, and it functions as it does -- as
- 12 it does now.
- 13 Q. [12:25:49] Thank you, Witness. So if I've understood correctly, the file, and,
- 14 notably, the evidence is in French. When you analyse the materials on file, are you
- 15 systematically assisted by a translator?
- 16 A. [12:26:19] I understand you now to be talking about two different issues: One is
- 17 what occurs in an interview; the other is the language that documents are received in.
- 18 Is that correct?
- 19 Q. [12:26:48] Yes, Witness. As you specified in general terms earlier, you said that we
- 20 have interpreters -- we have qualified interpreters and translators and that's how things
- 21 work. So your answer covered both interpreters and translators, and that's why I put
- 22 my follow-up question.
- 23 A. [12:27:11] For the documents that are in French, they are translated in the office.
- 24 So most documents have a translated version that is available.
- 25 Q. [12:27:49] For example, and we'll come back to this later, but I'll put this question

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1 now: This morning you were shown documents from the Central African Republic
2 authorities in French. So what you're saying is that all of those official documents are
3 available in English translation in the file; is that correct?

4 A. [12:28:09] No, not all of them.

5 Q. [12:28:25] Well, then I'll put my question anew. What do you do when there is no
6 translation? Given that you do not speak French, how do you do your analysis work
7 when confronted with a document in a language you don't master?

8 A. [12:28:44] Because we work in a team - I work in a team - that does have French
9 speakers, those documents are translated with other colleagues. Some have formal
10 translations. In many -- in some cases, a translation is not required. So depending on
11 the nature of the document and the content, it would determine who analyses it, who
12 reviews it. So it is a team activity based on a variety of skill sets in the team. One of
13 those skill sets is French, but there are other skill sets required to review documents
14 and analyse them.

15 Q. [12:29:46] Thank you, Madam Witness. To understand correctly what you have
16 said, you are saying that there are several skills within a team, but you yourself cannot
17 verify what a junior analysis is producing in terms of understanding a document
18 drafted in French?

19 A. [12:30:27] A document -- a junior analyst or a colleague is not going to be the only
20 person looking at that document, so many, many people in a team will review those
21 documents. So it is -- it is -- that happens with all of the documents regardless of the
22 language that they come in as. So it is not simply a single person responsible for the
23 analysis, review or determinations on a document.

24 Q. [12:31:34] Thank you, Madam Witness. Now to come back to this noting of this
25 statement. And as you have participated in this process, do the members of the Office

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1 of the Prosecutor * systematically ask for the ID of the people being interviewed?

2 A. [12:31:56] Yes, they do.

3 Q. [12:32:14] Madam Witness, most of the statements that have been tendered into
4 evidence have not been accompanied by any pieces of identification. Can you explain
5 why?

6 A. [12:32:28] The process -- again, this is not my area, I'm not an investigator. But the
7 process is that the personal information and details and identification about a witness
8 are recorded in a -- what is referred to as a BSQ, which is the biographical security
9 questionnaire. And that is the personal sensitive data and detail about a witness.

10 Q. [12:33:27] My question was, Madam Witness, why are these identification
11 documents not being tendered into evidence at the same time as the witness statement
12 is?

13 A. [12:34:02] I have no knowledge about what decisions are made in terms of
14 disclosure.

15 Q. [12:34:36] Thank you, Madam Witness. Now to go on about the process of this
16 screening. When a medical certificate is given to you by a witness, what initiatives are
17 taken in order to verify the source of this document?

18 A. [12:34:56] Is this a hypothetical question?

19 Q. [12:35:12] It was, but I could give a very -- or take a concrete example. For
20 example, there was the P-1737. We don't have to put it up on the screen. And there
21 was a card that was presented as a Seleka ID card.

22 The number for the case, but you do not have to put it up on the screen, is CAR-OTP-
23 2055-0195, tab 77.

24 So this Witness 1737 gave the investigators - in your presence, Madam Witness - a card.

25 And I wanted to know, once you had seen this card, again, what measure did you take

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1 as a member of the Office of the Prosecutor in order to verify the source of this ID card?

2 A. [12:36:15] I don't recall this specific incident. I would offer, as a general response,
3 that items provided during an interview are recorded, and then it is a case-by-case
4 basis around what those documents are. So beyond that, if somebody can show an ID
5 card and other associated documentation and show that that is who they are, and there
6 are other materials that support that and their witness statement relates to it, that is
7 part of the process. In terms of specific certification of documents, it would have to be
8 a case-by-case basis. I can't respond. And, further, I -- again, I don't specifically recall
9 this incident. I'm not -- I haven't prepared for these statements.

10 Q. [12:37:54] Thank you, Madam Witness. So these prior statements, are they
11 recorded?

12 A. [12:38:04] What do you mean, "prior statements"?

13 Q. [12:38:12] Madam Witness, I was talking about the prior statements of the witness
14 as the one that had been put up on the screen. You had taken this formal statement.

15 A. [12:38:23] Sorry, I don't understand your question. Excuse me.

16 Q. [12:38:30] Is the interview recorded?

17 A. [12:38:34] The only -- to my knowledge, the only interviews -- at that time, these
18 are circa 2017, 2018, the interviews audio recorded are only under 55(2), I believe.
19 Other interviews are -- are produced as written statements.

20 Q. [12:39:20] And so in a case where the interview is not recorded, the written
21 statement is based on what?

22 A. [12:39:32] The interview.

23 Q. [12:39:37] Madam Witness, sometimes witnesses are heard over a period of days
24 and hours, so I think if it's not typed out and there's not a recorded interview, then it's
25 got to be based on something, this statement, the prior statement.

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1 A. [12:40:07] Yes. The process is that an investigator interviews a witness, and each --
2 and investigators have their own methods of questioning, recording their questions,
3 the same as you have, notes, potentially, but some don't. They follow a process. And
4 the -- the interview is typed. That's why there is usually a -- is a second person there.
5 And the process is not linear, so individual investigators will go back on different
6 questions and different issues, and that is up to the process -- the personal process of an
7 investigator. And that's as much as I can say based on the ones that I've been involved
8 in.

9 Q. [12:41:46] Thank you, Madam Witness. You have just told us, page 5, line 17:

10 "The interview is typed. And so that is the reason why usually there's a second person
11 on site. And the process in itself is not linear."

12 So if I understand correctly, there is a verbatim note-taking of the -- whether -- it's
13 typed. That's what I understand, from what you're saying.

14 A. [12:42:21] Again, I -- I -- I am not able, really, to answer these questions with any
15 expertise because I am not an investigator and I am not responsible for conducting the
16 interviews. The process of an interview is to allow a witness to provide their account
17 of an incident or whatever they're being interviewed about. That requires the
18 interviewer to let them speak but to clarify, draw out, and record in a chronological
19 and understandable way the witness's account in a statement. That process is not
20 linear. And how an investigator goes about that process is up to them within -- there is
21 some personal preference in how they take notes, how they approach it. But I can't
22 speak to the expertise of the investigators who run those interviews.

23 Q. [12:44:02] Thank you, Madam Witness. So once again, based on your experience,
24 if we look at the example that we had up on the screen, this prior statement is not a re-
25 transcription, verbatim re-transcription of what was said by the witness but a

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1 summary. It is on the following page, and you see it's a summary. Do you know how
2 the decision is taken to either have a verbatim prior statement of all the questions and
3 answers or to proceed to a summary, as we see here?

4 A. [12:44:43] It is a witness statement which is by nature a summary of somebody's
5 account with the essential elements included. I can't speak more about items, what is
6 determined to be verbatim and what is not, because I don't make those determinations
7 in the interview process.

8 Q. [12:45:40] Madam Witness, you have just said, page 58, line 6:

9 "It is a witness's statement that by its nature is a summary of an account."

10 As you know, Madam Witness, as a member of the Office of the Prosecutor, some prior
11 statements that are disclosed to the parties and the Chamber are re-transcriptions,
12 word-by-word re-transcriptions of what someone has said. So it is not by nature a
13 summary. Hence, my question: When is the choice made to have a summary drawn
14 up or a re-transcription?

