

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 Monday, 12 December 2022  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:35] The International Criminal Court is now in session.  
11 Please be seated.  
12 PRESIDING JUDGE SAMBA: [9:32:51] Good morning, everyone.  
13 Can I ask the court officer to kindly mention the case. Thank you.  
14 THE COURT OFFICER: [9:33:06] Thank you, Madam President. The situation in the  
15 Central African Republic II, in the case of The Prosecutor versus Mahamat Said Abdel  
16 Kani, case reference ICC-01/14-01/21.  
17 For the record, we're in open session.  
18 PRESIDING JUDGE SAMBA: [9:33:22] Thank you very much, Madam Court Officer.  
19 Can the parties introduce themselves, please, beginning with the Prosecution.  
20 MS VON BRAUN: [9:33:35] Good morning, Madam President, your Honours. The  
21 Prosecution today is represented by Ms Vanessa Hernández, Ms Brunhild Le Bailly,  
22 Ms Lise Tamm, and myself, Leonie von Braun. Thank you.  
23 PRESIDING JUDGE SAMBA: [9:33:51] Thank you very much, Ms von Braun.  
24 Ms Pellet, for the victims, please.  
25 THE INTERPRETER: [9:33:58] Microphone, please.

Trial Hearing  
Procedural Matters

(Open Session)

ICC-01/14-01/21

1 MS PELLET: [9:34:01](Interpretation) Thank you, your Honour. I was just waiting for  
2 the end of the interpretation.

3 The victims are represented by Adeline Bedoucha and myself, Sarah Pellet, OPCV.

4 PRESIDING JUDGE SAMBA: [9:34:16] Thank you very much, Ms Pellet.  
5 Ms Naouri, for the Defence, please.

6 MS NAOURI: [9:34:20](Interpretation) Thank you, your Honour. \* Beside me today,  
7 Mr Jacobs and Simon Appriou. Behind me, Capucine Banet. And as for myself, I am  
8 Jennifer Naouri, lead counsel.

9 PRESIDING JUDGE SAMBA: [9:34:36] Thank you very much, Ms Naouri.  
10 And for the record, I note that Mr Said is in court.

11 Mr Said, a very good morning to you.

12 MR SAID: [9:34:45](Interpretation) Thank you. Good morning, your Honour.

13 PRESIDING JUDGE SAMBA: [9:34:56] Good.

14 Before calling the witness, the Chamber notes that the Prosecution has submitted a  
15 request to introduce the annex to P-2607's witness preparation log pursuant to Rule  
16 68(3) of the Rules of Procedure and Evidence.

17 The Chamber will now render a short oral decision on the Prosecution's request to  
18 introduce the annex to P-2607's preparation log under Rule 68(3) of the Rules of  
19 Procedure and Evidence. And, for the record, the request is Filing No. 566 of the  
20 record.

21 The Chamber received the Prosecution's request on Wednesday, 7 December 2022. The  
22 Defence submitted a written response to the Prosecution's request on Friday, 9  
23 December. And, for the record, the response is Filing No. 568.

24 The annex contains additions and clarifications of P-2607's prior recorded testimony  
25 whose introduction via Rule 68(3) the Chamber already granted. The annex also

contains additional information in that the witness was asked to comment on documents and photographs shown to him during the witness's preparation session. The Prosecution submits that the annex bears sufficient indicia of reliability, is relevant and probative, and that its introduction would expedite the proceedings. In its response to the Prosecution's request, the Defence objects to the introduction of the annex pursuant to Rule 68(3) of the Rules. First, the Defence submits that the existence of corrections and additions to prior recorded testimony means that the only way of proceeding is to discuss these with the witness in the hearing. In this regard, the Defence notes that there is no control over the manner in which the annex is prepared, and there is no verbatim transcript, so there is no way to know what questions were asked and the manner in which such questions were put. Furthermore, the Defence notes that the use of Rule 68(3) reduces the level of judicial control over the process and that it is for the Prosecution and not the Defence to clarify contradictions between a previous statement and the preparation log. In this sense, the Defence avers that it is the responsibility of the Prosecution to ensure that the testimony of a witness is as understandable as possible before the Defence cross-examines. The Defence submits that this is particularly pertinent given the multiple contradictions and additions in P-2607's preparation log compared to his earlier statement, (Redacted) and his account regarding the alleged arrest of his brother. In this sense, according to the Defence, the contradictions go to the heart of P-2607's narrative and, thus, the Prosecution should conduct its questioning under the normal rules of examination-in-chief. The Defence also submits that the fact that the witness will be available for cross-examination cannot be used to justify the introduction of the

annex because it will transform the Rule 68(3) into the automatic introduction of all witness preparation logs, which is not the intention of the drafters' of Rule 68(3).

At the outset, the Chamber takes into account the content of the annex and does not find that the Defence would suffer prejudice if the annex were to be introduced pursuant to Rule 68(3). The information contained in the annex contains approximately four pages of corrections and clarifications made by the witness to his prior recorded testimony.

Whilst the witness does add new information, the Chamber is of the view that the additions and clarifications are not of such a nature or degree that would preclude the introduction of the annex.

In any event, the Chamber recalls that the Defence will be afforded reasonable time to raise issues it considers relevant during its questioning of P-2607, including the reasons behind the clarifications and additions contained in the annex to the preparation log. Nevertheless, the Chamber notes that certain portions of the annex, in particular the information relating to paragraphs 15 and 16 of the witness's statement, which are contained on page 3 of the annex, present information that appear to deviate from the account contained in the original prior recorded testimony to a degree which requires clarification. Now, the Chamber expects the Prosecution to examine the witness on this part of the witness's narrative in the supplementary examination in court.

In respect of the new items shown to the witness, \* the Chamber notes that the annex further contains a number of short comments P-2607 made when shown five additional documents by the Prosecution as well as five additional photographs. The Chamber notes that all of the documents shown to the witness for additional comments have been in the Defence's possession for some time.

Furthermore, the Chamber notes that the number of additional documents shown to

the witness are limited and his comments are similarly limited. Also, the Chamber observes that several of the additional photographs shown to the witness have also been used with other witnesses.

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

In light of the above, the Chamber finds that the introduction of the annex of P-2607's preparation log does not infringe upon the rights of the accused and does not prejudice the Defence. Accordingly, the Chamber authorises the introduction of the annex under Rule 68(3) of the Rules.

The Prosecution is instructed, when satisfying the outstanding requirements of Rule 68(3), to also fulfil them in respect of the annex.

This concludes our oral decision.

In light of our decision, I'd love to ask the Prosecution whether it wishes to have some five, eight minutes to prepare for the supplementary examination or whether you could deal with it as we go along with the proceedings.

MS VON BRAUN: [9:42:55] Thank you, Madam President. If I may just have one minute to confer with Ms Le Bailly, as she will be examining the witness this morning, and then I can answer that question.

PRESIDING JUDGE SAMBA: [9:43:09] Please go ahead.

(Counsel confer)

MS VON BRAUN: [9:43:43] Thank you, Madam President. We will be able to proceed now. And Ms Le Bailly will integrate the supplementary questions within the Rule 68(3) procedure when she identifies the best possible situation to pose those questions within the process.

PRESIDING JUDGE SAMBA: [9:44:05] Thank you very much.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Open Session)

ICC-01/14-01/21

1 MS VON BRAUN: [9:44:06] Yes.

2 PRESIDING JUDGE SAMBA: [9:44:07] It is to do with paragraphs 15 and 16 of the  
3 witness's statement.

4 We note that the Prosecution is now calling P-2607 as its 13th witness.

5 I wish to note at the outset the following for the parties. It is the Chamber's  
6 understanding that this witness will be testifying in Sango. Furthermore, I note that  
7 this is the first witness to appear via AVL. I would, therefore, remind everyone of the  
8 importance of the need to speak slowly and to observe the five-second rule between  
9 questions and answers.

10 Before commencing, the Chamber notes briefly that protective measures are confirmed  
11 for this witness by virtue of Decision No. 481 and that the VWU recommends no  
12 further protective measures.

13 Can I ask the court officer kindly to connect us with the witness.

14 (The witness enters the courtroom via video link)

15 PRESIDING JUDGE SAMBA: [9:46:24] Good morning, Mr Witness.

16 Can the field operations officer or the VWU staff in the field ask the witness to use his  
17 microphone.

18 WITNESS: CAR-OTP-P-2607

19 (The witness speaks Sango)

20 (The witness gives evidence via video link)

21 THE WITNESS: [9:47:08](Interpretation) Good morning. I'm ready to speak. I believe  
22 you can hear me? Can you hear me?

23 PRESIDING JUDGE SAMBA: [9:47:13] Yes, we can hear you. Can you hear us? Can  
24 you hear me? Can you see me?

25 THE WITNESS: [9:47:31](Interpretation) Yes, I can hear you just fine. And I can see

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Open Session)

ICC-01/14-01/21

1 you as well.

2 PRESIDING JUDGE SAMBA: [9:47:41] Very well. Thank you.

3 Now, Mr Witness, you are going to testify before the International Criminal Court. On  
4 behalf of the Chamber, I would like to welcome you to this courtroom via videolink.

5 THE WITNESS: [9:48:01](Interpretation) Thank you.

6 PRESIDING JUDGE SAMBA: [9:48:09] You have in front of you, Mr Witness, the  
7 solemn undertaking to tell the truth to this Court that every witness who testifies  
8 before this Court must agree to. Can I ask that you read that out loud now for us.

9 Mr Witness, you can sit down. You can sit down and read that out so that we see your  
10 face.

11 THE WITNESS: [9:49:14](Interpretation) Thank you. I understand.

12 I solemnly declare that I shall tell the truth, the whole truth, and nothing but the truth.

13 PRESIDING JUDGE SAMBA: [9:49:30] Thank you very much, Mr Witness. Do you  
14 understand and agree to what you just read out?

15 THE WITNESS: [9:49:48](Interpretation) I've understood. And I completely agree with  
16 the oath that I have just given.

17 PRESIDING JUDGE SAMBA: [9:49:57] Thank you very much, Mr Witness. So let me  
18 now explain to you the protective measures that the Chamber has put in place for your  
19 testimony.

20 We have put in place voice and face distortion for the duration of your testimony.

21 Now, this means that no one outside the courtroom can see your face or hear your real  
22 voice during your testimony.

23 There is also in place the use of pseudonym. In accordance with that, we will all refer  
24 to you only as "Mr Witness" to make sure that the public does not know your real  
25 name.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Open Session)

ICC-01/14-01/21

1 When you answer questions that will not give away who you are, we will do so in  
2 open session, which means that the public can hear what is being said in the  
3 courtroom.

