

Trial Hearing
Procedural Matters

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera
6 and Judge Sergio Gerardo Ugalde Godinez
7 Trial Hearing - Courtroom 3
8 Tuesday, 13 December 2022
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:45] All rise. The International Criminal Court is now in
11 session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:30:55] Good morning, everyone.
14 Madam Court Officer, can you kindly call out the case.
15 THE COURT OFFICER: [9:31:10] Thank you, Madam President. The situation in the
16 Central African Republic II, in the case of The Prosecutor versus Mahamat Said Abdel
17 Kani, case reference ICC-01/14-01/21.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SAMBA: [9:31:26] Thank you very much.
20 Can I ask the parties to introduce themselves, starting with the Prosecution, please.
21 MS VON BRAUN: [9:31:33] Good morning, Madam President, your Honours. The
22 Prosecution is represented today by Ms Sanyu Ndagire, Ms Gabriela Campos, and
23 myself, Leonie von Braun.
24 PRESIDING JUDGE SAMBA: [9:31:47] Thank you very much, Ms von Braun.
25 Can I ask Ms Pellet to introduce her team for the victims.

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- 1 MS PELLET: [9:31:53](Interpretation) Thank you, Madam President. *The victims are
- 2 represented by Adeline Bedoucha and myself, Sarah Pellet, Counsel within the OPCV.
- 3 PRESIDING JUDGE SAMBA: [9:32:06] Thank you very much, Ms Pellet.
- 4 And Ms Naouri, for the Defence, please.
- 5 MS NAOURI: [9:32:15](Interpretation) Thank you, Madam President. Next to me,
- 6 Counsel Jacobs and Manon Lanselle, and behind me, Capucine Banet. And as far as I
- 7 am concerned, Jennifer Naouri, lead counsel.
- 8 PRESIDING JUDGE SAMBA: [9:32:29] Thank you very much.
- 9 And for the record, I note that Mr Said is in court.
- 10 A very good morning to you, Mr Said.
- 11 MR SAID: [9:32:41](Interpretation) Yes, good morning, Madam President.
- 12 PRESIDING JUDGE SAMBA: [9:32:46] And before starting today's testimony, I want to
- 13 thank the Registry for yesterday's support to us. We do appreciate the work that you
- 14 do for us very much. Thank you very much.
- 15 Before starting the testimony of P-2692, the Chamber will first render an oral decision
- 16 in relation to the Defence's request for lifting of redactions in the witness preparation
- 17 logs of P-2607, who we heard yesterday, and P-2692, on Filing No. 569.
- 18 Madam Court Officer, can we briefly go into private session for that.
- 19 (Private session at 9.33 a.m.)
- 20 THE COURT OFFICER: [9:33:56] We are in private session, Madam President.
- 21 PRESIDING JUDGE SAMBA: [9:33:58] Thank you very much.
- 22 The redactions relate to the name of one investigator and the names of two interpreters.
- 23 The names of the other members of the Office of the Prosecutor have already been
- 24 disclosed to the Defence. It appears from the Defence's request that it is mainly
- 25 interested in knowing the identity of the investigator.

1 In support of its request, the Defence explains that it needs to know the identity of the
2 OTP investigators in order to determine whether they will be appearing before the
3 Chamber as witnesses in this case. In addition, the Defence wants to know whether the
4 same persons may have questioned several witnesses in order to determine their
5 working methods and potential impact on the content and authenticity of their
6 testimony.

7 The Defence points out that it already knows the identities of several members of the
8 Office of the Prosecutor who still operate inside the Central African Republic.

9 In its response, the Prosecution states that the investigator in question is a part of a
10 small group of investigators currently deployed in the Central African Republic.

11 Although he is not permanently based in the field, he is still active in the field.

12 According to the Prosecution, disclosing his identity risks exposing the investigator
13 himself, as well as Prosecution witnesses that will testify via AVL, from the Central
14 African Republic.

15 The Prosecution claims that this risk arises from the disclosure to the accused because
16 of the possibility that the information might be "inadvertently leaked". The Prosecution
17 further argues that it is "standard and accepted practice to delay the disclosure of the
18 names of OTP staff members if they remain active in the field on ongoing
19 investigations."

20 Now, the Chamber recalls its previous decision of 10 October 2022 in which it rejected
21 the Prosecution's generic arguments concerning the risks that disclosure of the
22 identities to the Defence would endanger. The Chamber also specifically rejected the
23 argument about possible inadvertent disclosure as too speculative. The Prosecution
24 does not explain why the situation of this investigator would be substantially different
25 in this regard.

Now, in the absence of a more substantiated explanation from the Prosecution regarding why lifting the redactions would give rise to an objectively justifiable risk to safety or otherwise prejudice its investigation, the Chamber orders the disclosure of the name of the investigator who attended the witness preparation sessions of P-2607 and P-2692.

Madam Court Officer, we can now return to public session, please.

(Open session at 9.37 a.m.)

THE COURT OFFICER: [9:37:37] We are back in open session, Madam President.

PRESIDING JUDGE SAMBA: [9:37:41] Thank you very much.