15 A. [12:46:21] An interview can be verbatim, but a witness statement is a summary
16 with the key elements that relate to why that person is being interviewed included. I --
17 that is, once there is a witness statement, that statement allows a person to then come to
18 court, be questioned, and other aspects to be drawn out. But I -- my understanding is
19 that these are two different processes you're speaking about. So an interview being
20 recorded verbatim is a different product process than a witness statement being taken
21 and tendered.

22 Q. [12:47:49] Thank you, Madam Witness. So as we see from the prior statement we
23 have before us, you are present at the interview and you sign the prior statement that
24 results from it. Is that accurate?

25 A. [12:48:03] I'm confused by your expression "prior statement".

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- 1 MR JACOBS: [12:48:23](Interpretation) Court interpreter, could we perhaps go up on --
- 2 go up further on this page so that we can agree on the terms being used.
- 3 Q. [12:48:40] So when I speak of this prior statement ...
- 4 THE COURT OFFICER: [12:49:03] Tab 80 is currently displaying. Is it the correct one?
- 5 Page 1901. Can you confirm this is the right item displayed currently. Thank you.
- 6 MR JACOBS: [12:49:22](Interpretation) Yes, court reporter. This is the document that
- 7 suits perfectly to illustrate this point.
- 8 PRESIDING JUDGE SAMBA: [12:49:33] Yes, but you want the -- the cover page or
- 9 what the witness described as the, I think, BSQ, so that she sees her signature, like the
- 10 CAR-OTP-2074-1900.
- 11 MR JACOBS: [12:50:08](Interpretation) Thank you, Madam President.
- 12 Q. [12:50:16] So, Madam Witness, this is indeed your signature here at the bottom?
- 13 A. [12:50:22] It is.
- 14 MR JACOBS: [12:50:29](Interpretation) Could we move up further on this page, court
- 15 officer.
- 16 Q. [12:50:40] Now just to answer your question. Madam Witness, what we've been
- 17 talking about, when I talk about a prior statement, it is this type of document which we
- 18 see here written as "Witness Statement". I don't know how it's being interpreted for
- 19 you, but I have been talking and referring to this type of document, just so we're
- 20 talking about the same thing or we're on the same page, as we say in English.
- 21 A. [12:51:07] I understand this to be a witness statement.
- 22 Q. [12:51:10] Okay. So I will keep this expression. So we want the words
- 23 "déclaration antérieure" to be interpreted as "witness statement" for consistency.
- 24 A. [12:51:30] Thank you.
- 25 Q. [12:51:32] So my question was, you are present during the taking of the witness

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statement, you sign it, but you do not participate on any discussions on the drafting of this witness statement. Is that what you're telling us?

A. [12:51:45] I do the draft, I draft the document, but the final decision about what this witness statement -- how this witness statement reads and looks is the investigator who leads the interview.

Q. [12:52:22] Thank you, Madam Witness. This is very useful. You then draft the first version of this document which will then become the witness statement.

A. [12:52:37] Yes. Sometimes an investigator might also type their own document, and we would then put two drafts, capture everything that's relevant. As I said, different investigators have different processes around interviewing, so I don't specifically recall the process used on this interview.

Q. [12:53:26] Thank you, Madam Witness. So if I understand correctly, there could be two drafts, and there's a selection done, to use the word you use, to take what is relevant from the texts. Is that correct?

A. [12:53:39] Well, that's what a draft is. Yes, there may be two drafts. And it's not a selection as such. It is putting into a statement form, a concise form, the relevant elements that a person can speak to from their experience. And that might be a timeframe. It might be a single incident in a series that were unrelated. It could be that they knew -- you know, they knew one person in particular. So those elements might be more relevant and be followed up in the statement. Because you're saying "selection" as if it's nefarious, is my -- the inference I get. But the reason that people are interviewed is for a specific purpose, that they hold information relevant to something. All aspects of that are captured, but it still has to be focused on the purpose. Otherwise, there would be no purpose in interviewing them and providing statements if what they had to contribute was unrelated to the key issues.

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1 So I don't think that it is a process of preferential selection on anything other than to
2 provide a useful statement to the issues at hand that represent why an individual is of
3 relevance and being interviewed.

4 Q. [12:56:00] Madam Witness, you've used a series of words like "pertinent", "key
5 questions". These are the members of the Office of the Prosecutor who will determine
6 what is pertinent and what is key, are they not?

7 A. [12:56:20] Yes, because they're conducting an investigation that's about certain
8 incidents, issues, and persons. So a witness might know 500 people, three of which are
9 relevant to the issue they're being interviewed for.

10 Q. [12:56:48] So without any negative connotation, it is a process of selection of which
11 elements will go or not into the witness statement?

12 A. [12:56:58] It's a process of interviewing an individual about what they know in
13 relation to what is relevant for a case. Whether that is positive or negative, it is still
14 captured in the statement. If it is relevant to the issue at hand, it's captured in the
15 statement.

16 Q. [12:57:24] Okay. Madam Witness, I will not continue on that line of questioning.
17 One last question on this topic. So in a case, just as the one we have on the screen, the
18 person was questioned in French.

19 MR JACOBS: [12:57:58](Interpretation) Could we scroll down a bit, court officer.
20 Thank you.

21 Q. [12:58:22] So the person spoke French, and the interview took place in English
22 from the side of the Office of the Prosecutor. So there was an interpreter present. Is
23 that not the case?

24 A. [12:58:25] There was an interpreter present? Yes.

25 Q. [12:58:26] Thank you. So as far as I understand, the original witness statement is

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1 in English. Is that accurate?

2 A. [12:58:35] Yes.

3 Q. [12:58:36] And it is this summary in English that is then interpreted to the witness;
4 is that correct?

5 A. [12:58:49] The witness statement is read back to the witness.

6 Q. [12:59:08] So when the witness signs this witness statement, it is only validating
7 the interpretation, not the physical document which we have before us. Is that it?

8 A. [12:59:20] The issue around the certification by interpreters is established, and I
9 can't speak to that issue. The process is well-established. I can't speak to the issue any
10 further.

11 Q. [12:59:50] Madam Witness, is there a recording of the re-reading or the
12 interpretation of this statement to the witness?

13 A. [13:00:00] The process is captured by the interpreter's -- the interpreter's
14 verification of what they have translated or interpreted.

15 Q. [13:00:27] So what you have said is that there is no recording of the reading back
16 of the witness's statement to the witness prior to signature?

17 A. [13:00:38] Do you mean audio recording?

18 Q. [13:00:39] For example.

19 A. [13:00:44] No, I -- as I said, for this type of statement, the process of what the -- is
20 translated or interpreted is captured within the qualifications and -- professional
21 qualifications and requirements of an interpreter or a translator, and that is inherent in
22 this process.

23 Q. [13:01:21] Thank you, Witness.

24 MR JACOBS: [13:01:24](Interpretation) I think that this would be an opportune
25 moment to take a break, your Honour.

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- 1 PRESIDING JUDGE SAMBA: [13:01:29] Yes.
- 2 Thank you very much, Madam Witness. We'll go out for lunch now and resume at
- 3 2.30.
- 4 So I rise the Court and ask that we come at 2.30, please.
- 5 (Recess taken at 1.01 p.m.)
- 6 (Upon resuming in open session at 2.30 p.m.)
- 7 THE COURT USHER: [14:31:01] All rise. Please be seated.
- 8 PRESIDING JUDGE SAMBA: [14:31:30] Good afternoon, everyone.
- 9 Madam Witness, we're going to continue with your cross-examination.
- 10 And for parties, we're in open session, please.
- 11 Mr Jacobs, your witness, please.
- 12 MR JACOBS: [14:31:49](Interpretation) Thank you, Madam President.
- 13 Q. [14:31:52] Good afternoon, Madam Witness.
- 14 A. [14:31:53] Good afternoon.
- 15 Q. [14:31:54] So we shall be moving on to the subject of the reports on telephone
- 16 communication that you produced for the Office of the Prosecutor.
- 17 MR JACOBS: [14:32:16](Interpretation) *I would like for us to show CAR-OTP-2136-
- 18 0967 at tab 170 on our list of evidence.
- 19 THE INTERPRETER: [14:32:31] The interpreter did not catch the number because it
- 20 was said at very, very great speed.
- 21 THE COURT OFFICER: [14:32:37] Tab 170, for the record, because the English
- 22 interpreters couldn't catch the right number.
- 23 MR JACOBS: [14:32:48](Interpretation) 170. Tab 170. Yes, thank you, madam. OTP-
- 24 21360.
- 25 THE COURT OFFICER: [14:32:53] Evidence channel 1.