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

7 And, lastly, I have a few practical matters you should have in mind when giving your  
8 testimony. Everything we say here is recorded and interpreted. It is, therefore,  
9 important to speak clearly and at a slow pace. Please speak into the microphone and  
10 only start speaking when the person asking you the question has finished speaking.  
11 To allow for the interpretation, everyone will have to wait a few minutes -- or a few  
12 seconds before starting to speak.

13 If you have any questions yourself, raise your hand so that we know that you wish to  
14 say something.

15 We hope that there are no issues with the videolink. However, if there are any issues  
16 with the technology, be rest assured we will make sure that things are sorted out as  
17 quickly as possible.

18 Do you understand all that I have just said, Mr Witness?

19 THE WITNESS: [9:53:11](Interpretation) Yes, I understand just fine.

20 PRESIDING JUDGE SAMBA: [9:53:18] Thank you very much. We will now start with  
21 your testimony.

22 I'm going to ask the Prosecution to start the Rule 68(3) procedure, please. Thank you.

23 MS LE BAILLY: [9:53:37](Interpretation) Thank you very much, your Honour.

24 QUESTIONED BY MS LE BAILLY: (Interpretation)

25 Q. [9:53:46] Good morning, Mr Witness. I'm Brunhild Le Bailly and we've met

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 already, and I'm the person who will be putting some questions to you on behalf of the  
2 Prosecution. If any of my questions aren't clear, don't hesitate to tell me so and I will  
3 rephrase them. Is that all right?

4 A. [9:54:07] Yes, that's all right.

5 MS LE BAILLY: [9:54:21](Interpretation) Madam President, could we please go into  
6 private session for identification of the witness.

7 PRESIDING JUDGE SAMBA: [9:54:27] Certainly.

8 Madam Court Officer, can you kindly get us into private session. Thank you.

9 (Private session at 9.54 a.m.)

10 THE COURT OFFICER: [9:54:44] We are in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [9:54:45] Thank you very much.

12 Madam Prosecutor, carry on, please.

13 MS LE BAILLY: [9:54:58](Interpretation)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [9:56:24] Thank you.

25 MS LE BAILLY: [9:56:28](Interpretation) Your Honour, with your leave, we can go

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 back into open session for the rest of the procedural questions.
- 2 PRESIDING JUDGE SAMBA: [9:56:33] Thank you.
- 3 Madam Court Officer, can we go back into open session, please. Thank you.
- 4 (Open session at 9.56 a.m.)
- 5 THE COURT OFFICER: [9:56:54] We are back in open session, Madam President.
- 6 PRESIDING JUDGE SAMBA: [9:56:55] Thank you very much.
- 7 Madam Prosecutor, your witness, please.
- 8 MS LE BAILLY: [9:57:01](Interpretation)
- 9 Q. [9:57:02] Mr Witness, do you remember being questioned by members of the
- 10 OTP?
- 11 A. [9:57:07] Yes, they did ask me some questions for quite a long period of time, and I
- 12 believe that they recorded my statement. So if you ask me about the events and how
- 13 things unfolded, I can repeat what I told them. But I do know that you have my
- 14 statement.
- 15 Q. [9:57:57] Yes, that is correct. We do have your statement. Do you remember when
- 16 you were questioned by the investigators?
- 17 A. [9:58:04] Yes. They interviewed me, but I don't remember the date because it was
- 18 a long time ago. I've forgotten the date. But you could refresh my memory because --
- 19 well, I didn't take note of the dates. But if you remind me, if you help me remember, I
- 20 can tell you about that.
- 21 Q. [9:58:39] Of course. In just a moment, Mr Witness. Do you remember having read
- 22 over the statement and signing it?
- 23 A. [9:58:50] Yes, I signed several documents. I signed several documents. I
- 24 acknowledge that. And if I'm shown my signature, I'll be able to recognise it and
- 25 remember.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Open Session)

ICC-01/14-01/21

1 Q. [9:59:20] Very well. I'd now like to show you a document and ask you if you do  
2 recognise it.

3 MS LE BAILLY: [9:59:29](Interpretation) Madam Court Officer, could you bring up tab  
4 1 on our list of materials. And the ERN number, confidential document, is CAR-OTP-  
5 2125-0855. If we could have a look at the first page of that document, the cover page. I  
6 can see the bottom of the page. Could you please scroll up?

7 Q. [10:00:28] Mr Witness, can you see the document?

8 A. [10:00:30] Yes, I do. I can. I can see it just fine.

9 Q. [10:00:50] Since this document is in English, I will read the title out to you and it  
10 will be translated into Sango for you:

11 (Speaks English) "International Criminal Court, Office of the Prosecutor, Witness  
12 Statement."

13 (Interpretation) Mr Witness, do you recognise this document?

14 A. [10:01:20] I can see the document.

15 Q. [10:01:41] If we could zoom in to the bottom of the page, please. Mr Witness, do  
16 you recognise a name and a signature?

17 A. [10:01:46] That is my signature. What you see at the bottom, just next to the name,  
18 that is my signature.

19 Q. [10:02:09] Could you point out to us whether this is on the first, second, third, or  
20 fourth line?

21 A. [10:02:17] My signature is next to my name on the top.

22 Q. [10:02:41] Fine. Thank you.

23 MS LE BAILLY: [10:02:48](Interpretation) Court officer, could you show us page 0861  
24 of the same document, please.

25 Q. [10:03:18] Mr Witness, do you recognise the signature at the bottom of this page?

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-2607

1 A. [10:03:26] Yes, I recognise it. It is my signature. I did sign this document.

2 Q. [10:03:42] And below the signature, do you recognise the date handwritten?

3 A. [10:03:48] Yes, the 16th of the 4th month, 2021.

4 THE INTERPRETER: [10:04:00] Says the witness in French.

5 THE WITNESS: [10:04:02](Interpretation) And that is my writing.

6 MS LE BAILLY: [10:04:07](Interpretation)

7 Q. [10:04:07] Is this the statement that you provided the OTP with in 2021?

8 A. [10:04:14] Yes, that's my signature. I signed this document. So how is it possible  
9 that I don't recognise it?

10 Q. [10:04:35] Thank you. These are the procedural questions that we have to ask, but  
11 thank you very much for your answers.

12 A. [10:04:47] I too thank you.

13 MS LE BAILLY: [10:04:54](Interpretation) Court officer, could you show us the  
14 document at tab 2 with the number CAR-OTP-2127-9527, please, page 9530. If we  
15 could zoom in to paragraph 15 at the bottom of the page, please.

16 Q. [10:05:48] Mr Witness, we have shown you the translation in French of your  
17 statement, and I'd like to ask you some questions on paragraph 15 which is displayed.

18 Mr Witness, can you tell us where your brother (Redacted) was when he got a  
19 telephone call from his old classmates on (Redacted) 2013?

20 A. [10:06:23] I didn't understand you fully.

21 MS LE BAILLY: [10:06:42](Interpretation) We are in public session. Perhaps we could  
22 go into private session, please.

23 PRESIDING JUDGE SAMBA: [10:06:50] Certainly.

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

25 (Private session at 10.07 a.m.)

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-2607

1 THE COURT OFFICER: [10:07:11] We are in private session, Madam President.

2 PRESIDING JUDGE SAMBA: [10:07:12] Thank you very much.

3 Madam Prosecutor, can you put your question again, please. Put the question again.

4 MS LE BAILLY: [10:07:19](Interpretation)

5 Q. [10:07:19] Mr Witness, I'm going to put my question to you again. I would like to  
6 know where your brother was, where (Redacted) was when he got the phone call from  
7 his former classmates on (Redacted) 2013.

8 A. [10:07:36] (Redacted)

9 (Redacted). And at that moment the Seleka

10 took power. After that, he still remained at the house. \* His comrades-in-arms had  
11 already joined the Seleka. One day, they claimed that they were going to pay him a  
12 visit. However, they were in service vehicles which the army used. There was a green  
13 one and another with tinted windows. And it was around 1600. It was raining heavily.  
14 (Redacted)

15 As soon as he received this call -- because he wanted to respond and react to the call of  
16 his classmates, \* our parents, dad and mom, were against that, but he insisted and he  
17 left. And that is how he got killed. When he left, they immediately started to harm  
18 him. \*They took out an automatic pistol. He told them that (Redacted)  
19 (Redacted) and not for Seleka and that he was at home for (Redacted)

20 (Redacted). They forced him to get into a vehicle. Given that he resisted, they started to  
21 beat him with the butts of their weapons. They took him away

22 Q. [10:09:55](No interpretation)

23 PRESIDING JUDGE SAMBA: [10:10:01] Sorry, Madam Prosecutor, it's my

24 understanding that you want to put these questions in chief, and I'm wondering

25 whether -- well, I know that the statement -- we are going to put the statement down so

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 that you continue with putting the questions in respect of paragraphs 15 and 16. I'm  
2 going to ask the court officer to put the statement down. Off the screen, I mean. Thank  
3 you.

4 Continue, please.

5 MS LE BAILLY: [10:10:38](Interpretation)

6 Q. [10:10:39] Mr Witness, we have noted down your answer. I would like to know  
7 precisely where your brother (Redacted) was before he left to join his former  
8 classmates. Where was the house where he received this phone call?

9 A. [10:10:57] Thank you. We were at home, our family home. It's a house that we  
10 rented. We were all there. I was the first to leave, but he himself was at the home. The  
11 home is in the (Redacted) neighbourhood. \* You know, (Redacted). He could not  
12 move. He was at home, and it was there that he received the phone call. I repeat he  
13 was at home. When he came back from (Redacted), he was still at home.

14 Q. [10:11:44] Thank you. Duly noted. And you, Mr Witness, where were you on that  
15 particular day when he received this phone call?

16 A. [10:11:53] I've just told you I wasn't there. (Redacted)  
17 (Redacted)

18 (Redacted)  
19 (Redacted). And when I arrived, he'd already gone away. So what could I do at that  
20 moment? I had no power at all. I had no other possibility.