Before calling the witness, the Chamber notes that the Prosecution has submitted a request to introduce the annex to P-2692's witness preparation log pursuant to Rule 68(3) of the Rules of Procedure and Evidence. The Chamber will now render a brief decision on the Prosecution's request to introduce Annex A to the witness preparation log of P-2692. The request is numbered 565.

According to the Prosecution, the witness preparation log annex contains information that is relevant, reliable, probative, and corroborated by other evidence. Moreover, the Prosecution argues that granting the request will not cause prejudice to the accused and will enhance the expeditiousness of the proceedings.

The Defence, in Filing No. 572, opposes the introduction of the witness preparation log on the grounds that any correction or contradiction between the original statement and the witness preparation log casts doubts which can best be addressed directly with the witness.

The Defence also argue that allowing the introduction of witness preparation log would further reduce the Chamber's oversight over the questioning of the witness. The Defence points out, in this regard, that there are few guidelines for how the Prosecution

may conduct the witness preparation and that there is, thus, little to prevent the Prosecution from asking leading questions.

The Chamber notes that P-2692 provided a limited amount of new information as well as a number of clarifications. The Defence has not pointed to any specific contradictions or significant new information that would cast doubt on the reliability of the prior recorded testimony or might otherwise cause prejudice to the Defence.

Indeed, the Chamber observes that the witness preparation log contains information that might be considered potentially exonerating. For example, P-2692 was shown CAR -- that would be potentially exonerating. The Chamber recalls that the Defence will be afforded reasonable time to raise issues it considers relevant during its questioning of P-2692, including the reasons behind the clarifications and additions contained in the annex to the preparation log.

In light of the above, the Chamber finds that the introduction of the annex of P-2692'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.

The Chamber further notes that the Defence does not oppose the addition of two photographs, CAR-OTP-2135-3812 at 3824 and 3825, that were attached to the witness's victims participation form to the Prosecution's list of evidence. The Chamber accordingly authorises this addition.

That would be the end of our oral decision.

We note that the Prosecution is now calling P-2692 as its 14th witness.

I must, at the outset, note the following for the parties. It is the Chamber's

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understanding that this witness will be testifying in Sango via AVL. I would, therefore, remind everyone of the importance of the need to speak slowly and to observe the five-second rule between questions and answers.

The Chamber also notes that the common legal representative of victims made a request to examine P-2692 for 30 minutes in relation to the following topics: The conditions of detention at the OCRB and the alleged mistreatment of detainees, the harm he allegedly suffered as a result of the events falling within the scope of the witness's expected testimony, and reparations.

The parties did not object to the common legal representative's request, so the Chamber agrees that the proposed topics relate to P-2692's interests and accordingly authorises the common legal representative to question the witness for no more than 30 minutes.

Now, before commencing, the Chamber notes briefly that protective measures are confirmed for this witness by virtue of Decision No. 481.

I'll ask the court officer to please connect us to the witness. Thank you very much.

(The witness enters the courtroom via video link)

PRESIDING JUDGE SAMBA: [9:44:20] Good morning, Mr Witness.

WITNESS: CAR-OTP-P-2692

(The witness speaks Sango)

(The witness gives evidence via video link)

THE WITNESS: [9:44:29](Interpretation) Good morning.

PRESIDING JUDGE SAMBA: [9:44:37] Can you see me, Mr Witness?

THE WITNESS: [9:44:49](Interpretation) I can see you. I can see you on the screen.

PRESIDING JUDGE SAMBA: [9:44:57] Thank you very much. You are going to testify before the International Criminal Court, Mr Witness. So on behalf of the Chamber, I would like to welcome you to this courtroom. We hope that you are comfortable in the

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1 field office.

2 Did you hear that, Mr Witness?

3 THE WITNESS: [9:45:29](Interpretation) I am hearing you clearly.

4 PRESIDING JUDGE SAMBA: [9:45:38] Good. You should have in front of you the

5 solemn undertaking to tell the truth that every witness who testifies before this Court

6 must agree to. Can I ask you to read out loud that solemn undertaking you have

7 before you.

8 THE WITNESS: [9:46:14](Interpretation) I solemnly declare that I will tell the truth, the

9 whole truth, and nothing but the truth.

10 PRESIDING JUDGE SAMBA: [9:46:30] Thank you very much, Mr Witness. Do you

11 understand and agree to what have you just read?

12 THE WITNESS: [9:46:39](Interpretation) Yes.

13 PRESIDING JUDGE SAMBA: [9:46:52] Thank you. We will continue.

14 Mr Witness, let me now explain to you the protective measures that we have put in

15 place for your testimony.

16 We have in place for you voice and face distortion for the duration of your testimony.

17 This means that no one outside the courtroom can see your face or hear your real voice

18 during your testimony.

19 We also have in place for you the use of pseudonym. In accordance with that, we will

20 all refer to you only as "Mr Witness" to make sure that the public does not know your

21 name.

22 When you answer questions that will not give away who you are, we will do so in

23 open session, which means that the public can hear what is being said in the

24 courtroom. When you are asked to describe anything that relates specifically to you, or

25 you are asked to mention facts that might reveal your identity, we will do so in private

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1 session.