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1 MR JACOBS: [14:33:03](Interpretation)

2 Q. [14:33:03] So, Madam Witness, do you recognise this report?

3 A. [14:33:07] Yes, I do.

4 MR JACOBS: [14:33:15](Interpretation) Could we please bring up page 0969, please.

5 That is the third page of said document.

6 Q. [14:33:31] If we look under 4, B.1, it is indicated that an additional source of

7 attribution -- can you see this?

8 THE INTERPRETER: [14:33:47] Could it please be blown up for the interpretation,

9 because we cannot see the document on the screen. Thank you.

10 MR JACOBS: [14:33:54](Interpretation)

11 Q. [14:33:54] The number P-1289 under B.1. Do you see that, Madam Witness?

12 A. [14:34:07] I do.

13 Q. [14:34:12] Thank you.

14 MR JACOBS: [14:34:14](Interpretation) And could we please bring up the bottom of

15 the page. That is footnote 8. We can see a referenced item which is CAR-OTP-21 --

16 THE INTERPRETER: [14:34:22] At speed again, the interpreter could not follow.

17 Message from the interpreter: Could counsel please be requested --

18 PRESIDING JUDGE SAMBA: [14:34:30] Sorry. Mr Jacobs, you must slow down your

19 pace.

20 And can I ask which tab you are referring to? Did you say tab 170? That's not in my

21 documents that I have.

22 Carry on, carry on, carry on.

23 MR JACOBS: [14:34:58](Interpretation) I do apologise, Madam President. So I shall

24 continue and I shall slow down, Madam President.

25 Q. [14:35:08] So, Madam Witness, if we can see the footnote number 8. We are

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1 referring here to CAR-OTP-2130-0107; is that correct?

2 A. [14:35:21] Yes, footnote 8.

3 Q. [14:35:29] Thank you, Madam Witness. So this item has not been disclosed to
4 either the Defence or the Chamber despite a number of requests. And my question to
5 you, Madam Witness, is according to your view as an analyst, is it possible to verify
6 whether this item underscores the attribution of this number if one does not have said
7 item in one's hands?

8 A. [14:35:58] Could I see the first page of this document, again?

9 MR JACOBS: [14:36:10](Interpretation) Madam Courtroom Officer, please.

10 THE WITNESS: [14:36:17] Yes, I can see this now. I recognise this document because it
11 has been disclosed as a part of the disclosure, but I have not familiarised myself with
12 this document as it was outside of the scope of what I had prepared for. It relates to
13 another witness, and so I can't answer you on that issue.

14 I would also comment that I don't make any decisions in regard to the redactions.

15 So the documents that appear, the form that you get is not the form that I am familiar
16 with.

17 Q. [14:37:14] Thank you, Madam Witness. So I wasn't asking you to comment
18 specifically on this document but to give me your opinion as an analyst. You're saying
19 here that there is a document that attributes a number to P-1289, and then you refer to a
20 footnote. So if one cannot consult this document, how can we ascertain whether this
21 document enables one to attribute a number or not? It's a question of methodology, to
22 my mind.

23 A. [14:37:50] Yes, and the methodology I use is to footnote what I have relied upon.

24 Somebody subsequently makes a decision about what is redacted, but I can't comment
25 on the basis on which another person deems legally -- legally required to redact a

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1 document.

2 Q. [14:38:34] Thank you, Madam Witness.

3 So I shall now be moving on to a question of the report, the data call reports of Mr Said,
4 and come back to a number of the documents that the OTP showed to you.

5 MR JACOBS: [14:38:55](Interpretation) I would recall for the file, for the case file, that
6 document -- the report of the telecommunications of Mr Said is CAR-OTP-00000418
7 and it is tab 63. And there is no need to bring it up on the screen. I'm just saying this
8 for the record. Because I'm going to be requesting other documents to be brought up
9 on the screen.

10 Q. [14:39:30] So I'm going to start with the first number. Now, in order to attribute
11 number 75353523 to Mr Said, you refer to a number of documents that were shown to
12 you, and I shall come back to them.

13 MR JACOBS: [14:39:48](Interpretation) Now, the first that can be brought up on the
14 screen, please, is CAR-OTP-2023-0646, which is at tab 5 on our list of evidence.

15 Q. [14:40:37] Do you recognise this document that has been shown to you, Madam
16 Witness?

17 A. [14:40:40] Yes.

18 Q. [14:40:45] Thank you.

19 I would like us to refer to 0647, which is the second page of the document. Thank you.
20 So in commenting on this page yesterday, Madam Witness, you noted that the numbers
21 in the left-hand columns were -- that is, *page 66, line -- T28. You said that the
22 numbers were truncated, they were cut off. And my question to you is could you note
23 or can you note that this is a copy, Madam Witness?

24 A. [14:41:27] Yes.

25 Q. [14:41:36] Do you know whether the Office of the Prosecutor obtained the original

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1 of this document?

2 A. [14:41:40] No, I don't.

3 MR JACOBS: [14:41:58](Interpretation) Thank you. I would like to be brought up the
4 following page, which is 0648, please. Could the bottom of the document be shown,
5 please. A little further down. Thank you. Thank you.

6 Q. [14:42:24] Madam Witness, is this document signed according to what you can see
7 here?

8 A. [14:42:28] No.

9 Q. [14:42:38] Thank you, Madam Witness. So with regard to this document you said
10 yesterday at T -- realtime transcript T28, page 65, lines 21 to 24, the question was put to
11 you:

12 "Do you recall the origin of this list, how you came into possession of this list?"

13 And your answer to this was:

14 "I do not recall. I believe that it comes from a witness, but I do not remember."

15 And today, at T29, page 19, line 28, you say, and still with regard to this document:

16 "I remember that this document was provided by a witness and this was part of a
17 witness statement -- or rather, I apologise. I apologise. I am sorry. I thought that this
18 document had been provided directly by the government, but I cannot confirm the
19 source. I no longer recall."

20 Do you remember having said that, Madam Witness?

21 A. [14:44:08] Yes, I do. Yes, I do.

22 Q. [14:44:14] In order to clarify this point, you mentioned two potential sources, a
23 witness and the government. Do you have a clearer idea as to the source of this
24 document?

25 A. [14:44:27] I recall it was from a witness as a part of a witness statement.

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Q. [14:44:44] So, indeed, if we look at the chain of possession of this item, it appears that it was handed over to the Office of the Prosecutor by P-0789, an individual who was questioned by the Office of the Prosecutor in February 2016.

MR JACOBS: [14:45:07](Interpretation) And I believe that for the forthcoming questions, we would need to move briefly into private session, Madam President.

PRESIDING JUDGE SAMBA: [14:45:13] Madam Court Officer, can we kindly go into private session.

(Private session at 2.45 p.m.)

THE COURT OFFICER: [14:45:27] We are in private session, Madam President, your Honours.

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13 Q. [14:52:15] Thank you, Madam Witness. To your knowledge --

14 MR JACOBS: [14:52:32](Interpretation) Madam President, I see that we are still in

15 private session. I believe that for the following questions we can move back into open

16 session.

17 PRESIDING JUDGE SAMBA: [14:52:39] Okay.

18 Madam Court Officer, could you get us back into open session, please.

19 (Open session at 2.52 p.m.)

20 THE COURT OFFICER: [14:52:57] We are back to open session, your Honours.

21 MR JACOBS: [14:53:01](Interpretation) Thank you very much.

22 Q. [14:53:03] So I'm going to be putting my question to you: To your knowledge, did

23 Witness P-0789 and P-0853, were they selected as Prosecution witnesses by the OTP?

24 A. [14:53:19] I don't have direct knowledge of the witnesses or the background for

25 the -- to that level of this. It's not what the core of my work was, so I can't answer that

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1 question.