21 So I walked --

22 Q. [10:12:46] Thank you, Mr Witness. Could you give us the complete name of your  
23 (Redacted)?

24 A. [10:12:59] (Redacted)

25 Q. [10:13:24] Thank you. I would like to know that when you received the news

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 which your -- when your brother (Redacted) had left and stopped, rested, when you  
2 returned home did you hear any gunshots?
- 3 PRESIDING JUDGE SAMBA: [10:13:49] Yes, Mr Jacobs.
- 4 MR JACOBS: [10:13:51](Interpretation) Yes, Madam President, if I've understood, this  
5 is examination in lead and so this question is a leading question.
- 6 PRESIDING JUDGE SAMBA: [10:13:57] Aside that -- except if I didn't get the evidence  
7 or the witness's testimony correctly, he has not told us that he returned home as he said  
8 that. He said he was not there. He left to visit (Redacted)  
9 and he was called by his (Redacted). He has not told us that he even returned home.  
10 And kindly avoid leading questions. Thank you.  
11 Try again.
- 12 MS LE BAILLY: [10:14:33](Interpretation) Thank you, Madam President. I'll rephrase.
- 13 Q. [10:14:35] Mr Witness, after having received the phone call from your younger  
14 (Redacted), what did you do?
- 15 A. [10:14:41] As soon as I received that call -- well, in fact she told me that (Redacted)  
16 had been taken away. And when I arrived at home, there was already a large group.  
17 So I asked what happened, and I was told that the armed comrades had phoned him  
18 and then they had taken him away. I asked (Redacted) to look for him.  
19 At that moment, there was no traffic. Everyone was scared. So we left the house to go  
20 there. And when we arrived there, \* we saw the vehicle of Mahamat Said entering the  
21 OCRB compound. We were told that was the vehicle who had taken a soldier who had  
22 been stopped at the (Redacted).
- 23 At that moment, there were many Seleka present in the town. \* (Redacted)  
24 (Redacted)... so we were trying to find the place  
25 where our big brother was. And when we arrived at the OCRB, the Seleka were

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 everywhere. We were still trying to identify the vehicle when Mahamat Said --  
2 someone was outside armed with an automatic pistol.  
3 \* We were all crying and sobbing. These men started to shoot in the air in order to  
4 disperse the crowd. We fled to the PK0 crossroads, and that was close to the building  
5 MOOV. \* We fled to the PK0 crossroads. We stopped at MOOV. Passers-by who were  
6 there advised us to go away so that we wouldn't put lives at risk.  
7 Shortly thereafter, we saw Said's vehicle leave from the OCRB compound. And in the  
8 vehicle, we saw him. It was going towards the Palais. (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 \* He was wearing sweatpants or a tracksuit. I had sweatpants and my big brother took  
12 it, and that's what he was wearing. \* There was a vehicle on which was written  
13 "caporal-chef". I saw his legs sticking out. Mahamat Said told me that if I wanted to  
14 see what was going on, then I would see it. And I said, "Yes, I accept this. Kill me." He  
15 started to yell. He was armed. \*I said to myself : "But all the perpetrators of numerous  
16 exactions, why weren't they killed?" and suddenly we heard a shot. We were told that  
17 they were killing the prisoners behind the Palais. It is the nephew of Said that gave me  
18 this information. So my big brother was killed and was left in a drainage ditch. When  
19 I heard the shot, I said, (Redacted)  
20 Shortly thereafter, they started to shoot in the air. The elements took up positions  
21 everywhere. I said to (Redacted) that it was important for us to get away, because \* the  
22 situation was already very tricky. (Redacted)  
23 (Redacted) He had never told us about  
24 anything of this nature. (Redacted)  
25 (Redacted). But despite all that, they took him and they

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 killed him. There was a break in the transmission. I'm going to start again.
- 2 There were people who did commit bad acts. Why were those people not arrested?
- 3 What Mahamat Said did was very sad. I didn't see it with my own eyes.
- 4 Now, it's true our big brother has left. It's over. But today we are in front of the courts,
- 5 and we would like justice to be served. I have no other possibility. It is up to you to
- 6 decide on what happened.
- 7 Q. [10:21:16] We have duly noted the sequence of events. I just want to go back a
- 8 little bit. When you received the telephone call from your (Redacted) and
- 9 you went home, did you go to the place, (Redacted), where your big brother had a
- 10 meeting with his former classmates?
- 11 PRESIDING JUDGE SAMBA: [10:21:43] Counsel, can you avoid leading questions.
- 12 MS LE BAILLY: [10:21:52](Interpretation) Of course I will. Thank you. I will rephrase.
- 13 Q. [10:22:00] Mr Witness, after having returned home, did you look for your brother,
- 14 your big brother?
- 15 A. [10:22:09] Of course. He was already taken away. When I arrived at home, I was
- 16 informed about this, that he'd been taken away. But I'm going to ask you the question:
- 17 If a member of your family disappears, wouldn't you be worried? Of course you
- 18 would.
- 19 They took him to an unknown destination. It was my brother. I just couldn't leave that
- 20 without acting. We took steps to try and find him.
- 21 Q. [10:22:59] Thank you, Mr Witness. Could you tell us again the name where the
- 22 rendezvous took place of your brother with his former comrades?
- 23 A. [10:23:12] The place where they met up? Well, how did that all happen. They
- 24 called him and they went to (Redacted), and it is there that he was taken away.
- 25 Q. [10:23:37] Fine. Thank you. Did you also go to (Redacted) yourself? Mr Witness,

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 did you go to the location (Redacted)?

2 A. [10:24:21] Yes, that is the path we took. We went via (Redacted). When we  
3 arrived there, we were told that the vehicle had taken him to that place. I repeat, I did  
4 go via (Redacted) to obtain all this information, and this allowed us to continue looking  
5 for him.

6 Q. [10:24:55] And can you tell us what else did those people at (Redacted) tell you?

7 A. [10:25:04] When I left, you know, the big road went via (Redacted). There was a  
8 warehouse near that place, and people were standing around talking and were talking  
9 about what happened. And people said, "If we had the possibility, we could have  
10 helped the big brother (Redacted). He fought like a man. But, unfortunately, they  
11 were all armed. You can't do anything when faced with these type of soldiers. We had  
12 no other possibilities and that's why we let those men take him away. They beat him  
13 with their guns."

14 I repeat, I arrived at that place and they gave us some information about the vehicle  
15 that took him away, which was obviously the vehicle of Said.

16 I repeat again, those people who were hanging around in that area told us that, and  
17 that meant we could find the place where he had been taken to.

18 Q. [10:26:25] Very well. And you said that the Seleka were armed. Did the people  
19 also tell you whether they used those weapons or not?

20 A. [10:26:36] Yes. You know, when the soldiers come to arrest someone, that's what  
21 happens. You know, during the time of the Seleka all men were armed. Everybody. \*  
22 You know, during the time of the Seleka all men were armed. Everybody knew that.  
23 They were heavily armed. At the OCRB, weapons had been distributed to the Seleka  
24 elements. You couldn't send soldiers away without weapons to arrest someone.  
25 Obviously, they were well armed when they arrested my brother.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Q. [10:27:33] Thank you. Do you know whether any gunshots occurred?

2 A. [10:27:38] \* When he was arrested, I was very far away. I didn't hear any

3 gunshots. It's when I arrived that I learned that gunshots had been fired in the air or

4 had been fired, simply. I wasn't there to know what had happened, but I was told that

5 in this particular location gunshots had been fired before the men left that location.

6 Q. [10:28:23] Thank you. I have completed as regards questions relating to your

7 statement.

8 MS LE BAILLY: [10:28:34](Interpretation) Madam President, if we could move to open

9 session to continue with procedural questions.

10 PRESIDING JUDGE SAMBA: [10:28:46] Madam Court Officer, can you kindly get us

11 into open session.

12 (Open session at 10.29 a.m.)

13 THE COURT OFFICER: [10:29:01] We are in open session, Madam President.

14 PRESIDING JUDGE SAMBA: [10:29:03] Thank you very much.

15 Madam Prosecutor, please carry on.

16 MS LE BAILLY: [10:29:15](Interpretation)

17 Q. [10:29:15] Mr Witness, before appearing in the court today to give your testimony,

18 did you have an opportunity to re-read and review your statement in a preparatory

19 session with the OTP via audio-visual link?

20 A. [10:29:32] Yes, we talked a lot.

21 Q. [10:29:50] And during this preparatory session, did you have the possibility to

22 make any corrections or to provide clarifications to your statement?

23 A. [10:29:56] Yes.

24 Q. [10:30:07] I'd like to show you a document and ask you whether you recognise it.

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-2607

- 1 MS LE BAILLY: [10:30:13](Interpretation) Court officer, could you show the document
- 2 17. It's a confidential document, CAR-OTP-00000751, the first page, please.
- 3 Q. [10:30:56] Mr Witness, can you see this document up on the screen?
- 4 MS LE BAILLY: [10:31:03](Interpretation) And if you could scroll up so that the
- 5 witness --
- 6 THE WITNESS: [10:31:07](Interpretation) Yes, I've seen the document.
- 7 MS LE BAILLY: [10:31:17](Interpretation) Could we scroll up to the top of the
- 8 document so that we can see the title.
- 9 Q. [10:31:32] Mr Witness, could you read the title of this document, this Annex A?
- 10 A. [10:31:54] Yes.
- 11 Q. [10:31:55] If you could just read out the title. If you could read it out loud for us.
- 12 A. [10:32:13] "Witness Preparation Log for the Preparation of P-2607."
- 13 Q. [10:32:29] Thank you. Do you recognise this document?
- 14 A. [10:32:32] Yes, I recognise this document.
- 15 MS LE BAILLY: [10:32:50] (No interpretation).
- 16 (Interpretation) If we could go down to the bottom of the page and focus in on that
- 17 part. In the middle so that we can see the signature, please. Sorry about that. Yes.
- 18 Q. [10:33:50] Mr Witness, can you see the signature? Do you recognise that
- 19 signature?
- 20 A. [10:33:55] Yes, I see that signature and I recognise it. That's my signature, indeed.
- 21 Q. [10:34:14] Do you also see the date that's recorded there?
- 22 A. [10:34:16] Yes, I can see it. December, yes. That's the day I signed this document.
- 23 Q. [10:34:38] Very well. And these are indeed the corrections and clarifications that
- 24 you provided to the OTP on 1 and 2 December 2022? I'll repeat that question, Mr
- 25 Witness. Are these the corrections and clarifications that you made to your statement

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Open Session)

ICC-01/14-01/21

1 during the preparation session?

2 A. [10:35:30] Yes, that's right.

3 Q. [10:35:41] Very well. Mr Witness, we have taken note of your corrections and  
4 clarifications in addition to your earlier statement and the information found in this  
5 morning's transcript. And I'd now like to ask you this: Have you told us the entire  
6 truth to the best of your knowledge and recollection when you provided all this  
7 information?