2 I will now invite you, Mr Witness, to inform the Court whenever you feel you need a
3 break. For example, when you experience physical discomfort or when you are feeling
4 strong emotions and you would like a moment to calm down, just raise your hand and
5 let us know that you want to say something.

6 Do you understand that, Mr Witness?

7 THE WITNESS: [9:49:17](Interpretation) I understand that perfectly.

8 PRESIDING JUDGE SAMBA: [9:49:24] Thank you very much.

9 So lastly, I have a few practical matters that you should have in mind when giving your
10 testimony.

11 Everything that we say here is written down and interpreted. It is, therefore, important
12 to speak clearly and at a slow pace. Speak into the microphone and only start speaking
13 when the person asking you the question has finished speaking. To allow for the
14 interpretation, everyone has to wait a few seconds before starting to speak.

15 If you have any question yourself, raise your hand so we know that you want to say
16 something.

17 Furthermore, we hope that there are no issues with the videolink. However, if there is
18 any issue with the technology, be rest assured that we will make sure that things are
19 sorted out as quickly as possible.

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

21 THE WITNESS: [9:50:48](Interpretation) I have understood.

22 PRESIDING JUDGE SAMBA: [9:51:04] Thank you very much.

23 So we are now going to start with your testimony, and I'm going to ask the Prosecution
24 to commence compliance with the Rule 68(3) provisions. Thank you very much.

25 QUESTIONED BY MS NDAGIRE:

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1 Q. [9:51:30] Good morning, Mr Witness. My name is Sanyu Ndagire, and we met last
2 week. I will be asking you some questions this morning, very few questions, on behalf
3 of the Prosecution. And as the questions are limited, I ask that you please bear with me
4 as we go along.

5 MS NDAGIRE: [9:51:53] Madam President, could we please go into private session for
6 about one minute for the witness to give his identifying information.

7 PRESIDING JUDGE SAMBA: [9:51:59] Madam Court Officer, can we please go into
8 private session for a while. Thank you.

9 *(Private session at 9.52 a.m.) (Reclassified partially in public)

10 THE COURT OFFICER: [9:52:26] We're in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [9:52:28] Thank you very much.

12 Ms Ndagire, please carry on.

13 MS NDAGIRE: [9:52:38]

14 Q. [9:52:38] Mr Witness, as we are now in private session, would you please tell the
15 Court your full names?

16 A. [9:52:51] My name is (Redacted).

17 Q. [9:53:04] And what is your current occupation?

18 A. [9:53:05] (Redacted).

19 Q. [9:53:21] And where did you live in 2013, Mr Witness?

20 A. [9:53:29] (Redacted).

21 Q. [9:54:01] Thank you.

22 MS NDAGIRE: [9:54:09] Madam President, we may now return to open session.

23 PRESIDING JUDGE SAMBA: [9:54:12] Thank you very much.

24 Madam Court Officer, can you kindly get us into open session. Thank you.

25 (Open session at 9.54 a.m.)

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- 1 THE COURT OFFICER: [9:54:19] We are back in open session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [9:54:21] Thank you very much.
- 3 Carry on, Ms Ndagire.
- 4 MS NDAGIRE: [9:54:26]
- 5 Q. [9:54:27] Mr Witness, when did you first meet with investigators from the Office
- 6 of the Prosecutor?
- 7 A. [9:54:31] The day I met? I can't actually remember the day.
- 8 Q. [9:54:58] But do you recall what the purpose of the meeting was?
- 9 A. [9:55:01] I haven't fully understood your question, madam. Could you repeat it,
- 10 please.
- 11 Q. [9:55:27] When you met the investigators from the Office of the Prosecutor, do you
- 12 recall being interviewed by them?
- 13 A. [9:55:35] When I met the investigators, we obviously had an interview.
- 14 Q. [9:56:05] And did the investigators write down a statement of your interview?
- 15 A. [9:56:09] Yes, everything was written down.
- 16 Q. [9:56:36] And after it was written down, did you have a chance to have the
- 17 statement read back to you in Sango?
- 18 A. [9:56:45] They gave me the document. I read it in French.
- 19 MS NDAGIRE: [9:57:19] Could the court officer please display on the screen for the
- 20 witness tab 2 of the Prosecution's list of material. The ERN is CAR-OTP-2130-6685.
- 21 And I kindly request if page 6686 can be displayed, please.
- 22 Q. [9:58:14] Mr Witness, I don't know if you can see the document that has been
- 23 displayed on your screen.
- 24 A. [9:58:29] I can see it.
- 25 Q. [9:58:31] Are you able to read it as well?

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1 A. [9:58:33] Yes, I can read it.

2 Q. [9:58:53] Can you tell us what this document is, Mr Witness?

3 A. [9:59:05] This document is talking about me. In particular, my name and my date
4 of birth.

5 Q. [9:59:14] And I will read the title of the document, (Interpretation) "Witness
6 Statement." (Speaks English) Mr Witness, do you understand what that means?

7 A. [9:59:43] Yes, I understand.

8 MS NDAGIRE: [10:00:02] Now, I kindly request if the court officer would remove this
9 document off the screen and now display tab 1 of the Prosecution list. The ERN is
10 CAR-OTP-2125-0922. And I kindly request -- thank you.