2 Q. [14:53:49] Thank you, Madam Witness. So I'm going to be moving on to the next
3 document now that we shall talk about.

4 MR JACOBS: [14:54:00](Interpretation) This is document -- it does not need to be
5 brought up on the screen. I'm just saying it. CAR-OTP-2127-0936, which is a release
6 document for Witness P-2692.

7 Q. [14:54:28] And you said, with regard to this document yesterday, at T28, page 67,
8 lines 5 to 11:

9 "This document was handed over by a witness and has been used to attribute the
10 telephone number that figures in the document under the colonel. This number was
11 given to Mr Said partially because of the document and also because the witness
12 confirms that initials CM'SAK which are in the note refers to Mr Said, who was the
13 colonel."

14 CM'SAK.

15 Madam Witness, this affirmation does not bear out from this witness statement, nor
16 from the investigation of the investigators, so I'd like to know how these initials have
17 been confirmed, these initials in the document.

18 A. [14:55:51] The initials are identified in another investigation note that confirms
19 what those initials refer to. That investigation note is in the -- it was brought up
20 yesterday -- oh, no, it wasn't. It's in the file. It's in the list. So I can't tell you off the top
21 of my head. The reference can be made subsequently, but there is a specific
22 investigation note by the investigators that confirms what the initials stand for.

23 Q. [14:56:38] Thank you, Madam Witness. In order to clarify, when you said
24 yesterday that it was the witness who'd confirmed these initials, that is not exactly
25 what you meant to say then?

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1 A. [14:56:46] The -- excuse me. The investigation note was a discussion with the
2 witness in which the witness gave the context of that liberation note.

3 Q. [14:57:22] So, Madam Witness, in your report -- and it might be simpler to show it
4 on the screen. I shall show you then the excerpt, and I shall once again provide the
5 reference, CAR-OTP-00000418. And that is tab 63.

6 MR JACOBS: [14:58:03](Interpretation) Thank you very much. And I apologise, I
7 didn't note down the page. I think it's the third page of this document, so that's 03.
8 That is correct. Yes. Could you please zoom down on to that first number. Thank you.

9 Q. [14:58:20] So you note here that the number was initially connected to Mr Said
10 from a list of 2013 in the CEDAD, and then later it was indicated by witnesses as being
11 used by Mr Said.

12 Now, if we look at the references at the bottom of the page, we note, in reality, that
13 there is only one witness who explicitly mentions this number for Mr Said. So when
14 you use the plural, "witnesses", I would like to know quite what you meant here when
15 you talk about this number being attributed to Mr Said. And there's only one witness
16 which confirms this number, P-1167.

17 A. [14:59:09] Yes. This is an analytical report. And as I mentioned, it is not a static
18 process. And we would -- I would have obtained various sources, but there would
19 have been other sources that couldn't have been substantiated at the time. So that is
20 my recollection. So it speaks in the plural of witnesses, and there could have been
21 other witnesses. There are other documents, potentially. But at the time this was first
22 drafted, some of the witnesses have been excluded pending further inquiry.

23 So it represents an evolution of the process. That's how I would explain the document.

24 Q. [15:00:35] Thank you, Witness. And now my final question regarding this first
25 telephone number. Did you receive any document at all from a telephone operator

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1 with respect to the opening of that line by Mr Said?

2 A. [15:00:49] Not to my knowledge, no.

3 Q. [15:01:08] Thank you very much, Witness. I'm going to move on to the next
4 telephone number now, so perhaps we could move down that document.

5 MR JACOBS: [15:01:20](Interpretation) I'm not sure if it's the same page or the next
6 page. It seems the next page, and at the top of that page. So it's number 75037609.

7 Q. [15:01:43] Now, here you refer to a number of documents. First of all, there is a
8 passport request or passport application dated 2013.

9 MR JACOBS: [15:01:55](Interpretation) And I'd like to have that displayed. It's
10 document CAR-OTP-2013-0341, tab 9 on our list.

11 Q. [15:02:32] Do you recognise this document, Witness?

12 A. [15:02:34] Yes, I believe this is the AFRICARD document.

13 Q. [15:02:46] Thank you. And can you tell me how the Prosecution obtained that list?

14 A. [15:02:51] It was obtained -- to my recollection, it was obtained directly from
15 AFRICARD.

16 Q. [15:03:13] And are you aware of the circumstances in which the Prosecution
17 received that list? Was there a Request for Assistance, or was there correspondence
18 between the Prosecution and AFRICARD?

19 A. [15:03:31] I don't know.

20 Q. [15:03:47] Now, Witness, the document that we have before us is neither dated nor
21 signed. It doesn't bear an AFRICARD logo or any other logo. So I would like to know
22 how it can be determined that this is, indeed, a list produced by AFRICARD?

23 A. [15:04:07] This would be an issue of the chain of custody that is apparent in the
24 registration of the documentation. So I would note the document is registered with the
25 necessary information relating to how and when it was obtained, and that forms the

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1 chain of custody for that purpose.

2 Q. [15:04:53] Thank you very much, Witness. Now with respect to AFRICARD, this
3 morning in court, at transcript 29, page 9, line 27 to 28, you said that it was "a reliable
4 agency", and I quote. On what basis do you state that AFRICARD was a reliable
5 agency?

6 A. [15:05:25] On the basis that they are entrusted to provide passports for the Central
7 African Republic. They offer a service, and the information they obtain from people
8 then substantiates some official documents.

9 Q. [15:06:03] Witness, and what is your basis for characterising AFRICARD's role as
10 you have just done?

11 A. [15:06:14] That is the information that is contained in the registration about the
12 company that they provide services for passports, and it -- including, as you see,
13 photographs, people's passports photos, and so they would be in possession of data
14 that people themselves have provided. And on that basis, given their role and
15 function, that would be -- I would assess that as a reliable organisation. The documents
16 provided show certain levels of detail, and the rest is based on the investigation process
17 that I also rely upon.

18 Q. [15:07:34] Now to understand correctly, when you refer to "the investigation
19 process that I also rely upon", now I presume that you carried out an independent
20 investigation into AFRICARD?

21 A. [15:07:57] No. I am part of an investigation. Investigators have identified there is
22 a source of information. They have dealt with this organisation. They have obtained
23 the documentation. They have registered that documentation. And as part of the
24 investigation, I then review that documentation for specific purposes. In this case, to
25 identify telephone numbers.

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1 Q. [15:08:37] Thank you, Witness.

2 MR JACOBS: [15:08:42](Interpretation) Now I'd like the following document to be
3 displayed D33-0014-0001. And that's at tab 68 on our evidence list.

4 Q. [15:09:25] So this is an article that appeared in Jeune Afrique, which, as you see in
5 the title: "Genuine documents, false diplomats". And if you go to item 2, so, in fact, the
6 second page or the following page, this article refers to trafficking in counterfeit
7 documents.

8 MR JACOBS: [15:10:04](Interpretation) Thank you. That is the right page. If we could
9 just move down the page a little bit. Thank you.

10 Q. [15:10:07] Now, for the record, I'm going to read just a few extracts and, notably,
11 because you don't speak French, Witness. So it says:

12 "Trafficking these documents is all the more easy because they are manufactured in
13 Bangui. Under François Bozizé, it was the company AFRICARD which obtained the
14 contract to produce them, distribute, and sell them at a price of 50.000 Central African
15 francs the unit. In other words, 76 euros. The Central African state partner of the
16 company insisted upon the presence of Socrate Bozizé on the board of the company,
17 Socrate Bozizé being one of the former president's sons. We made contact on this topic,
18 but the persons concerned did not respond. In the contract dated 13 January 2010,
19 which Jeune Afrique was able to read, it is specified that AFRICARD benefitted from
20 an exemption of all taxes. The company, however, paid 10 per cent of the price of each
21 passport to the state, a proportion which was to rise to 25 per cent starting from 2014.
22 'On any profit-making activity, the presidency levies an informal tax and which was
23 required of each shareholder directly or indirectly,' stated a former official. For the
24 new authorities, there is no doubt whether this contract was signed in suspicious
25 circumstances. 'Back under Djotodia, the relationships between the state and

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AFRICARD were rather sensitive,' explained Arsène Sendé who was minister of justice at the time. Diplomatic passports issued under Bozizé have been examined in detail using the means available, which was very limited. Investigations were initiated into the responsibility borne by AFRICARD. An inter-ministerial commission was set up to deal with the matter, and a former Lebanese General, Charles Zouein, became director of AFRICARD, and he's under the spotlight now. The close links between Socrate and Jean-Francis Bozizé, two of the former president's sons, are being examined in detail." Now, Witness, are you or were you aware of this article or of the events on which it reports?