8 A. [10:36:11] Yes, everything I've told you is the truth.

9 Q. [10:36:47] Very well. Mr Witness, to conclude with my questions, I have two  
10 things to ask you. With all these corrections and clarifications in mind, I would like to  
11 know whether you agree to the Judges using your earlier statement, which we have  
12 reviewed together, as evidence in this case?

13 A. [10:37:18] Yes.

14 Q. [10:37:39] Do you have any objection to that?

15 A. [10:37:40] No, I don't have any objection to that. No objection to that. That's the  
16 work of justice, the justice system. And the Judges are doing their work.

17 Q. [10:38:08] Very well. Thank you very much for testifying, and I have finished my  
18 questioning.

19 MS LE BAILLY: [10:38:17](Interpretation) Your Honour, your Honours, I believe that  
20 this meets the procedural requirements under 68(3), unless you have any other  
21 instructions to provide to me.

22 PRESIDING JUDGE SAMBA: [10:38:32] Thank you very much, Ms Le Bailly.

23 Having gone through the procedural requirements for Rule 68(3), we'll take what  
24 you've given to the Court in evidence.

25 I'll now turn over to the Defence -- thank you very much, Madam Prosecutor.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 I'll turn over to the Defence and ask that you commence cross-examination, please. I
- 2 don't know whether it's Ms Naouri or Mr Jacobs or who is doing the cross-examination
- 3 of this witness. Thank you.
- 4 MS NAOURI: [10:39:09](Interpretation) Thank you, your Honour. The Defence cross-
- 5 examination shall be led by Mr Jacobs. Thank you.
- 6 PRESIDING JUDGE SAMBA: [10:39:23] Thank you very much for that information.
- 7 Mr Jacobs, your witness, please.
- 8 MR JACOBS: [10:40:05](Interpretation) Thank you, your Honour.
- 9 QUESTIONED BY MR JACOBS: (Interpretation)
- 10 Q. [10:40:09] Good morning, Mr Witness.
- 11 A. [10:40:21] Good morning.
- 12 Q. [10:40:23] My name is Dov Jacobs and today I'll be asking you some questions on
- 13 behalf of Mr Said's Defence team. As the Presiding Judge has done, and as the OTP has
- 14 done, I will be speaking to you and I will be saying "Mr Witness". I'll try to speak
- 15 slowly and wait after each one of your responses, and if you could do the same. Each
- 16 time I put a question to you, could you please pause before answering. Can you do
- 17 that for us, Mr Witness? Are you in agreement?
- 18 A. [10:41:05] I agree.
- 19 Q. [10:41:22] Mr Witness, I'd like to ask you a few questions about your past life.
- 20 MR JACOBS: [10:41:33](Interpretation) And if we could go into private session for a
- 21 few moments, Madam President.
- 22 PRESIDING JUDGE SAMBA: [10:41:38] Certainly.
- 23 Madam Court Officer, can we go into private session shortly, please. Thank you.
- 24 (Private session at 10.41 a.m.)
- 25 THE COURT OFFICER: [10:41:57] We're in private session, Madam President.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [10:41:59] Thank you very much.
- 2 Mr Jacobs, please continue.
- 3 MR JACOBS: [10:42:12](Interpretation) Thank you, your Honour.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 Q. [10:42:57] Thank you.
- 8 MR JACOBS: [10:42:59](Interpretation) Court officer, could we please look at tab 20 on
- 9 our list of materials, CAR-OTP-00000751, page 02. The page ending in 02. And if we
- 10 could scroll to the bottom of the page, please. Thank you.
- 11 Q. [10:43:51] (Redacted)
- 12 Can you see that, Mr Witness?
- 13 A. [10:44:07] Yes, I see that.
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 (Recess taken at 11.00 a.m.)
- 2 (Upon resuming in open session at 11.31 a.m.)
- 3 THE COURT USHER: [11:31:12] All rise. Please be seated.
- 4 PRESIDING JUDGE SAMBA: [11:31:33] Good morning, again.
- 5 Mr Witness, we are going to continue with your cross-examination.
- 6 Mr Jacobs, please. Thank you.
- 7 For the record, we're in open session.
- 8 MR JACOBS: [11:31:52](Interpretation) Thank you, Madam President. I think we
- 9 should move into private or closed session -- private session, sorry.
- 10 PRESIDING JUDGE SAMBA: [11:32:08] Okay. We'll do that.
- 11 Madam Court Officer, can you get us into private session, please.
- 12 (Private session at 11.32 a.m.)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [12:47:40] Thank you, Mr Witness. Many thanks, Mr Witness. We're going to

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 move on to another question. I want have some clarifications as regards your account  
2 with the incident that occurred with your brother. Could you give us the date of the  
3 incident, please.

4 A. [12:48:38] Yes. The date of the incident, which was so painful for us, I think he  
5 was arrested on the (Redacted). That's the date when he was arrested.

6 Q. [12:49:47] Where were you when you learned about the arrest of your brother?

7 A. [12:49:54] I think I've already said that. I was visiting (Redacted).  
8 It was on that day that they arrested my brother. I wasn't at home.

9 Q. [12:50:35] Thank you. How long were you (Redacted) before you got the  
10 message?

11 A. [12:50:45] I was called by telephone to give me the information. It was sometime  
12 after his arrest that I was informed. I took a moto to go back home.

13 Q. [12:51:34] I just want to know the chronology, the time sequence. When you were  
14 (Redacted), how long had you already been (Redacted)? Was it in the morning? When  
15 was it in the day that you got the message?

16 A. [12:51:45] I arrived at (Redacted) at 9.00. And it was about 4.00 in the afternoon  
17 that I got the call. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:53:30] Thank you, Mr Witness. So you've just told us you received the call at  
25 about 4.00 from your (Redacted); is that correct?

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 A. [12:53:47] Yes, that is the truth. That's it.

2 Q. [12:54:05] Thank you. And did your (Redacted) tell you how she learned about  
3 the arrest of your brother?

4 A. [12:54:09] Yes. She was at home when he was arrested and taken away. You  
5 know, (Redacted). That's (Redacted).

6 Shortly thereafter, a woman who had returned from the market and saw or noted the  
7 arrest came to tell us about it and say that our brother had been arrested. She said,  
8 "(Redacted) has been arrested. They have arrested (Redacted)." After that, (Redacted)  
9 called me to tell me about his arrest of my big brother (Redacted). I was very  
10 surprised. And she added that it was the Seleka who proceeded with the arrest.  
11 I repeat. (Redacted).

12 After the arrest, I was called in order to get this information.

13 Q. [12:56:09] Thank you, Mr Witness. You talk about a woman who returned from  
14 the market. Do you know the name of that woman?

15 A. [12:56:15] No. I don't want to lie to you. I don't know her name. I don't know her  
16 name. It was a person who was passing by. It's true she knew my older brother, but I  
17 don't know her name.

18 Q. [12:57:00] Do you know which market she was returning from?

19 A. [12:57:04] It was the (Redacted) market. There was a (Redacted) market, and she  
20 returned from the (Redacted) market. So since the roads were very muddy, she walked  
21 very slowly. And when she arrived at that spot and she was told that it was (Redacted)  
22 who had been arrested by the Seleka, and then she continued along her way and she  
23 arrived at our place and gave us the information.

24 Q. [12:58:11] Thank you, Mr Witness. So at 4.00 p.m., just to follow this time  
25 sequence, your (Redacted) called you to tell you that somebody had told your

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 (Redacted) that your brother had been arrested. What did you do next?

2 A. [12:58:41] After his arrest, you know, Said, Said, who you see here, what can I do  
3 to him? What can I do? What sort of power do I have? Do I even have the possibility  
4 or the power to come close to him? I see him looking at me. He's looking at me at this  
5 moment. But at that point in time, did I have the possibility to tell Said to free my  
6 brother? No, not at all. I did not have any other possibility.

7 Please, look at me and look at him. I had no power at all. Even (Redacted) had no  
8 possibility at that moment. Said was all powerful. He could do whatever he liked. But  
9 we, who did not have this power, what could we do? Our strength is what's  
10 happening now. At that time, we had no power at all. No possibilities whatsoever.  
11 Thank you.

12 MR JACOBS: [13:00:12](Interpretation) I see the time, Madam President.

13 PRESIDING JUDGE SAMBA: [13:00:31] I take it, Mr Jacobs, that you have to continue  
14 after lunch.

15 MR JACOBS: [13:00:42](Interpretation) Yes, Madam President.

16 PRESIDING JUDGE SAMBA: [13:00:43] Mr Witness, what we're going to do is to break  
17 off at this point for lunch, and we'll come back at 2.30 and continue with your cross-  
18 examination.

19 So I'm going to rise the Court at this point and ask that we come back at 2.30, please.

20 THE COURT USHER: [13:01:16] All rise.

21 (Recess taken at 1.01 p.m.)

22 (Upon resuming in open session at 2.31 p.m.)

23 THE COURT USHER: [14:31:09] All rise. Please be seated.

24 PRESIDING JUDGE SAMBA: [14:31:35] Good afternoon, everyone.

25 Mr Witness, we are going to continue with your cross-examination. Can you hear me?

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 THE WITNESS: [14:31:54](Interpretation) I can hear you clearly.
- 2 PRESIDING JUDGE SAMBA: [14:32:03] Good. We are going to continue with your
- 3 cross-examination, and I'm going to ask Mr Jacobs to continue putting questions to
- 4 you, please.
- 5 Mr Jacobs, please. And we're in open session, Mr Jacobs, just for your attention.
- 6 MR JACOBS: [14:32:32](Interpretation) Thank you, Madam President. On my next
- 7 series of questions, I think it's better to go into closed session or private session.
- 8 PRESIDING JUDGE SAMBA: [14:32:45] Madam Court Officer, can you get us into
- 9 private session, please. Thank you.
- 10 (Private session at 2.33 p.m.)
- 11 THE COURT OFFICER: [14:33:05] We are in private session, Madam President.
- 12 PRESIDING JUDGE SAMBA: [14:33:06] Thank you very much.
- 13 Mr Jacobs, please continue.
- 14 MR JACOBS: [14:33:19](Interpretation) Thank you, Madam President.
- 15 Q. [14:33:22] Hello again, Mr Witness.
- 16 A. [14:33:26] Good afternoon, counsel.
- 17 Q. [14:33:34] We will resume the train of thought which we had before the break. So
- 18 at 1600, you received the call from your (Redacted). What did you do once you
- 19 received that telephone call?
- 20 A. [14:33:51] Thank you for that question. I told you already that when she phoned
- 21 me, I came back. According to you, what could I possibly do on that day? How could I
- 22 act? How could I react? Could I put pressure on Mahamat Said? Because he had the
- 23 power, he had all the elements, he could decide on the death or life of someone. But as
- 24 far as me, I had nothing, could do nothing. It is a soldier like him that took him away,
- 25 but I myself couldn't do anything. I had no power. At that time, we were very scared

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 of him. I had nothing. I had nothing to do because I had no power. Thank you.