11 Q. [10:00:42] Now, Mr Witness, the document on your screen is in the English
12 language, but do you see your names on this page?

13 A. [10:00:49] Yes.

14 MS NDAGIRE: [10:01:06] And I kindly request if the court officer would scroll down to
15 the bottom of the page, please.

16 Q. [10:01:26] Mr Witness, do you see your name and signature on this page?

17 A. [10:01:29] Yes, I do.

18 MS NDAGIRE: [10:01:50] And could the court officer please now turn to the last page
19 of the document. That's page 0931.

20 Q. [10:02:13] And, Mr Witness, as this is in English, I will just read briefly what it
21 says:

22 "Witness Acknowledgement

23 "This statement has been read over to me ... into Sango from the English language ..."

24 And below that paragraph, there is a signature. Can you please confirm whether this is
25 your signature, Mr Witness?

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1 A. [10:02:40] I confirm that this is indeed my signature.

2 Q. [10:03:02] Thank you.

3 This document can now be removed from the screen.

4 Now, Mr Witness, when you were telling us about the interview that you had with
5 investigators from the Office of the Prosecutor, did you provide them with any
6 documents at that meeting?

7 A. [10:03:29] Yes, I did give them some documents.

8 Q. [10:03:54] Can you tell us what type of documents these were?

9 A. [10:03:57] Well, some documents that showed that I had been released. A
10 document attesting to my release.

11 MS NDAGIRE: [10:04:31] Madam Court Officer, could you please display tab 3 on the
12 Prosecution's list. And the ERN, for the record, is CAR-OTP-2125-0936.

13 And, Madam President, just to let you know, we have the original copy of this
14 document with us that we retrieved from the Prosecution's evidence vault for the Court
15 and the Defence to have a look at if they wish.

16 PRESIDING JUDGE SAMBA: [10:05:19] Well, if you can pass it on to the Defence in
17 particular so they can have a look at it.

18 MS NDAGIRE: [10:06:32]

19 Q. [10:06:32] Mr Witness, can you see the document on your screen right now?

20 A. [10:06:35] Yes, I can see it indeed.

21 Q. [10:06:52] Can you tell us what this document is?

22 A. [10:06:53] This is the decision that I be released from the prison.

23 Q. [10:07:24] And can you confirm whether this is the document that you gave the
24 investigators of the Prosecution?

25 A. [10:07:29] Yes, certainly. I confirm that I am the one who provided the document

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1 to the investigators.

2 Q. [10:07:57] Thank you very much, Mr Witness.

3 MS NDAGIRE: [10:08:02] This document can now be removed from the screen,

4 Madam Court Officer.

5 Q. [10:08:13] Mr Witness, do you recall meeting members of the Prosecution team
6 last week?

7 A. [10:08:18] Yes, I remember that. We did meet.

8 Q. [10:08:43] And do you recall what the purpose of this meeting was?

9 A. [10:08:46] I don't remember everything that we said to one another. I don't
10 remember completely.

11 Q. [10:09:16] But do you recall members of the Prosecution writing down what was
12 happening during the meeting?

13 A. [10:09:29] Yes, they wrote down what we said to one another during that meeting.

14 Q. [10:10:06] And were you given an opportunity to read your statement?

15 A. [10:10:10] Yes, indeed, they did give me an opportunity to do that.

16 Q. [10:10:31] And did you make any corrections or clarifications concerning your
17 statement?

18 A. [10:10:36] Yes, I did make some corrections and provide some clarifications.

19 Q. [10:11:02] And after providing those corrections and clarifications, were you given
20 an opportunity to read what the Prosecution had written down?

21 A. [10:11:18] Yes, I did have that opportunity.

22 Q. [10:11:44] And did you sign any documents at the end of that meeting, Mr
23 Witness?

24 A. [10:11:54] Yes, I did sign a document.

25 MS NDAGIRE: [10:12:17] Madam Court Officer, could you please display tab 16 on the

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- 1 Prosecution's list. And for the record, the ERN is CAR-OTP-00000768.
- 2 And, Madam President, again, I have the originals of the documents that are at tab 15
- 3 and 16, should the Defence wish to look at them.
- 4 PRESIDING JUDGE SAMBA: [10:12:52] Well, it's courteous normally to offer to the
- 5 other side.
- 6 Mr Court Clerk, can you kindly give the document to the Defence. Thanks.
- 7 Thank you very much, Mr Court Officer.
- 8 MS NDAGIRE: [10:13:59]
- 9 Q. [10:14:00] Mr Witness, do you see a document on your screen?
- 10 A. [10:14:02] Yes, I do.
- 11 Q. [10:14:16] And are you able to read what the title says?
- 12 A. [10:14:45] Yes, I can.
- 13 MS NDAGIRE: [10:14:47] Could the court officer please move to the next page, which
- 14 is 000002.
- 15 Q. [10:15:17] Mr Witness, do you see the page that is now on your screen?
- 16 A. [10:15:21] Yes, I do.
- 17 Q. [10:15:36] And do you recall having looked at this document during our meeting
- 18 last week?
- 19 A. [10:15:40] Yes, I do remember that.
- 20 MS NDAGIRE: [10:16:06] I kindly request the court officer to please turn to the second-
- 21 last page of this document, that's the page ending with the number 4. And for the
- 22 record, that's 000004. And if you could scroll down to the bottom of the page, please,
- 23 Madam Court Officer.
- 24 Q. [10:16:47] Mr Witness, do you see the page that is now on your screen?
- 25 A. [10:16:49] Yes, I see it.