A. [15:13:16] Only recent -- excuse me. Only recently. But, yes, I'm aware of the events.

Q. [15:13:32] And in your opinion, as an analyst, do these suspicions of corruption and counterfeiting make AFRICARD a reliable agency?

A. [15:13:52] As you note, these are suspicions derived from open source. And my understanding is that it relates to corruption of a contract. It doesn't invalidate the data that was provided. The data itself is different. If people are obtaining diplomatic passports, they still have data underlying. So the allegation is that there was a corruption and profit-making from the process, not from, what I understand, the actual data. And the data itself is borne out by other sources that show similar or the same attributed numbers.

Where phone numbers sometimes are different than other information is that people provide a phone number so they can be contacted to pick up their Western Union payments or to collect their passport. So there are different types of information that can be derived from sources and the reliability or credibility of the source sometimes is directly linked to the piece of information you were obtaining from that source.

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1 So while it is not ideal, and I take your point, that it is a business that is -- has some
2 suspicions around it, that was not sufficient to invalidate that attribution. Again, those
3 attributions are seen in -- they are comparative with the other attributions to that
4 number.

5 Q. [15:16:32] Thank you, Witness.

6 MR JACOBS: [15:16:42](Interpretation) Court officer, if we could display the
7 AFRICARD list anew. Let me give the ERN again. *It was CAR-OTP- 2013-0341, tab 9
8 on our list of evidence. Thank you very much. If we could go to the second page of
9 that document. The following page. There is an Excel document and then a PDF
10 document. So one page further, please. Thank you. And if we could magnify the
11 upper part of that. Thank you very much.

12 Q. [15:17:38] Now, Witness, do you see the first line here?

13 A. [15:17:40] I do.

14 Q. [15:17:43] So we see the name Mahamat Said, and the telephone number which we
15 see there in the penultimate column, is that indeed the telephone number that you
16 attributed to Mr Said? Is that right?

17 A. [15:17:59] Yes.

18 Q. [15:18:08] And could you tell us what is the profession of Mahamat Said,
19 according to this document?

20 A. [15:18:13] In this document, he is a student.

21 Q. [15:18:24] Thank you, Witness.

22 MR JACOBS: [15:18:26](Interpretation) Now, if we could display CAR-OTP-2013-0391,
23 and that's at tab 82 in our list of evidence.

24 Q. [15:19:00] Now, Witness, * the custody chain for this item indicates that it is a
25 passport request communicated by AFRICARD to OTP investigators on 31 July 2015,

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1 so at the same time as the table we were discussing a moment ago.

2 Now, Witness, could you read out the name of the person indicated on this sheet?

3 A. [15:19:23] Mahamat Said.

4 Q. [15:19:26] And his profession, please?

5 A. [15:19:30] Student.

6 Q. [15:19:42] And is this the same Mahamat Said to whom you attributed the number
7 75037609?

8 A. [15:19:54] No.

9 Q. [15:20:07] Witness, were you familiar with this document prior to this? Were you
10 familiar with it when you produced your report?

11 A. [15:20:18] Yes. As I said before, it's a process. As the documents in, they're
12 reviewed. Links are made and then links are reviewed on an ongoing basis. And it
13 was already pointed out the same issue occurs in the Adam phone number. As we
14 said, we put in the sources that we find and then it's a basis -- then the analysis
15 determines whether it is reliable to attribute that number to the name based on all of
16 the sources.

17 So this is part of that process. It's a common name, and it would be easily linked, and
18 then there's an ongoing review. And I'm -- sorry.

19 Q. [15:21:39] Thank you, Witness. Now, as you said earlier with respect to
20 AFRICARD, T29, page 79, line 15, how do you know that these were suspicions which
21 derived from public source, that it was a matter of corruption with relation to a public
22 contract, and that this would not invalidate the data as provided? That the data itself
23 was still reliable?

24 Now, I'm trying to understand. Earlier you said that you had confidence in the data
25 which was provided by AFRICARD, but now you're saying that you don't necessarily

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- 1 have confidence in the data provided by AFRICARD. Could you explain your
- 2 methodology on this point?
- 3 A. [15:22:26] That's -- I haven't said that. I've said that the underlying data of
- 4 AFRICARD was compared, as all sources of data are, they are aligned with other
- 5 comparative data. Sometimes that aligns and sometimes it doesn't, so it has to be
- 6 looked at holistically. And the reality of the data is that, as it was said yesterday, a
- 7 phone number can be used by one person or other people at certain times, so it's not
- 8 inconsistent that somebody else has used a phone number who has some connection.
- 9 The question that would be asked in this situation, given the attributions to Mr Said,
- 10 would be why would a student be in communication with the persons that we have
- 11 seen in the CST as it exists. So it is an ongoing process of looking at the attributions,
- 12 the nature of the communications, and determining if this person is really the user of
- 13 the phone or if the other attributions are more -- are reliable. So there is no reason that
- 14 a student would have been necessarily in contact with the -- in communication with the
- 15 person seen in that phone number. That is not a hard decision. It is just part of the
- 16 process of continually looking at the profile of the communications as you build up
- 17 different attributions.
- 18 Q. [15:24:48] Thank you, Witness. Now, the other document that you use to attribute
- 19 that telephone number to Mr Said is CAR-OTP- -- is at tab 10, CAR-OTP-2023-0768.
- 20 And that is a list which you present in your report as being one that was provided by
- 21 Telecel, and it being a list of Seleka persons of interest.
- 22 Do you see the document, Witness?
- 23 A. [15:25:42] Yes. Yes, I do.
- 24 THE INTERPRETER: [15:25:43] Witness says "yes".
- 25 MR JACOBS: [15:25:48](Interpretation)

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1 Q. [15:25:48] Now, my first question is do you know how the Prosecution obtained
2 this list?

3 A. [15:25:52] I -- no, I do not. It has come from Telecel, but I do not know if it was on
4 the basis of an RFA or not.

5 Q. [15:26:29] So if I understand correctly, when it comes to the verification of the
6 credibility or reliability of the source, in this instance you do not know how it was
7 obtained by the Office of the Prosecutor?

8 A. [15:26:42] No, I do not know how it was obtained.

9 Q. [15:26:55] Thank you, Witness. Now, the document that we're looking at is
10 neither dated, nor signed, nor does it bear a Telecel logo or any other logo, so how can
11 we determine that this is, indeed, a list produced by that company?

12 A. [15:27:11] On the basis of the chain of custody provided by the investigations in
13 the registration system.

14 Q. [15:27:44] Thank you, Witness. Now on this first page -- sorry, in your report you
15 state that this is a list of Seleka persons of interest, so who were members of the Seleka
16 coalition. Now, if we look at this page, we see a number of questions. I'm not going to
17 read out any names because we're in open session, but they appear to be persons who
18 are associated with the Anti-Balaka. For instance, at line 12 here.

19 MR JACOBS: [15:28:14](Interpretation) And if we go to the next page.

20 Q. [15:28:26] At line 41, 42, 43, 44, 45, 46, 47. So could you explain the presence of
21 those persons on this list?

22 A. [15:28:39] This document would have been requested for the CAR case, which has
23 both CAR A for the Seleka and CAR B for the Anti-Balaka, and so some documents are
24 requested for both parties so the requests are not too onerous on the persons we are
25 making requests for. But for our purposes, we were looking for -- well, not for our

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1 purposes. The reference is that on this side the list pertained to Seleka for what I had.

2 Q. [15:29:51] Thank you very much for that further detail, Witness. But if we look at
3 your report, when you state in your report that this is a report provided by Telecel of
4 Seleka persons of interest, that in fact is not correct.