2 Q. [14:35:26] Thank you. I don't know if there's a problem of interpretation, but I'm  
3 asking you when you were at your -- (Redacted), you received the call,  
4 and what happened then? Did you immediately return back to the family home in  
5 Bangui or what happened?

6 A. [14:35:43] It's true. I immediately returned to the family home before I left.

7 Q. [14:36:05] And how long did it take to go from (Redacted) to the family home?

8 A. [14:36:10] Maybe it was one hour. The distance is a bit long. I hurried as much as  
9 I could. But despite that, it was about one hour. That day it was raining. There was no  
10 transport available. So to go home, I had to take about an hour to get there.

11 Q. [14:36:50] Thank you. Okay. Now, you said this morning before the break, T42,  
12 page 55, line 20, you said: "I took a moto to get back home." Can you confirm that?

13 A. [14:37:19] I haven't understood your question.

14 \*Q. [14:37:47] Well, the reason why I'm asking you the question is that in the  
15 transcripts it states that you took a moto from (Redacted) to the family home. Whereas  
16 in your preparatory log, I'll give you the number, \* it's tab 20, CAR-OTP-0000-0751 --  
17 page 3, you say:

18 "I left immediately when I heard the news, and it took me about one hour to go back to  
19 the family home in (Redacted)."

20 So I'm just trying to sort things out. Did you take a motorbike or did you walk?

21 THE INTERPRETER: [14:38:29] And the reference is 00000751, page 3.

22 THE WITNESS: [14:38:46](Interpretation) No, at that time the motos weren't working,  
23 weren't moving around. I walked to get back home. There were no motorbikes.

24 Nobody was moving around on a motorbike. We were in a situation of conflict and I  
25 preferred -- and everybody preferred to keep their motos at home. So there were no

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 motorbikes going around.

2 MR JACOBS: [14:39:26](Interpretation)

3 Q. [14:39:26] Thank you, Mr Witness. So once you arrived at the family home, who  
4 did you find there?

5 A. [14:39:31] When I arrived back home when I left (Redacted), the information of the  
6 arrest of my brother was already known and there was already a group at the family  
7 home, people from the neighbourhood. So when I arrived I saw all these people, and  
8 they said, "No, no, no. It's not a joke. This is the truth." That's when we took the  
9 decision to go and look and see what's happened, where did he go. There was a whole  
10 group. We knew that there was arrests, somebody had been taken away. We were  
11 panicking. We didn't really know who was doing what. So we left to look for him.  
12 There wasn't only one or two individuals. There were several people. So that's it.

13 \*Q. [14:41:06] Thank you, Mr Witness. Who decided to go to (Redacted)? You said  
14 this morning that you went to (Redacted), that is in transcript T42, page 9, line 4. Who  
15 decided that you would all go to (Redacted)?

16 A. [14:41:27] Please, could you repeat the question, because you're talking about  
17 (Redacted). I didn't quite follow what you were saying.

18 Q. [14:42:27] Sorry, I'm looking for the reference in the transcript to be more precise.  
19 Once you arrived at the family home, you decided to look for your brother; is that  
20 correct?

21 A. [14:43:05] Yes, that's correct. It is from the family home that we took the decision  
22 to go and look for him.

23 Q. [14:43:31] And at that moment, you went to the (Redacted) of (Redacted); is that  
24 correct?

25 A. [14:43:43] That is correct. I went to the field, the (Redacted).

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Q. [14:43:57] And when did you arrive at (Redacted)?

2 A. [14:44:00] From the family home to (Redacted), by running, you could do it in  
3 about ten minutes. So leaving the family home to go to (Redacted) where he was taken  
4 away, it took me about ten minutes.

5 Q. [14:44:44] Could you assess the exact hour when you arrived at (Redacted),  
6 approximately?

7 A. [14:44:56] So we -- he was taken at 4.00. It took me one hour to get back. So it was  
8 between 5.00 and 6.00 in the evening, because on that day there was heavy rains, there  
9 was flooding, so I think that it was between 5.00 and 6.00 in the evening.

10 Q. [14:45:43] Can you tell us who came with you to (Redacted)? Which members of  
11 the family were with you?

12 A. [14:45:58] To go to (Redacted), I was with (Redacted). I've already mentioned  
13 their names. We all left together. I wasn't alone. I can talk about the members of my  
14 family, (Redacted), but I've already given you their names.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 A. [14:48:42] Thank you. On that day, we were all present. I mentioned all the  
2 names. I think that I mentioned all the names, all the number of (Redacted) who  
3 moved together on that day.

4 Q. [14:49:32] Thank you, Mr Witness. So if I understand correctly what you're  
5 saying, you arrived at (Redacted), at least two hours after the arrest of your brother; is  
6 that correct?

7 A. [14:49:53] That is correct. No, not really two hours, but it was more than one hour.  
8 It took me one hour to arrive at the family home, and add to that the distance between  
9 the family home and (Redacted). So I think it could be about one hour, one hour and  
10 some minutes.

11 Q. [14:50:27] Thank you, Mr Witness. So in your statement, your previous statement,  
12 you describe - this is the same, CAR-OTP-2127-9527, tab 1 for the French version, tab 2  
13 for the English version, paragraph 17 - you describe how the individuals who were  
14 present (Redacted) told you what had happened; is that correct?

15 Did you hear my question, Mr Witness?

16 A. [14:51:39] Yes. Yes, I heard your question. It wasn't very clear to me. That's why I  
17 was taking the time to wait until the document appeared on the screen.

18 Q. [14:51:58] Well, perhaps we can look at paragraph 17 if that's the case.

19 PRESIDING JUDGE SAMBA: [14:52:35] Do you want to put your question, Mr Jacobs?  
20 Now that you've referred to paragraph 17, maybe put your question to the witness  
21 again, please.

22 MR JACOBS: [14:52:55](Interpretation)

23 Q. [14:52:57] Yes, of course. My question was that you've confirmed that persons  
24 present at the (Redacted) told you what happened as regards the arrest of your brother;  
25 is that correct?

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 A. [14:53:22] Yes, that's true. There was a whole group. There were several people  
2 there. There were quite a few people there. And when we arrived, they told us, "Well,  
3 look. Look, (Redacted) have arrived." So everybody gave us their version of what had  
4 happened. Some said that they recognised the vehicle, that he often made a patrol, and  
5 that it was the vehicle of Mahamat Said.

6 You know, in this type of incident, everybody gives their own version of the facts and  
7 you don't really know who is telling the true version, the correct version. So we didn't  
8 really have time to find out what the true information was. What was important for us  
9 was to take the decision to look for him. But there wasn't only a single person we  
10 talked to because there were many people there and we received several versions of the  
11 same event. Thank you.

12 Q. [14:54:59] Thank you, Mr Witness. So after that, you decided to continue to look  
13 for him and at that time you went to the OCRB. How long did it take you to go to the  
14 OCRB?

15 A. [14:55:07] When we left the family home to go to the OCRB in the centre, I told  
16 you no vehicles, no motos were circulating, so it took us about two hours. I also told  
17 you it had rained very heavily on that day, so it took us about two hours to arrive in  
18 the centre of the town.

19 Q. [14:56:22] Thank you, Witness. And how long did you stay in the city centre?

20 A. [14:56:27] We spent quite a lot of time there, because we wanted to know where he  
21 was taken. \* We couldn't go directly because there had already been warning shots. So  
22 we didn't really know where he was. We didn't know where he was taken. So we  
23 looked until we knew that he had been killed. We spent at least one hour and 30  
24 minutes in the city centre. And when we knew what happened to him, that -- that we  
25 went back home on that day.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 Q. [14:57:52] Okay. So you spent about one and a half hours in the centre of the town  
2 before returning home; is that correct?
- 3 A. [14:57:58] That's correct. As I told you, that's what happened.
- 4 Q. [14:58:25] Thank you, Mr Witness. Now, I want to go to the next day. What  
5 happened the next day, Mr Witness?
- 6 PRESIDING JUDGE SAMBA: [14:58:47] Mr Jacobs, please let us know when you want  
7 for us to go into open session. Thank you.
- 8 MR JACOBS: [14:59:02](Interpretation) Thank you, Madam President. I will try but it  
9 will be a bit tricky, but I'll do whatever I can.
- 10 Q. [14:59:16] Mr Witness, I'm going to ask you the question again. So the next day,  
11 can you tell us what happened?
- 12 A. [14:59:22] The next day, there was nothing in particular we could do. We entered.  
13 We were at the family home. We knew the news of what had happened, that they had  
14 killed him. We were at home the next day, but we didn't know where the body was.  
15 We were at the family home. Everybody was in mourning. Everybody was crying.  
16 And in the evening, the body was found at the community hospital. We were  
17 informed and we went there and, indeed, it was his corpse. The day after, we started  
18 burial ceremonies.
- 19 Q. [15:00:56] Thank you, Mr Witness. Now, who let you know that your brother was  
20 at the community hospital?
- 21 A. [15:01:06] The person who gave us that information, in actual fact, that person was  
22 part of the people -- one of the people who had taken the body to the hospital. I told  
23 you before that my brother was very well known. \* So once there, the person saw the  
24 Red Cross staff throwing a body on the ground. They went up to the body and they  
25 realised that it was (Redacted) body. And, indeed, it was him.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 After preparing to take the corpse and take it to the morgue, they came -- after doing  
2 that, they came up to us and told us about it.

3 So let me sum up. It was a neighbour who was part of the team of people who brought  
4 a body to the morgue who informed us of the situation.

5 Q. [15:02:39] Thank you, Mr Witness. In your previous statement, CAR-OTP-2127-  
6 9527, tab 1 for the French version, tab 2 for the English, page 9532, paragraph 23.

7 Paragraph 23, you said:

8 "The following day, we decided to look for my brother whom we presumed had been  
9 killed and discussed going to the hospital. \* While we were still at home some relatives  
10 had been at the mortuary and saw (Redacted) body there. These relatives were at the  
11 hospital because someone had died of an illness."

12 Now, Mr Witness, you said that it was relatives of someone who had died who had  
13 contacted you, and now you just told us that it was people who handled the body who  
14 gave you the information. Can you reconcile these two accounts?