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1 Q. [10:17:04] Do you also see your name and signature at the bottom of the page, Mr
2 Witness?

3 A. [10:17:08] Yes, I see them.

4 Q. [10:17:23] And can you confirm if this is, indeed, the same document you read and
5 signed last week, Mr Witness?

6 A. [10:17:44] Yes, I confirm that.

7 Q. [10:17:57] Now, Mr Witness, is the information in this document and in the
8 statement that you looked at before, is it all truthful?

9 A. [10:18:07] Yes, it does correspond to the truth. And I swore an oath to that end.

10 Q. [10:18:33] And I would just like to ask you, Mr Witness, can the Judges in this
11 Court use your statement and this document that you've just looked at as part of the
12 evidence in the trial in order to help them decide the truth?

13 A. [10:18:52] The Judges may use my statement for this trial.

14 Q. [10:19:18] Thank you very much, Mr Witness.

15 MS NDAGIRE: [10:19:24] Madam President, as the witness has agreed to his statement
16 being used, I believe the procedural requirements under Rule 68(3) are now met,
17 satisfied, unless you otherwise instruct.

18 PRESIDING JUDGE SAMBA: [10:19:41] Thank you very much, Ms Ndagire. Having
19 met the requirements of Rule 68(3), I'll thank you and ask that the procedure carries on.
20 Thank you very much. You may be seated.

21 I'm going to ask Ms Pellet to put her questions on behalf of the victims, please. Thank
22 you.

23 MS PELLET: [10:20:28](Interpretation) Thank you, your Honour.

24 *Madam President, since the OTP has met the requirements of Rule 68(3), I will restrict
25 my questions to the harm that the witness suffered during the events of 2013 and the

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1 impact of said events upon his life and the life of his family members.

2 QUESTIONED BY MS PELLET: (Interpretation)

3 Q. [10:21:00] *Good morning, Mr Witness. Now, we do know one another. But just
4 for the record, I'll specify that I am your LRV, because on 27 May, you were admitted
5 to participate in these proceedings on the basis of a form that *you filled out on the 16
6 March 2022 through video link and telephone, while you were in the office of Counsel
7 Dibert-Bekoy. Madam President, for the purposes of the record, I'll specify that this
8 information is also found in Filing ICC 01-14/01-21/518, redacted, paragraphs 30 and
9 31. Mr Witness, can you confirm that you did fill out this victim participation form
10 with my assistance?

11 A. [10:22:04] Yes, I remember that and I do confirm it.

12 Q. [10:22:18] Thank you, Mr Witness. Mr Witness, do you still think back to the
13 events that led to your victimisation in 2013?

14 A. [10:22:32] Yes, I still think back to what happened.

15 Q. [10:22:52] And what do you feel when you think about those events?

16 A. [10:22:56] When I think back, I have the impression that those events have just
17 happened. Those events are always in my mind.

18 Q. [10:23:40] Have you received any psychological assistance so as to help you when
19 you think back to these events?

20 A. [10:23:55] I remember that.

21 Q. [10:24:16] I think there might have been an interpretation issue, Mr Witness. I was
22 asking you whether you received -- whether you've already received any psychological
23 assistance or care to help you when you think back to those events.

24 A. [10:24:49] Indeed, I did receive psychological care so I could forget about the
25 events that happened to me.

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1 Q. [10:25:04] Thank you, Mr Witness. After the torture that you described in your
2 statement to the OTP, you said that you received medical care. But do you still have
3 any medical problems related to the torture that you were subjected to and your
4 conditions of detention?

5 A. [10:25:23] *With what happened to me, I did receive treatment at the community
6 hospital and at the Hôpital de L'Amitié. And because I was tortured according to the
7 arbatachar method, I still have pain. And on the right side where I had a fracture --
8 well, I can't use my --

9 THE INTERPRETER: [10:26:30] "I can't use my left arm," corrects the Sango interpreter.

10 THE WITNESS: [10:26:37](Interpretation) I can't use that arm for work that requires
11 more strength.

12 MS PELLET: [10:26:44](Interpretation)

13 Q. [10:26:45] Thank you, Mr Witness.

14 MS PELLET: [10:26:48](Interpretation) Madam President, I need to go into private
15 session for the next question, with your leave.

16 PRESIDING JUDGE SAMBA: [10:26:52] Certainly.

17 Madam Court Officer, can we go into private session, please. Thank you.

18 (Private session at 10.27 a.m.)

19 THE COURT OFFICER: [10:27:18] We're in private session, Madam President.

20 PRESIDING JUDGE SAMBA: [10:27:19] Thank you very much.

21 Ms Pellet, continue, please.

22 MS PELLET: [10:27:22](Interpretation) Thank you, your Honour.

23 Q. [10:27:23] Mr Witness, this morning you explained that you are now (Redacted).

24 (Redacted) I'm referring to line 18, page 10. What was your profession at the time of
25 your arrest in 2013?