5 A. [15:30:07] No, for the purpose of CAR A, sorry, the Said case, it was a list of Seleka
6 persons of interest. But you are correct, it is not accurate.

7 Q. [15:30:26] Thank you, Madam Witness. Now, a last question on this telephone
8 number. Did you obtain any document whatsoever from a telephone operator
9 attesting to the opening of this line by Mr Said?

10 A. [15:30:36] No.

11 Q. [15:30:55] Thank you, Madam Witness. So I'm going to be moving on to the third
12 number attributed by yourself to Mr Said. That's number 72110017. And you indicate
13 in your report that this number was linked to Mr Said from the phones that were seized
14 from him in 2021.

15 MR JACOBS: [15:31:45](Interpretation) So I believe for the clarity of the case file, we
16 could bring up this report again, CAR-OTP-00000418 at the end. At page 000004, there
17 we are. I'd just like us to move down on that page somewhat, Madam Courtroom
18 Officer.

19 PRESIDING JUDGE SAMBA: [15:32:38] Can you -- Mr Jacobs, which tab is that again,
20 please? Which tab is that again, please?

21 THE COURT OFFICER: [15:32:40] 63, Madam President.

22 PRESIDING JUDGE SAMBA: [15:32:49] 63. Thank you very much.

23 MR JACOBS: [15:32:52](Interpretation) Thank you, Madam Courtroom Officer.

24 Indeed, it is tab 63.

25 Q. [15:32:57] So, Madam Witness, you can see your report clearly here and the

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1 sentence that I just read to you, that:

2 "This number was linked to Mr Said from the mobile phones that were seized from him
3 at the time of his arrest in 2021."

4 Is that correct, Madam Witness?

5 A. [15:33:12] That's correct.

6 MR JACOBS: [15:33:16](Interpretation) And could we please move down to the
7 footnote, that is number 14.

8 Q. [15:33:28] And in this footnote, it is referring to CAR-OTP-2131-1178. Is that
9 correct, Madam Witness?

10 A. [15:33:29] Yes.

11 Q. [15:33:36] Thank you.

12 MR JACOBS: [15:33:41](Interpretation) So would it please be possible to bring up that
13 document, that is CAR-OTP-2131-1178, which is tab 11 on our list of evidence. Thank
14 you very much.

15 Q. [15:34:18] Can you see the document, Madam Witness?

16 A. [15:34:19] I can.

17 Q. [15:34:20] So could you indicate on this photograph what would enable one to
18 attest or note that this is a telephone that was seized from Mr Said?

19 A. [15:34:28] Nothing apart from the ERN there, the registration number. But at the
20 time that this was drafted, the access -- the only access I had was to a document linked
21 to this phone. This is the forensic process. And it is linked via the system -- and, yes,
22 it's a standalone report that that was derived from, and this is not useful to you.

23 Q. [15:35:33] Madam Witness, if I understand your response correctly, why were we
24 not referred to the report in the footnote rather than to photographs of a telephone?

25 A. [15:35:45] Because at the time that this was drafted, I had access to a report but

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1 there is a lag time between the forensic reports and the registration of the forensic data.

2 So while I had access to the report, it had not been registered, but it was linked into this
3 phone. So this is the only reference I had to put in at the time.

4 Q. [15:36:36] So if I understand correctly from what you just said, when you drafted
5 your report, I think it's in May 2022, you say that you did not have access to the analyst
6 report of the telephone numbers of those telephones that were seized from Mr Said. Is
7 that what you're telling us?

8 A. [15:36:56] No, I had -- the process is that the forensic data is extracted from the
9 phone, but all of that is not registered. It requires a review, which was conducted not
10 by myself, by a colleague, and that review was available to me but had not been linked
11 yet to this phone in the system. So this phone is the only reference that I could put in,
12 and it should have been updated with the subsequent report that was registered
13 against the phone. But it represents a lag time in the forensic extractions and the
14 reporting on that within the system.

15 Q. [15:38:18] Thank you, Madam Witness.

16 MR JACOBS: [15:38:22](Interpretation) Could we please bring up once again your
17 report, which is still CAR-OTP-00000418, and tab -- what was the tab again? 63, I
18 believe. Yes, tab 63. And could we please consult page 000007.

19 Q. [15:39:07] And if we see here above the first sentence:
20 "As detailed in the report -- the Handsets Report", and at the bottom of the screen we
21 see CAR-2130-8669. This is the report of the telephones that were seized on Mr Said's
22 person; is that not correct?

23 A. [15:39:27] Yes.

24 Q. [15:39:39] So I did not understand, Madam Witness, in the excerpt of the
25 telephone numbers, you say that the report was not registered, but you are capable a

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1 little later in your report to provide a reference for it in your footnote. Could you
2 please explain that process to us?

3 A. [15:39:57] The process is -- if you recall, the original intention of these documents,
4 they are internal reports -- internal work products to advise disclosure as products
5 arise to understand the telecommunications materials. They are written on an ongoing
6 updated process. And that's what it reflects. The materials came in, they were in a raw
7 forensic extraction format that could be reviewed, that's the ERN. Subsequent to that, a
8 colleague has reviewed it, produced a report, that's the ERN.

9 This reflects only the intention of continually trying to track telecommunications for
10 disclosure purposes and linked materials. That is the nature of an internal document,
11 and it should have been updated, but it is what it is in relation to an internal work
12 product.

13 Q. [15:41:17] Thank you, Madam Witness. You have just said that with regard --
14 these are documents, these are working documents that we can -- that we use while the
15 process is ongoing. It is a changing, an evolutionary process in the drafting. So if I
16 understand correctly, you say that the OTP submitted a draft report, a non-definitive
17 report to the case file?

18 A. [15:41:49] The OTP submitted a report that they felt was what was available to
19 explain the materials that were telecommunications that had been identified for Mr
20 Said. The document -- the report does note that this is the information that is available
21 to date. It is somewhere in the report, perhaps the first page. But the document is not a
22 draft. It is an analytical report which, by nature, changes up to the point that it is
23 submitted.

24 So it is -- it's tendered, to my understanding, to assist in navigating the call data records
25 and the materials that have been submitted and disclosed as supporting the

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1 attributions.

2 MR JACOBS: [15:43:34](Interpretation) Before we continue, I know we have not yet
3 finished, Madam President, but I can see the time. I'm trying to go as fast as possible,
4 but I do have a number of questions. I am coming back to a number of documents that
5 the OTP has shown, and I believe that I will not be able to finish by 4.00, even if we go
6 very fast. I think we need a little bit of extra time tomorrow morning. I would rather
7 tell you that now, rather than trying to go overly fast.

8 PRESIDING JUDGE SAMBA: [15:43:59] Yes, do the best you can for today and let's see
9 how far you go.

10 MR JACOBS: [15:44:09](Interpretation) Thank you, Madam President.

11 Q. [15:44:10] So do you, Madam Witness, do you or the OTP have any elements that
12 would attest to the fact that these are, indeed, the telephones that were seized from Mr
13 Said?

14 A. [15:44:30] Yes, they would -- the ERN for the photo of the telephone would link to
15 the chain of custody in the evidence registration.

16 Q. [15:45:03] Thank you, Madam Witness.

17 MR JACOBS: [15:45:15](Interpretation) Now for the next question, I believe that it
18 would be better or wiser for us to move into private session for a few moments,
19 Madam President.

20 PRESIDING JUDGE SAMBA: [15:45:22] Madam Court Officer, can we go quickly into
21 private session for a while. Thank you.

22 (Private session at 3.45 p.m.)

23 THE COURT OFFICER: [15:45:32] We're in private session, your Honours.

24 (Redacted)

25 (Redacted)

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13 Q. [15:52:08] Thank you, Madam Witness. So at an earlier stage when I was asking

14 *you, this is transcript T029, page 90, line 6, the question I was putting to you was:

15 "Madam Witness, do you or the OTP have any elements that would attest to the fact

16 that these are the telephones that were seized from Mr Said?"

17 To which you answered:

18 "Yes."

19 What you're saying now, however, is that you do not know. Is that the case?

20 A. [15:52:39] No, that's not what I'm saying. I'm saying that the registration system,

21 when I look at an ERN, shows an internal process and it was based on the information

22 provided to me. So that's what's in the system and that's what I have relied upon, and

23 that is traceable and reportable within the registration system on my end. What sits

24 behind that, in terms of documents such as this, I can't make a comment on because I

25 don't know.