15 A. [15:04:18] Yes. I already told you that we did not know where his body was.

16 When those people went there to drop off the body of a member of their family, that is  
17 when they saw the body of our brother, because nearly everyone knew him. So they  
18 came back and gave us the news. That was a well-known -- he was a well-known  
19 person. We weren't able -- we wouldn't have been able to know if his body was at the  
20 morgue unless someone had been there and actually saw the body.

21 Q. [15:05:24] Thank you for those clarifications, Mr Witness. So this person called  
22 you. Exactly whom did the person call, you or a member of your family?

23 A. [15:05:43] Who are you talking about? Who called me?

24 Q. [15:06:04] You said that someone informed you that your brother was at the  
25 community hospital, whereas in your previous statement you said you were contacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 by telephone. So my question is which telephone? Was it your phone, someone else's  
2 phone, your (Redacted) phone, (Redacted) phone? Who received the call?

3 A. [15:06:32] No, it wasn't a phone call. They had already left the body at the  
4 morgue. It was when they came back they informed us. It wasn't a phone call.

5 Q. [15:07:03] Thank you, Mr Witness. That's very clear. So then you decided to go to  
6 the community hospital. Who went with you? Which family member went with you?

7 A. [15:07:17] When we learned the news, it wasn't just the members of our family  
8 who had gone there. There were many people. People came from everywhere, from  
9 every corner of the neighbourhood. It wasn't just family members. There was also  
10 neighbours and other acquaintances.

11 Q. [15:08:24] Very well, Mr Witness. And when you got to the morgue, did you  
12 speak to a doctor or someone who worked at the hospital?

13 A. [15:08:30] At that time, it was (Redacted) who had asked the morgue attendant.  
14 And we were there. We were waiting for the answer. We asked who had brought the  
15 body, and we were told it was Red Cross staff who had discovered the body behind the  
16 palace and they had brought it there. That is the information we received. And  
17 everyone burst out and began sobbing.

18 Q. [15:09:31] Was there an autopsy done? Do you know if that was the case?

19 A. [15:09:36] No. When we got there the following day, the body had been washed  
20 before burial. The same day when we got the body back, we immediately conducted  
21 the burial.

22 Q. [15:10:25] Thank you, Mr Witness.

23 MR JACOBS: [15:10:37](Interpretation) If we could please put a document up on the  
24 screen, CAR-OTP-2116-0992. This is tab 4 on our list of materials. 2116-0992, tab 4.

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

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 A. [15:11:15] Yes, I see it. I see it just fine.
- 2 Q. [15:11:26] This is the death certificate. I had a question for you. Who had this
- 3 document issued, Mr Witness?
- 4 A. [15:11:47] It was (Redacted). He was the one who
- 5 asked that this document be issued.
- 6 Q. [15:12:29] Thank you.
- 7 MR JACOBS: [15:12:32](Interpretation) Court officer, if we could zoom in to the second
- 8 part of this document at the bottom. A little bit lower down. Thank you very much.
- 9 Q. [15:12:53] \* Mr Witness, here we see written here the following: "Death declared on
- 10 the (Redacted) 2013 at 12h by (Redacted)." That's you, isn't it?
- 11 A. [15:13:12] Yes, that's indeed my name.
- 12 Q. [15:13:22] Very well. According to this document, you were the one who declared
- 13 that your brother had died; isn't that right?
- 14 A. [15:13:37] No, it was (Redacted). He was the one who went there to ask
- 15 for this document to be issued, then he gave it to me.
- 16 Q. [15:14:01] So you're telling us that when (Redacted) declared that your brother
- 17 had died, he gave your name for the death certificate? Is that what you're telling us?
- 18 A. [15:14:11] Yes, because he was the one who knew how to proceed. Yes, he was the
- 19 one who knew about the procedure. So he was able to have it issued and he brought it
- 20 back to the house.
- 21 Q. [15:14:52] Do you know what sort of supporting statement you needed to provide
- 22 to the city hall for such a document to be issued?
- 23 PRESIDING JUDGE SAMBA: [15:15:07] Well, Mr Jacobs, he has said that he was not
- 24 the one who asked for the document. (Redacted) was the one
- 25 who understood what exactly to do. That's not a fair question to the witness, I'm

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1     afraid.

2     MR JACOBS: [15:15:40](Interpretation) Thank you, your Honour. I'm asking him if he  
3     knew what supporting documents had to be provided. He may be in a position to  
4     know what supporting documents had to be provided.

5     PRESIDING JUDGE SAMBA: [15:16:00] Mr Witness, did you hear the question? And  
6     if you don't know, you can say so, please. Thank you.

7     THE WITNESS: [15:16:22](Interpretation) The documents that were used, if I  
8     remember correctly, were -- there was the death certificate issued by the hospital. I  
9     believe that was used for this document, so that this particular document might be  
10    issued.

11    MR JACOBS: [15:16:59](Interpretation)

12    Q.   [15:17:00] Thank you, Mr Witness.

13    MR JACOBS: [15:17:03](Interpretation) Could we now have a look at CAR-OTP-2116-  
14    0994, tab 6 on our list of materials. 2116-0994, tab 6. I'm sorry, I beg your pardon. I  
15    forgot to ask a question about the previous document.

16    Q.   [15:17:49] Mr Witness, do you still have the original copy of your brother's death  
17    certificate?

18    A.   [15:17:54] Yes, the original does exist. I think it was used for the other documents  
19    to be issued. And we provided all documents possible. So, yes, they did use that  
20    original document to issue the others.

21    Q.   [15:18:32] Thank you, Mr Witness. And if we needed to look at the original  
22    document, would you be willing to provide it to the Court for that purpose?

23    A.   [15:18:49] Of course. But, unfortunately, I don't have it here with me. I don't have  
24    anything with me. But what I do know is that all the documents I provided you with,  
25    I've always kept the originals with me.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Q. [15:19:20] Thank you, Mr Witness.

2 MR JACOBS: [15:19:38](Interpretation) Madam Court Officer, if the death certificate  
3 could be put back up on the screen. The death statement.

4 Q. [15:19:56] Can you see the document on the screen, Mr Witness?

5 A. [15:19:57] Yes, I see it. It's quite clear on the screen.

6 Q. [15:20:18] Very well. I have some questions. Now, first of all, who gave you this  
7 document?

8 A. [15:20:23] Thank you. When we had the body brought out, the hospital issued this  
9 document. It was given to (Redacted). So I said to (Redacted) that he should keep this  
10 document. "It's better for you to give it to me so that I can keep it." \* I asked  
11 (Redacted) and he said "No, the document should be given to him." I was still a child  
12 and it was up to him to keep the document. I said to myself of course he was right. \*  
13 And since I was still a child, I could have lost or misplaced it.

14 Then after that, when he fell ill and I went back to see him, I asked for the document  
15 back for the future. I know that no matter what may happen, the justice system will do  
16 its work. It's true he's already dead, but it is possible, it is possible that the justice  
17 system will do its work. And so that is why we are before your Court. At that time, \* I  
18 was the only grown up or adult boy of the family. I was the one responsible for  
19 keeping the family records. \* If I hadn't kept it, given that (Redacted)  
20 (Redacted), if I didn't have it with me, we wouldn't have it today. Thank God I was  
21 able to keep it with me. And so that is why today I can show it to you. Thank you.

22 Q. [15:23:12] Thank you, Mr Witness. \* Now, on this document we see written: date  
23 of entrance, (Redacted) 2013 at 1600 hours. Can you see this entry?

24 A. [15:23:38] Yes, I can see it clearly.

25 Q. [15:24:06] According to this document, the date that your brother was admitted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 was the date of his arrest; is that correct?

2 A. [15:24:25] Yes, it was the day he was arrested. And the following day, we went to  
3 get the body at the morgue.

4 Q. [15:24:50] Do you have an explanation to explain why the date of admission of  
5 your brother was the date of his arrest?

6 A. [15:25:01] Yes, that's the truth. What you just said.

7 Q. [15:25:25] Thank you, Mr Witness. Once again regarding this document, can you  
8 see the date at the bottom? The date of the document itself.

9 MR JACOBS: [15:25:45](Interpretation) If you could zoom in on the bottom of this  
10 document, please.

11 Q. [15:26:01] Can you see that, Mr Witness?

12 A. [15:26:02] Yes, I see it.

13 Q. [15:26:19] Can you manage to read the date, Mr Witness?

14 A. [15:26:22] I can see it. I see the date.

15 Q. [15:26:54] Can you see that it's (Redacted) 2013? Do you see that, Mr Witness?

16 A. [15:26:58] Yes, that's what's written there.

17 Q. [15:27:07] Very well. Now in the witness preparation log, tab 20 on our list of  
18 materials, CAR-OTP-00000751, page 4, you said in relation to this document:

19 \*you said in relation to this document: "I'd like to specify that this document was  
20 provided to us the day after my brother (Redacted) died, and that we saw his body at  
21 the mortuary and that we brought him back to bury him that same day."

22 Going by the date here, you were given this document on (Redacted), not the day after  
23 your brother's death. Do you have an explanation for this discrepancy, Mr Witness?

24 A. [15:28:05] I have nothing to say. I have no comment. I have to tell the Court what I  
25 experienced, the day of his arrest, the day he was killed, and I also told you about the

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 date on which we buried him. I am here to tell the truth, the truth about what happened.

2 Q. [15:28:54] Of course, Mr Witness. We are here to listen to you and to understand  
3 what happened. Now, on the day of your brother's burial, was a burial certificate  
4 issued; namely, a certificate or a document that gave you permission to bury your  
5 brother?

6 A. [15:29:18] Well, at that time who could issue such a document to us? \* It was already  
7 difficult to get a vehicle from one's workplace to transport the remains. We had to use  
8 a pushcart. We managed to get the body to the cemetery and conduct the burial.

9 At that time, burials were haphazard. They weren't done in a regular or regulated way.

10 \* People buried corpses around the houses and everywhere else in the neighborhoods,  
11 because there were many deaths at that time. Who could sit down in an office and  
12 draw up an administrative document? There was no one. No one to do anything like  
13 that. We didn't even worry about. That's the way things were at that time.

14 Q. [15:30:35] Thank you, Mr Witness. You told the investigators, paragraph 28 of  
15 your statement, that your brother was buried at the cemetery of (Redacted); is that  
16 correct?

17 A. [15:30:57] Yes, that is correct. The (Redacted) cemetery, as you say.

18 Q. [15:31:11] Did the investigators ask you to identify the grave of your brother?

19 A. [15:31:17] No. They asked me questions to know where he was buried, and I told  
20 them in (Redacted). They asked me if I knew exactly where he was buried, and I said,  
21 "Yes, of course. I know the grave of my brother. I know where it is. That's something  
22 I'll never forget." That is the answer that I gave them when they asked me that  
23 question.