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1 A. [10:27:45] When I was arrested, at that time I was (Redacted).

2 Q. [10:28:16] And did your arrest have an impact on (Redacted) ?

3 A. [10:28:26] It didn't have an impact. I haven't really understood your question.

4 Could you repeat it?

5 Q. [10:28:53] Of course, Mr Witness. You said that you (Redacted), and

6 I was asking you -- yes?

7 PRESIDING JUDGE SAMBA: [10:29:01] Yes, Mr Witness. Do you want to say

8 something?

9 THE WITNESS: [10:29:17](Interpretation) I would like the question to be repeated,

10 because I haven't understood the question that the Legal Representative of Victims

11 asked.

12 PRESIDING JUDGE SAMBA: [10:29:30] Okay. She will put back the question to you.

13 Ms Pellet, please put the question again to the witness.

14 MS PELLET: [10:29:42](Interpretation)

15 Q. [10:29:42] Mr Witness, you just explained that at the time of the events in 2013 you

16 were (Redacted), and I was asking you whether your arrest and the time that you spent

17 in detention had an impact (Redacted).

18 A. [10:30:22] When I was arrested and put in prison -- you know, (Redacted)

19 (Redacted). All the time that I was in prison, and then I was (Redacted)

20 (Redacted).

21 Q. [10:31:00] And how did your family survive during that time when you were in

22 detention?

23 A. [10:31:06] *My family survived by the grace of God and the support of the family.

24 Our children were still minors. There was no one to come to help them.

25 Q. [10:31:40] Thank you, Mr Witness. Today, do you still continue to carry out this

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1 (Redacted)?

2 A. [10:31:49] Yes, I do continue to do this activity, and this enables me to (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:32:47] Thank you, Mr Witness.

9 MS PELLET: [10:32:49](Interpretation) Your Honour, we can move into open session

10 for my next series of questions.

11 PRESIDING JUDGE SAMBA: [10:32:57] Thank you very much.

12 Madam Court Officer, can we go into open session, please.

13 (Open session at 10.33 a.m.)

14 THE COURT OFFICER: [10:33:14] We're in open session, Madam President.

15 PRESIDING JUDGE SAMBA: [10:33:16] Thank you very much.

16 Ms Pellet, continue, please.

17 MS PELLET: [10:33:22](Interpretation) Thank you, your Honour.

18 Q. [10:33:23] *So, Mr. Witness, you have filled in a participation form to participate in

19 the trial against Mr. Said; what do you expect from this trial?

20 A. [10:33:36] *What I want from this trial is for justice to be done and for me to be

21 able to benefit from all possible reparations. I could consider that as a recompense.

22 Q. [10:34:14] Thank you, Mr Witness.

23 MS PELLET: [10:34:16](Interpretation) Your Honour, this concludes all my questions.

24 Thank you.

25 PRESIDING JUDGE SAMBA: [10:34:19] Thank you very much, Ms Pellet.

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1 I will now turn to the Defence, Ms Naouri or Mr Jacobs.

2 MS NAOURI: [10:34:31](Interpretation) Thank you, your Honour. This will be carried
3 out by Mr Jacobs.

4 PRESIDING JUDGE SAMBA: [10:34:42] Thank you very much, Ms Naouri.
5 Mr Jacobs, your witness then, please.

6 MR JACOBS: [10:35:10](Interpretation) Thank you, your Honour.

7 QUESTIONED BY MR JACOBS: (Interpretation)

8 Q. [10:35:15] Good day, Mr Witness.

9 A. [10:35:26] Good day.

10 Q. [10:35:27] I will introduce myself. My name is Dov Jacobs. Today, I'm going to
11 ask you some questions, really, on behalf of the Defence team of Mr Said.

12 As the Presiding Judge explained, we have to speak slowly, especially since we don't
13 speak the same language. So I'm going to do my best to speak slowly and to wait a bit
14 so that the interpreters can carry out their work. I would ask you to do the same so
15 that everybody can fully understand, and then I'll ask you a question. Please wait a
16 few seconds before answering so that everybody can listen to the interpretation.

17 Is that all right, Mr Witness?

18 A. [10:36:19] I do agree.

19 Q. [10:36:29] Perfect.

20 MR JACOBS: [10:36:34](Interpretation) Your Honour, for my first question I think I
21 would like to move into private session, please.

22 PRESIDING JUDGE SAMBA: [10:36:40] Madam Court Officer, can we go into private
23 session briefly, please. Thank you.

24 *(Private session at 10.37 a.m.) (Reclassified partially in public)

25 THE COURT OFFICER: [10:37:02] We are in private session, Madam President.

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1 PRESIDING JUDGE SAMBA: [10:37:03] Okay, thank you.

2 Mr Jacobs, continue, please.

3 MR JACOBS: [10:37:14](Interpretation) Thank you, your Honour.

4 Q. [10:37:15] (Redacted) ?

5 A. [10:37:25] (Redacted).

6 Q. [10:37:28] (Redacted) ?

7 A. [10:37:31] (Redacted).

8 Q. [10:38:01] (Redacted) ?

9 A. [10:38:04] (Redacted).

10 Q. [10:38:35] (Redacted)

11 (Redacted) ?