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1 Q. [15:53:26] Thank you for those details. Now, in order to understand correctly
2 what you're saying to us now, when you claim or make the claim in the hearing that
3 there is a process to ascertain the reliability of a source, in fact, you base yourself on
4 what your colleagues say to you as to the reliability. If they say to you, "We obtained
5 this from Telecel", you don't go yourself to verify. You don't -- is that what I should
6 take away from your testimony?

7 A. [15:54:06] No. No, my -- the process is an investigation process. Some of the
8 colleagues in the team are people who go into the field or make contact, and their role
9 is to collect evidence, speak to people, and bring that evidence back, register it. And
10 then my role, internally, is to review specific items and report on them, depending on
11 what the task is.

12 So this is an allocation of work amongst an investigation team, and that's what that
13 represents.

14 My role is not necessarily -- in some cases, yes, things have to be additionally verified.
15 But ultimately, if I require additional verification, that then becomes the role of the
16 investigator to then substantiate that, to follow that up. And the person who
17 determines whether that is appropriate or necessary, based on a range of contingencies,
18 is the team leader and the senior trial lawyer.

19 So my role is as I've described it, which is a normal role within an investigation team.

20 Q. [15:55:54] Thank you, Madam Witness. So I understand correctly the distribution
21 of roles within a team. And you say that, if I read in the transcript, T29, page 93, line 2 -
22 - 23, in fact:

23 "But if I need extra verification, it is the role of the investigators to do that and to
24 follow-up."

25 I understood that correctly, yes. But in your reports, you are the one who signs them.

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1 You are the one who takes responsibility to indicate that a source is reliable or not. Is
2 that not correct?

3 A. [15:56:44] The reports that you are referring to, again, were for disclosure. So that
4 is a -- casting a broad net to identify what needed to be disclosed from large datasets
5 and any supporting information, and to then also give, at that stage, the supporting
6 materials of why I had determined that these were relevant. So that is the process and
7 it has my name on it, but the purpose of it is not to provide an expert report. I am not
8 an expert. I haven't presented as an expert. I'm an analyst who has been tasked with
9 providing an overview to navigate a dataset, and that has been an ongoing process,
10 and that is what that report represents.

11 PRESIDING JUDGE SAMBA: [15:57:54] Mr Jacobs, may I inquire how much more
12 you'd want to go with this witness?

13 MR JACOBS: [15:58:17](Interpretation) Madam President, if I look, I think I probably
14 have about ten documents that were shown to the witness by the Office of the
15 Prosecutor that I would like to come back on. I might try and delve through that a little
16 bit and reduce it this evening, but I think realistically - I think - a little -- half an hour or so.
17 (Trial Chamber confers.)

18 THE COURT OFFICER: [15:59:09] Can I quickly check with my colleagues, the
19 interpreters, if we go up to 4.20, 25.

20 PRESIDING JUDGE SAMBA: [15:59:17] Maybe 4.20, 4.23.

21 THE COURT OFFICER: [15:59:27] Yes, I see my colleagues nodding. I need to check
22 with all the service providers in order to --

23 PRESIDING JUDGE SAMBA: [15:59:33] Meanwhile, do you think we can make use of
24 the -- because a minute or two has gone. Can Mr Jacobs continue while you check?
25 Yes, Mr Jacobs. Please continue.

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1 MR JACOBS: [15:59:46](Interpretation) Thank you, Madam President.

2 Q. [15:59:48] So I had a last question on this number. And I can see that we are in
3 private session. I do believe that we can return to open session.

4 PRESIDING JUDGE SAMBA: [16:00:00] The Court Officer is busy.

5 MR JACOBS: [16:00:04](Interpretation) I'll put my question then. I'll continue.

6 Q. [16:00:07] So, Madam Witness, last question regarding this telephone number.

7 Did you obtain any document whatsoever from a telephone operator attesting to the
8 opening of this line by Mr Said?

9 A. [16:00:19] No, we did not.

10 PRESIDING JUDGE SAMBA: [16:00:25] Madam Court Officer, can we go into open
11 session, please.

12 (Open session at 4.00 p.m.)

13 THE COURT OFFICER: [16:00:45] We're in open session, Madam President. And I can
14 also confirm that we can extend slightly the session. Thank you very much.

15 PRESIDING JUDGE SAMBA: [16:00:53] 20. Thank you very much.

16 Mr Jacobs, 20 minutes more, please. Carry on.

17 MR JACOBS: [16:01:00](Interpretation) Thank you, your Honour.

18 Q. [16:01:18] So now on to the third number which appears in your report, so that's
19 73375555. Now, you attribute this number to Mr Said on the basis of a Facebook
20 account, mahamat.said.77. Do you recall this? If so, I don't need to display your
21 report.

22 A. [16:01:39] Yes, I recall it.

23 Q. [16:01:41] Thank you, Witness.

24 MR JACOBS: [16:01:54](Interpretation) Now, I'd like the following document, CAR-
25 D33-0014-0008 to be displayed, and that's from tab 87 on our list of evidence. Tab 87.

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1 Now, Court Officer, if you could zoom in to the top of the photo. A little higher, if you
2 please. Thank you.

3 Q. [16:03:03] Now, do you see the search bar above the photo, Witness? Do you see
4 that? And can you give me the account associated with this page?

5 A. [16:03:14] It is facebook.com/mahamat.said.77.

6 Q. [16:03:33] So this is the account which you associated with Mr Said; is that correct?

7 A. [16:03:36] The account name, yes. But not necessarily what is currently on the
8 screen.

9 Q. [16:03:46] And you confirm that the person on this photo does not resemble Mr
10 Said?

11 A. [16:03:51] I haven't seen this photo before. The version that I work from has been
12 provided by Facebook based on certain criteria and identifications, and the content is
13 such that it has been attributed to Mr Said. So this version I cannot comment on
14 because I have worked off a Facebook-provided version. That may just be a bit
15 different format.

16 Q. [16:05:03] Thank you.

17 MR JACOBS: [16:05:09](Interpretation) Now if it's possible to display the document
18 CAR-OTP-2116-1085. And I'm just looking for the tab number, if you'd give me a
19 moment. It's, in fact, tab 13 on our list of evidence.

20 Q. [16:05:45] Now, do you see this document, Witness?

21 A. [16:05:47] Yes.

22 Q. [16:05:58] So this document is the one that you refer to in the footnote in your
23 document when you refer to the Facebook page of Mr Said. And I'd like to know,
24 based on this document, what is it that enables you to affirm that the person referred to
25 as Mahamat Said, referred to here, is not the young woman that we just saw on the

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1 photo on that Facebook page?

2 A. [16:06:22] Well, firstly, it's a male name, and she's a female. That this number had
3 appeared in other documents, but we had not been able to attribute it. And that details
4 around his identification from Facebook were part of an extensive RFA process, so I
5 have relied on that background and to have then attributed the number. And the
6 photo, wherever that photo had been obtained from, the photo on Facebook is -- was
7 not a consideration. The underlying information was what was relied upon. And I
8 would note as well that it was only included in the report, again, to ensure that
9 everything possible related to Mr Said had been disclosed to you.

10 As I recall, there was limited data for many of the numbers, so it was a matter of
11 ensuring that all documentation related -- that -- that I had located had been included.

12 Q. [16:08:17] Thank you, Witness. Now, you have just said to us that -- I am just
13 looking for the right reference. That the number appeared in other documents and that
14 you were not in a position to attribute it, and that some of the information regarding
15 his identification was provided by Facebook based on a complex process, and you had
16 relied on that background to have attributed the number.

17 Now, Witness, in your report, you only refer us to the document which we now see on
18 the screen. You don't refer us to any other document. So we are unable to verify how
19 you attributed that number based on other documents.