24 Q. [15:32:13] Thank you, Mr Witness. And after that question, as far as you know,  
25 did the OTP carry out any investigations to identify the body, identify the grave, et

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 cetera?

2 A. [15:32:26] It's true. They asked me the question, and I told them if they were  
3 available, we could go together and I could show them his grave. I know where it is  
4 very well. And they said there's no problem, that's what they told me, if I perhaps  
5 made a mistake. And I said, "No, no, I couldn't do that, because I buried him myself." I  
6 can't forget where he was buried, his grave. But to say that they asked me to -- that we  
7 go together to verify the place, no, we didn't do that. They said they didn't have  
8 enough time for such a journey. But they asked me to tell them where the tomb was or  
9 where the grave was.

10 Q. [15:33:51] Thank you, Mr Witness, for that clarification.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

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

Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 We can remove the document from the screen.

2 Mr Witness, can you tell us when you were contacted by the OTP of the ICC for the  
3 first time?

4 A. [15:49:56] It was a long time ago. I can't remember the date anymore. I've  
5 forgotten the date when we first met. It goes back a while, and I can't remember the  
6 date, to be honest. No, I can't remember the date, to be honest.

7 Q. [15:50:45] Thank you, Mr Witness. And when they contacted you for the first  
8 time, how did the OTP contact you? Was it by phone?

9 A. [15:50:52] Yes, they contacted me by phone and then I went to meet them.

10 Q. [15:51:14] Did the investigators explain to you how they got hold of your number?

11 A. [15:51:35] No, they didn't tell me how they got my telephone number. They only  
12 called me and then I went to meet them. And then afterwards, I wondered how they  
13 got hold of my number. They told me that during their investigations they found the  
14 file of the death of my brother and they saw my number on it and then they contacted  
15 me. I don't know how did they did that, but no doubt when they were carrying out  
16 their investigations, they found the file relating to my brother and they saw my  
17 telephone number on the document somewhere.

18 Q. [15:53:00] Very well, Mr Witness. You've just told us that after that phone call you  
19 met them. We have the record of your initial meeting with investigators. It's CAR-  
20 OTP-2116-0857. It's a notification. And according to this document, you met them on 5  
21 October 2019. Does that jog your memory?

22 THE INTERPRETER: [15:53:41] The reference is 2116-0857, tab 27.

23 THE WITNESS: [15:53:58](Interpretation) Yes, no doubt because, as I told you, I've  
24 forgotten the date. It's some years ago. But now that you jogged my memory, no  
25 doubt it must be true.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [15:54:23](Interpretation)

2 Q. [15:54:24] Fine. Do you remember who was present on that particular day?

3 A. [15:54:49] No, no, I met one team. It was one single team. There was a man, a  
4 lady. There was a team. But I can't identify one particular person.

5 Q. [15:55:19] Can you remember what language you spoke during those meetings  
6 with the investigators?

7 A. [15:55:23] In the team, some expressed themselves in English and others in French.  
8 There was an interpreter who made it possible for us to talk. So in the team, there was  
9 also an interpreter.

10 Q. [15:56:06] So to be clear, you talk which language to the investigators? What  
11 language did you speak?

12 A. [15:56:13] I answered the investigators in Sango, and the interpreter made the  
13 interpretation or the translation in their particular language. But I expressed myself in  
14 Sango so that the things would be clear to them.

15 Q. [15:56:52] Fine. Thank you. After this initial meeting, did they show you any  
16 documents? Or did you re-read a document?

17 A. [15:57:18] My statement was read out to me. But what we said was noted down,  
18 and it is only at the end that the statement was read out to me and I confirmed that that  
19 was the information I had given. When we met the first time, no, I must admit that I  
20 re-read and signed my statement.

21 Q. [15:58:47] Thank you, Mr Witness. To be clear, here we're talking about your first  
22 meeting with the OTP in 2019, and your other declaration was in 2021. We're talking  
23 about the first meeting. Did you read and sign the document of 2019?

24 A. [15:59:09] Yes, that is correct. It's true.

25 MR JACOBS: [15:59:36](Interpretation) Madam President, I see the time. I think this is

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

- 1 a good moment to stop.
- 2 Just to inform you, I think the maximum amount of time is 30 minutes tomorrow
- 3 morning or perhaps a bit shorter, depending on what the witness says. But I think half
- 4 an hour is a reasonable estimate of the time I need.
- 5 PRESIDING JUDGE SAMBA: [16:00:04] Thank you, Mr Jacobs.
- 6 You see, the system is very much unlike when we have witnesses here when they're in
- 7 the field. When they're here, when we want to change witnesses, we get 30 minutes.
- 8 But in the field, we have to break for one hour. So what I'm going to do, I mean, if it's
- 9 okay by you, I'm going to ask the court officer to ask colleagues to allow us so that you
- 10 can finish off if you think you can do it within 30 minutes. We will really very much
- 11 appreciate. Thank you.
- 12 I'm assured that we can use 30 minutes. Thank you, Mr Jacobs. Is that okay?
- 13 MR JACOBS: [16:01:01](Interpretation) Well, I do need a short break. I won't hide that
- 14 from you. A bit of a pit stop, if you know what I mean, if we continue.
- 15 PRESIDING JUDGE SAMBA: [16:01:09] Well, I do understand. Let's take three
- 16 minutes for each of our own benefits. Some of us will also benefit from that. Thank
- 17 you very much.
- 18 I'll rise the Court for some three minutes, please.
- 19 THE COURT USHER: [16:01:23] All rise.
- 20 (Recess taken at 4.01 p.m.)
- 21 (Upon resuming in private session at 4.07 p.m.)
- 22 THE COURT USHER: [16:07:21] All rise. Please be seated.
- 23 PRESIDING JUDGE SAMBA: [16:07:36] Thank you very much, Mr Witness. We'll
- 24 continue with your questions, Mr Jacobs, please. Please continue. Thank you.
- 25 MR JACOBS: [16:07:55](Interpretation) Thank you, Madam President.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Q. [16:07:56] Mr Witness, we're going to keep on going now.

2 MR JACOBS: [16:08:26](Interpretation) I just wanted to check that we were, indeed, in  
3 private session.

4 Q. [16:08:34] Now, after this initial meeting with the OTP on 5 October 2019, we also have  
5 an investigator's report, CAR-OTP-00000713, tab 29 on our list of materials, 0713, \*which  
6 states that on 8 October – so three days later – an investigator from the OTP called you and  
7 asked you for more information about the three other bodies that were found at the same  
8 time as the body of your brother. Can you confirm that telephone call?

9 THE COURT OFFICER: [16:09:53] I am informed that the witness is not hearing the  
10 Sango interpretation.

11 (Interpretation) Courtroom officer in Bangui, could you test the microphone for us?

12 THE COURT OFFICER: [16:10:54](Via videolink)(Interpretation) Can you hear me?

13 THE COURT OFFICER: [16:11:18](Interpretation) Yes, indeed. Thank you.

14 PRESIDING JUDGE SAMBA: [16:11:20] Mr Jacobs, can you put the question again,  
15 please.

16 MR JACOBS: [16:11:23](Interpretation) Yes, of course, Madam President.

17 Q. [16:11:25] Can you hear me, Mr Witness?

18 A. [16:11:27] Yes, I'm now hearing you just fine. Perfectly.

19 Q. [16:11:31] Great. Now, my question was this: We do have an investigator's  
20 report, which is up on the screen actually, \* and here we read that on 8 October 2019, so  
21 three days after your first interview, an investigator contacted you and asked for more  
22 information about the three other bodies that were found at the same time as your  
23 brother. Can you confirm this telephone call?

24 A. [16:11:59] Obviously when we were alerted, we went there, we saw bodies, but we  
25 couldn't identify them. Each person was trying to find the body of his family member.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Each person was looking out for the body that was of interest to him.

2 Q. [16:12:54] Very well. So you can confirm that the investigators in 2019 asked you  
3 for assistance to find the contact information for the other family members of the other  
4 people who were found along with your brother?

5 A. [16:13:08] Yes, they did ask me such a question, but I didn't know what to tell  
6 them because I didn't know anyone. I had no information about those bodies. I just  
7 gave them the information that I had on that day.

8 Q. [16:13:55] According to this same investigator's report up on the screen, you  
9 provided the OTP with information concerning other people. At the bottom of the  
10 page:

11 "P2607 also provided information in relation to the bodies that were found on the same  
12 day as his brother."

13 Then we see the names of certain people, and we see that you asked to be called back  
14 the next day to provide details about the last body that had been found, and we see  
15 some information about another person. Can you confirm that you gave all that  
16 information to the OTP?

17 A. [16:14:40] Well, (Redacted), that was his brother. He was an entrepreneur. I  
18 mentioned him and they had to call him. I don't know where he is now. I don't know  
19 exactly where he is now. They asked for information, and I provided it to them. In any  
20 event, I told them about (Redacted), but I don't know where he is now.

21 Q. [16:15:48] Thank you, Mr Witness. When did you learn about this? \* When did  
22 you get this information? Because you told us that in 2013, you did not know who  
23 these other people were. In 2019, you had quite a bit of information about these other  
24 people. When did you learn about these things? When did you gain this information?

25 A. [16:16:14] At that time, his brother too was a victim of the situation. During a

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-2607

1 discussion, he talked about that and so that's how I learned about it. I said, "My  
2 brother, since you have that information, I'm going to give your number to the  
3 investigators who are investigating to find out what really happened to your brother."  
4 He agreed. And since he didn't have a telephone, I was called. They called me and  
5 then I passed on the information. Then they called him and they had a discussion with  
6 him. After all of that, I didn't handle any of that anymore. He dealt with all of that,  
7 everything having to do with the death of his brother.  
8 I don't know where he is exactly. There -- the work -- my work was to provide the  
9 information and that was it. That's all I said to those investigators.

10 Q. [16:18:02] Thank you, Mr Witness. \* After this initial contact in October 2019, and  
11 before your prior statement of April 2021, so a year and a half later, did you stay in  
12 touch with the OTP during those 18 months?

13 A. [16:18:27] Yes, they took my statement and we remained in contact. They called  
14 me and they asked me if I could confirm my statement. They also asked me if I would  
15 agree to come and give testimony before the Court, and I said I would. I said to them  
16 that I could, I could come and talk about everything. Then they asked me if I could  
17 come to the Court to repeat what I had said, and I said yes. And so they showed me  
18 this statement and I signed it.