12 A. [10:38:45] (Redacted)

13 Q. [10:39:11] (Redacted) ?

14 A. [10:39:14] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted).

18 Q. [10:40:13] (Redacted) ?

19 A. [10:40:21] (Redacted).

20 Q. [10:40:33] (Redacted)

21 (Redacted)

22 (Redacted) ?

23 MS VON BRAUN: [10:41:00] Madam President, what is the relevance of this question?

24 (Redacted)

25 (Redacted), I don't

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1 understand why that's relevant.

2 PRESIDING JUDGE SAMBA: [10:41:19] For purposes of inheritance of the land, as the
3 witness said, I could also understand. But, Mr Jacobs, what's really the relevance of
4 such a question?

5 MR JACOBS: [10:41:39](Interpretation) These are general questions which deal with
6 his family background, I don't want to say too much before the witness, but which
7 affects credibility in general. We'd like to know what the background is, his family
8 background, to see what his statements -- and also as regards his narrative of his
9 detention and arrest. So that's why I'm asking these questions.

10 I think these questions are very important and I need to explore them because it's
11 linked to credibility, your Honour.

12 PRESIDING JUDGE SAMBA: [10:42:15] As to his own general things that -- as relate to
13 what we have on the charge sheet, but, really, you're asking him to tell you a bit about
14 what (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted).

18 I'd ask that you really measure your questions so that we get what's really relevant for
19 the charges before us. Thank you very much.

20 MR JACOBS: [10:43:07](Interpretation) Thank you.

21 Q. [10:43:09] Mr Witness, did you answer my question? I asked what the function
22 was, (Redacted).

23 A. [10:43:31] (Redacted)

24 (Redacted).

25 PRESIDING JUDGE SAMBA: [10:43:37] You see, these are the things, Mr -- excuse me,

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1 Mr Witness.

2 THE WITNESS: [10:43:40](Interpretation) (Redacted).

3 PRESIDING JUDGE SAMBA: [10:43:48] Sorry, Mr Witness.

4 Mr Jacobs, I had already said what I had to say in respect of the question put to this

5 witness about what (Redacted). That is totally irrelevant for the

6 purposes for which we are here. I'd appreciate if you put another question, even

7 though the witness has answered you.

8 MR JACOBS: [10:44:31](Interpretation) Thank you, your Honour.

9 Q. [10:44:45] (Redacted) ?

10 A. [10:44:52] I learned ...

11 THE INTERPRETER: [10:45:22] The witness didn't finish his sentence.

12 MR JACOBS: [10:45:33](Interpretation)

13 Q. [10:45:34] So you learned it. Is that what you said, Mr Witness?

14 A. [10:45:37] (Redacted)

15 (Redacted).

16 Q. [10:46:17] Thank you, Mr Witness. And you told us in T43, page 10, line 17, that

17 today you are (Redacted)

18 (Redacted) ?

19 A. [10:46:31] (Redacted).

20 Q. [10:46:56] (Redacted) ?

21 A. [10:46:59] (Redacted).

22 Q. [10:47:31] Thank you, Mr Witness. You said in the preparatory log, CAR-OTP-

23 00000768, it's tab 16 on our list

24 of materials, so 15 for the English version --

25 MR JACOBS: [10:48:04](Interpretation)

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1 Q. [10:48:04] You said:

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) ?

6 A. [10:48:37] (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:49:32] (Redacted)

10 (Redacted)

11 * A. [10:50:00] (Redacted)

12 Q. [10:50:10] (Redacted)

13 (Redacted) ?

14 A. [10:50:20] (Redacted)

15 (Redacted).

16 Q. [10:50:51] (Redacted)

17 (Redacted) ?

18 A. [10:51:01] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:53:48] (Redacted)

2 (Redacted) ?

3 A. [10:54:08] (Redacted)

4 (Redacted).

5 Q. [10:54:40] (Redacted)

6 (Redacted) ?

7 A. [10:55:04] (Redacted)

8 (Redacted).

9 Q. [10:55:23] (Redacted) ?

10 A. [10:55:25] (Redacted)

11 (Redacted)

12 (Redacted).

13 THE INTERPRETER: [10:56:20] (Redacted)

14 MR JACOBS: [10:56:48](Interpretation)

15 Q. [10:56:48] (Redacted)

16 (Redacted) ?

17 A. [10:56:54] (Redacted).

18 Q. [10:57:22](No interpretation)

19 THE INTERPRETER: [10:57:40] (Redacted)

20 THE COURT OFFICER: [10:57:40] (Redacted).

21 THE WITNESS: [10:57:56](Interpretation) (Redacted).

22 MR JACOBS: [10:58:03](Interpretation)

23 Q. [10:58:07] (Redacted)

24 (Redacted).

25 MR JACOBS: [10:58:34](Interpretation) Your Honour, I see we have two minutes' time,

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1 but I'm going to go to a completely new topic. So I could ask a question, but I think it's
2 better to stop now. But I don't know what you wish to do. Do you want me to
3 continue, or shall we have the break now?