20 So could you explain a little why the other documents to which you refer were not
21 referenced in footnotes?

22 A. [16:09:20] At the time this was drafted, we had not -- I had not established the --
23 the information sufficiently. And one of the -- for reference, one of the documents may
24 already have been shown, and I'm not sure if I'm recalling correctly, but there is a
25 reference to a different spelling of this name with the letters LT, indicating lieutenant,

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1 that also cite this number. But the difference in lieutenant and spelling meant at the
2 time it wasn't confirmed. So it remained in process.

3 But I can come back to you on that issue. But to my recollection, that number does
4 exist in the -- in another document in the materials already disclosed but not tagged,
5 because it hadn't been finalised and confirmed.

6 Q. [16:10:55] Thank you, Witness. So I'm going to try to move quite rapidly through
7 the next topic, which is the series of documents which were presented to you this
8 morning regarding the attribution of various telephone numbers to Nouradine Adam.

9 MR JACOBS: [16:11:12](Interpretation) So, Court Officer, if you could give me control,
10 I'd like to display an Excel document.

11 THE COURT OFFICER: [16:11:00] The Defence team has the floor, evidence channel 2.

12 MR JACOBS: [16:12:09](Interpretation) Thank you, Court Officer. Now, to save some
13 time I am not going to have each document displayed.

14 Q. [16:12:27] But if you look at the first document -- Witness, are you looking at the
15 Excel sheet?

16 A. [16:12:31] Yes.

17 Q. [16:12:32] So if you look at the first line that the Prosecution showed you, it's
18 indicated here as being the diary, the diary of P-0659. And you were shown the
19 document earlier. And you stated in court at T28, 69, 11, 12, that this related to the
20 period of 2012. How did you know that?

21 A. [16:13:10] I don't recall that I stated the period of 2012. I'm sorry, I don't recall
22 specifically this. What I can say is -- because I know you can check what date I gave it
23 when I was shown it, but what I can say is that it's a diary that lists his phone number
24 and name of a person who had reason to record that in their diary.

25 Q. [16:13:48] Have you read P-0659's witness statement?

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- 1 A. [16:14:00] Yes, but I can't remember all of these things off the top of my head. It's -
- 2 - there's a lot of materials beyond just what's in here, so I'm relying on my prep and my
- 3 -- what I can recall. So, yeah, I can't -- I'm sure you can specify.
- 4 Q. [16:14:29] Witness, P-0659 was not -- has not been used as a Prosecution witness.
- 5 Are you aware of that fact?
- 6 A. [16:14:51] I probably was, but I can't confirm. Not off the top of my head. I can't
- 7 give you the list of witnesses. But the diary says "DG CEDAD", and that would relate
- 8 to Nouradine's period at CEDAD making it a contemporary timeframe. I think that's
- 9 what I have stated when asked earlier, but you can correct me.
- 10 Q. [16:15:24] Thank you, Witness. Now, given that the Prosecution did not retain this
- 11 witness as a Prosecution witness, are you aware of the Prosecution having provided
- 12 other documents as Prosecution evidence which would corroborate this document?
- 13 A. [16:15:39] I can't answer to that, because the purpose, again, of this is to ensure
- 14 that what was relied upon to necessitate the call data records for disclosure was
- 15 disclosed. Beyond that, I don't know what decisions were made.
- 16 Q. [16:16:09] Thank you, Witness.
- 17 MR JACOBS: [16:16:14](Interpretation) Could you now display CAR-OTP-2050-0273.
- 18 That's at tab 18 of our list of evidence. Thank you very much.
- 19 Q. [16:16:56] Now, you referred to this document earlier and said that it was a
- 20 document from a panel of experts --
- 21 A. [16:17:05] Excuse me, is this on a different channel? I still only have an Excel
- 22 spreadsheet.
- 23 Q. [16:17:11] (Speaks English) Evidence 1, Madam Witness.
- 24 A. [16:17:25] Excuse me. Yes, thank you.
- 25 Q. [16:17:27] (Interpretation) Now, Witness, earlier you told us that this document

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1 was an expert panel's document. We saw it in an Excel document of the United
2 Nations.

3 Now, as regards the document before us on the screen, could you indicate to us what
4 was the source of this table? The source being the United Nations.

5 A. [16:17:53] No, it's -- from what I can see and what I recall, there is no specific
6 source on these documents. That, again, is captured in the chain of custody as it is
7 registered by the investigators who sought and collected this document.

8 Q. [16:18:26] Now, is there an indication on this document of the source used by the
9 author of the document to attribute a telephone number, or, rather, telephone numbers,
10 to Nouradine Adam?

11 A. [16:18:43] No, there isn't. In their broader reporting that goes along with these
12 internal documents that they have provided us, they do make comment that they
13 protect their sources. So it's not expected that they would disclose their sources of this
14 type of information, and that is a position they have taken and is recorded. So, again, it
15 is about correlating these numbers with other attributes and assessing the panel of
16 experts as reliable because they had a basis to gain accurate information given their
17 mandate to identify people and locate people.

18 Q. [16:19:59] And, Witness, how can you evaluate the credibility of a source if you
19 don't know the source's sources? If you see what I mean.

20 A. [16:20:13] Well, I can't. I can only evaluate the source that provides the
21 information and assess it against other sources that have provided similar information
22 to see how accurate it is.

23 Q. [16:20:48] But in this specific case, Witness, are you in a position to ascertain
24 whether P-0659 might not be the United Nations source? In other words, that there
25 might be only be a single source? Are you in a position or were you in a position to

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1 verify that?

2 A. [16:21:09] No.

3 Q. [16:21:15] Thank you, Witness. I'm going to move on to the next document.

4 MR JACOBS: [16:21:25](Interpretation) This is CAR-OTP-2034-0224 -- or, rather, 23, tab
5 19 on our list of evidence.

6 Q. [16:22:03] So this is labelled "List and Contacts of Authorities", and it was
7 provided by the United Nations. Now my first question is, Witness, do we have an
8 indication that this list itself was produced by United Nations staff?

9 A. [16:22:19] There is -- it was provided to the investigation team by the UN OLA. I
10 have no further information on that. And my answer in sources would the same, for
11 efficiency's sake, on the same, that this is recorded in the chain of evidence, and it's in
12 the registration process.

13 Q. [16:22:53] Thank you, Witness. Now just a question. We see here on line 2, with
14 respect to Nouradine Adam, we see the telephone number that you have attributed.
15 Could you read to us what is written just after that?

16 A. [16:23:08] Mahamat -- I assume this is directeur de cabinet, but that's an inference
17 that was drawn.

18 Q. [16:23:26] So this indication would indicate to me that this telephone number is
19 attributed to the director of Mahamat's office; is that correct? Sorry, to the director of
20 the office of Nouradine Adam.

21 A. [16:23:51] That is one possible inference. It would still make it a contact number
22 for Nouradine Adam.

23 Q. [16:24:06] Perhaps a contact number but not a number that could be attributed to
24 Nouradine Adam?

25 A. [16:24:13] No, I think that if a person can be accessed via their office or via an aide-

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1 de-camp, secretary, then that is still an attribution to that number. And that is because
2 there may be -- yeah, there is -- again, it depends on how many other attributions there
3 are for that number, particularly if an individual said, "I contacted that person on this
4 number." So it is a case-by-case basis. We try and record all of it and provide all of it
5 so that an assessment can be made.

6 PRESIDING JUDGE SAMBA: [16:25:10] I'm sorry. We'll have to leave it at that today.
7 What I'm going to do, because we have to have time for possible re-examination,
8 Madam Witness, I'm going to ask you to come again tomorrow for just some,
9 hopefully, 20 minutes most, and so that we'll finish with your, maybe, cross and re-
10 examination, if any.

11 Can you indicate whether or not you want to do any re-examination at this point?

12 Madam Prosecutor, can you answer quickly?

13 And meanwhile, can I advise that tomorrow we meet in Courtroom II, please.

14 MS VON BRAUN: [16:25:54] Sorry, Madam President. I was just going to consult in
15 relation to re-examination. And we will think about it further, but we would only
16 have, if at all, one - one - question.

17 PRESIDING JUDGE SAMBA: [16:26:11] Okay. Madam Witness, can I ask that you
18 don't discuss your testimony with anybody, please.

19 So we meet here tomorrow at 9.30. Thank you very much.

20 (The hearing adjourned in open session at 4.26 p.m.)