19 Q. [16:19:39] Thank you very much. That's very interesting and you've answered  
20 some other questions I had. But before your statement, your earlier statement, were  
21 you in regular contact with the OTP? You met them for the first time in October 2019,  
22 and the next time was for your statement in April 2021. Between those two dates, were  
23 you in regular contact with them?

24 A. [16:20:09] Not really on a regular basis.

25 Q. [16:20:36] Very well. \* When you met with the OTP staff to give your earlier

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 statement in April 2021, did they ask you to show them some identification?

2 A. [16:20:47] Yes, they asked to see my ID card and I showed it to them.

3 Q. [16:21:22] Thank you, Mr Witness.

4 MR JACOBS: [16:21:24](Interpretation) Could we call up CAR-OTP-2116-0998, and this  
5 is tab 14 on our list of materials.

6 Q. [16:22:01] Can you see the document, Mr Witness?

7 A. [16:22:03] Yes, I see it. I can see this document. It's entitled "Receipt".

8 Q. [16:22:32] This is the document that you showed the OTP when your statement  
9 was taken. Can you confirm that?

10 A. [16:22:36] Yes, it's that one. Yes, but I'm the one who gave them that document.  
11 It's indeed the document.

12 Q. [16:23:01] Very well. And if we look at the bottom of this document, we see that  
13 period of validity, (Redacted). Do you see that?

14 A. [16:23:19] Yes, I see that.

15 Q. [16:23:35] So when you showed this document to the investigators, did they ask  
16 you for the corresponding identity card?

17 A. [16:23:40] At that time, there were no identity cards. Everyone would use these  
18 slips that were valid for three months. At the time, it was important to have an  
19 administrative document on one's person. So it was a struggle to get these slips. It's  
20 true that the period was very short, but it was necessary to be protected. I repeat, the  
21 documents were valid for three months. And each time I was asked to show some kind  
22 of identity document, I would show this document. And it showed that I was -- that  
23 my papers were in good order.

24 I reiterate, they were valid for three months, and this is what I used as an ID card, and  
25 it allowed me to move about freely.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Q. [16:24:56] Thank you, Mr Witness. So this is a request for an identity card, but you  
2 never got the identity card, the corresponding identity card? You never got it?

3 A. [16:25:14] Yes, I had requested such a card. But before -- it was only later that we  
4 were able to get another one.

5 Q. [16:25:42] So you got it using a different piece of identification? Is that what  
6 you're telling us?

7 A. [16:25:49] Yes, that's right.

8 Q. [16:25:59] And do you have it? Do you have such a card?

9 A. [16:26:12] Are you talking about the new card?

10 Q. [16:26:23] Thank you, Mr Witness. Yes, indeed. Would you be willing to provide  
11 a copy to the Court?

12 A. [16:26:33] Yes, that's not a problem. I can give it to you.

13 Q. [16:26:57] Thank you, Mr Witness.

14 MR JACOBS: [16:27:06](Interpretation) The document can be taken off the screen.

15 Q. [16:27:08] Now, as part of your interactions with the OTP, did the OTP ever cover  
16 any costs for you? Costs related to your taking part in the trial.

17 A. [16:27:36] Not at all. Not at all. What did they give me? Nothing at all. They  
18 called me, and when I got there -- you know, I've come from far away, but they didn't  
19 give me anything. They were in the middle of their investigations, they were doing  
20 their work, and I agreed to answer their questions, but I didn't get anything from them.  
21 Not even transportation costs. I walked.

22 Q. [16:28:27] Thank you, Mr Witness. We spoke about this earlier, but in your earlier  
23 statement, you gave a list of people who were present with you when you went to get  
24 your brother. Do you remember that?

25 A. [16:28:41] Yes.

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 Q. [16:28:58] To your knowledge, did the OTP of the ICC contact your brothers and  
2 your father?

3 A. [16:29:01] Not at all. Not at all. The investigators from the OTP met with me, and  
4 they didn't want a lot of people to take part in the interview. It was just me who was  
5 asked to come for an interview. There was no other person. Why? Why did they not  
6 gather more people together? No family member of my -- no family member took part  
7 in the interview. It was only me. I was the only one who spoke with the OTP staff.

8 Q. [16:30:04] Thank you, Mr Witness. Once again I fear a bit of an interpretation  
9 problem. I wasn't asking you who was present for your interview. I was asking you  
10 whether you know if the OTP contacted your brother, your father, or someone else  
11 from your family afterwards.

12 A. [16:30:36] Never. Once a member of the OTP team called (Redacted), and I think  
13 it was just one time. After that, they contacted one of (Redacted), and asked if he was  
14 (Redacted). They contacted him on the telephone. He confirmed. (Redacted) as well  
15 was also contacted. Other than that -- and that was just the one time. They contacted  
16 (Redacted) to find out whether (Redacted) had been a victim. I think that day he was  
17 ill, and I was the one who accompanied him and explained things to the investigators.  
18 But after that, all of the procedures, I was the only one to do that. Not two or three  
19 people. I was the only person up until that stage.

20 Q. [16:32:11] To understand fully, you've just said, in T42, page 93, line 25:

21 "I think on that day he was ill, and it was I who was the one who accompanied him and  
22 he explained to the team of investigators."

23 So I understand that there was a meeting between (Redacted), yourself, and the  
24 investigations team; is that correct?

25 A. [16:32:45] Yes, he was ill at that time. They insisted that we accompany him so

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 that they could confirm that the person who had passed away, that the victim was  
2 indeed one of his children. So we accompanied him, he gave his version of facts, and  
3 then we left again.

4 MR JACOBS: [16:33:34](Interpretation) Madam President, this is my last question, and  
5 that will be the end of my cross-examination for the Defence.

6 PRESIDING JUDGE SAMBA: [16:33:42] Thank you very much, Mr Jacobs.

7 Madam Prosecutor, do you have any questions in re-examination, please?

8 MS LE BAILLY: [16:33:53](Interpretation) Yes, Madam President. I do have one  
9 question, one additional question.

10 PRESIDING JUDGE SAMBA: [16:34:00] Can you put your question, please.

11 QUESTIONED BY MS LE BAILLY: (Interpretation)

12 Q. [16:34:08] Mr Witness, I'd like to go back to a point which you mentioned during  
13 your cross-examination. It's today's transcript, T42, page 54, line 18 to 19. You stated  
14 that it was your brother (Redacted) who paid for the rental of the family home, the  
15 family where you all lived together. So my question is, who continued to pay the rent  
16 after the death of your brother (Redacted)?

17 A. [16:34:38] After he passed away, I'm a man. Apart from me, there's no one. I saw  
18 the children who were complaining and crying that they would be put out. Therefore,  
19 I had to fight. I fought in order to be able to assume the responsibility for the children,  
20 his children, these orphans. What could I do? I had to fight like a man.

21 Thanks to God, this small business that I had offered me the possibility of paying the  
22 rent so that we could live under a roof with the children. God help me, up to today, I  
23 am grateful to him. I know it's difficult, but we were not abandoned. If I wasn't  
24 entrepreneurial, I don't know how we would have coped. I don't have the possibilities.  
25 There are many children, they don't go to school, but it is God who looks after those

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 children and keeps them alive.

2 May I have the force, the strength to look after them, to look after those children. I

3 have no help at all. Personally, I have a lot of problems, but God gave me the strength

4 to look after these orphans. One day I know that I will be able to do better, to look after

5 them properly. Today I am worried for these children, because I don't know what their

6 fate will be tomorrow. But I am a man. I will continue to fight. God protect them.

7 And after their father, they are kept alive and going thanks to the grace of God. Thank

8 you.

9 Q. [16:37:54] Thank you, Mr Witness.

10 MS LE BAILLY: [16:37:56](Interpretation) This concludes my questions. Thank you.

11 PRESIDING JUDGE SAMBA: [16:37:59] Thank you very much, Madam Prosecutor.

12 Mr Witness, we are about concluding. We have just one question for you from the

13 Bench. So I'll ask my colleague, Judge Flores, to put her question to you. Thank you

14 very much.

15 JUDGE FLORES: [16:38:37] Mr Witness, thank you. Thank you very much for your

16 cooperation. I know this is a difficult issue for you. I have just one question. You

17 mentioned in your declaration, and also in the log of your preparation, that when you

18 were looking for your brother, you went to the OCRB. Some Seleka elements blocked

19 your way to the OCRB central. And while you were waiting there, you saw a vehicle

20 transporting your brother that took -- towards the Palais de la Renaissance.

21 Can you tell us how do you know it was your brother, and what else happened there, if

22 you may? Thank you.

23 THE WITNESS: [16:39:41](Interpretation) I'm not here to work things out. I think we

24 have to be honest and tell the truth. When we arrived there, what I experienced, what I

25 saw, what I know is that the vehicle of Mahamat Said was departing with my brother

Trial Hearing  
WITNESS: CAR-OTP-P-2607

(Private Session)

ICC-01/14-01/21

1 inside so that he could be killed later on. Those elements who were in the town, they  
2 were all over. They were scattered around, around the OCRB. They were in the  
3 neighbourhood, in the surroundings, but even Said was armed. He had an automatic  
4 pistol. And we were scared. We didn't have any weapons.

5 There are things that I cannot see with a lot of details. I saw some aspects. I saw my  
6 brother in the vehicle. And afterwards, we learned about his death. That's what I can  
7 tell you.

8 JUDGE FLORES: [16:41:03] Thank you very much for that. And I don't have any other  
9 question. Thank you.

10 PRESIDING JUDGE SAMBA: [16:41:11] Thank you very much.

11 Mr Jacobs, do you have anything in reaction to the Prosecution's question or that by the  
12 Bench?

13 MR JACOBS: [16:41:23](Interpretation) No further questions, Madam President.

14 PRESIDING JUDGE SAMBA: [16:41:28] Thank you very much, Mr Jacobs.

15 Thank you, Madam Prosecutor.

16 Mr Witness, I thank you very much on behalf of the Chamber and, indeed, on behalf of  
17 the Court itself, for your cooperation with the Court. Thank you for your testimony. I  
18 wish you luck, yourself and your family, and that of your brother's children and  
19 widow. Thank you very much.

20 I note that we should hear tomorrow P-2692, the Prosecution's 14th witness.

21 So without much ado, I'm going to rise the Court and ask that we come here again  
22 tomorrow at 9.30.

23 Again, thank you, Mr Witness.

24 THE COURT USHER: [16:42:27] All rise.

25 (The hearing adjourned in private session at 4.43 p.m.)