4 PRESIDING JUDGE SAMBA: [10:58:56] Well, if you're going into a new topic, as you
5 say, it wouldn't hurt for us to take a break now.

6 So, Mr Witness, we are going to break off at this point, but we'll come back after 30
7 minutes.

8 So I'm going to rise the Court and ask that we come back at 11.30, please.

9 THE COURT USHER: [10:59:21] All rise.

10 (Recess taken at 10.59 a.m.)

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

12 THE COURT USHER: [11:32:07] All rise. Please be seated.

13 PRESIDING JUDGE SAMBA: [11:32:24] Good morning again, everyone.

14 Mr Witness, we are going to continue with your cross-examination done by Mr Jacobs.

15 Mr Jacobs, your witness, please.

16 And for you, Mr Jacobs, we are in open session, so you know.

17 MR JACOBS: [11:32:55](Interpretation) Thank you, your Honour.

18 Q. [11:33:00] Good morning once again, Mr Witness.

19 A. [11:33:07] Good morning.

20 MR JACOBS: [11:33:16](Interpretation) I think we'll have to go into private session for
21 the next few questions, your Honour.

22 PRESIDING JUDGE SAMBA: [11:33:19] Certainly.

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

24 *(Private session at 11.33 a.m.) (Reclassified partially in public)

25 THE COURT OFFICER: [11:33:38] We're in private session, Madam President.

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- 1 PRESIDING JUDGE SAMBA: [11:33:40] Thank you very much.
- 2 Mr Jacobs, continue, please.
- 3 MR JACOBS: [11:33:50](Interpretation) Thank you, your Honour.
- 4 Q. [11:33:58] *(Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted). Can you
- 8 confirm that, Mr Witness?
- 9 A. [11:34:43] Yes, I can confirm that.
- 10 Q. [11:34:56] (Redacted) ?
- 11 A. [11:35:22] (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 Q. [11:35:55] (Redacted)
- 15 (Redacted) ?
- 16 A. [11:36:14] (Redacted).
- 17 Q. [11:36:45] (Redacted)
- 18 (Redacted) ?
- 19 A. [11:36:51] I haven't understood your question.
- 20 Q. [11:37:05] I'll rephrase. (Redacted)
- 21 (Redacted)
- 22 (Redacted) ?
- 23 A. [11:37:31] (Redacted).
- 24 Q. [11:37:49] Did the investigators you met with ask you for assistance in this regard,
- 25 perhaps to get in touch with (Redacted) ?

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1 A. [11:38:11] (Redacted)

2 (Redacted)

3 (Redacted).

4 Q. [11:38:45] Thank you, Mr Witness. I'd like to ask you one or two questions briefly
5 about the day of your release. And your statement is on the case file, so these are just a
6 few questions to elicit a bit of extra information, Mr Witness.

7 A. [11:39:28] Very well.

8 Q. [11:39:34] In your previous statement, this is the document that was up on the
9 screen a few moments ago, (Redacted) :

10 (Redacted)

11 (Redacted)

12 Do you remember saying that to the investigators, Mr Witness?

13 A. [11:40:10] Yes, that's what I said. That's my statement.

14 Q. [11:40:37] Very well. Could you tell us a bit more about this person, (Redacted)
15 (Redacted)

16 (Redacted)

17 A. [11:40:55] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [11:42:30] Thank you, Mr Witness. In your participation application, CAR-OTP-
24 2135-3812, tab 13 on our list of materials, at page 3821, you said:

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)."
- 3 I just want to ask you this: (Redacted)
- 4 (Redacted)
- 5 (Redacted) ?
- 6 A. [11:43:52] (Redacted).
- 7 Q. [11:44:08] Very well. Thank you for that information. Other than the (Redacted)
- 8 (Redacted)
- 9 (Redacted) ?
- 10 A. [11:44:23] (Redacted)
- 11 (Redacted)
- 12 (Redacted).
- 13 Q. [11:45:17] (Redacted)
- 14 (Redacted) ?
- 15 A. [11:45:23] (Redacted)
- 16 (Redacted)
- 17 (Redacted).
- 18 Q. [11:46:16] Thank you for that, Mr Witness.
- 19 MR JACOBS: [11:46:19](Interpretation) Indeed, if we could call up (Redacted)
- 20 (Redacted).
- 21 Q. [11:47:32] Can you see the document, Mr Witness?
- 22 A. [11:47:34] Yes, I can.
- 23 Q. [11:47:48] (Redacted)
- 24 (Redacted)
- 25 (Redacted) ?

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- 1 A. [11:48:09] Yes, that's what I was talking about.
- 2 Q. [11:48:32] Thank you.
- 3 MR JACOBS: [11:48:35](Interpretation) If we could bring up page (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. [11:49:13] (Redacted) ?
- 7 A. [11:49:21] (Redacted).
- 8 MR JACOBS: [11:49:39](Interpretation) (Redacted)
- 9 (Redacted).
- 10 Q. [11:49:58] (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 A. [11:50:26] (Redacted)
- 14 (Redacted)
- 15 (Redacted).
- 16 Q. [11:51:08] (Redacted) ?
- 17 A. [11:51:25] (Redacted).
- 18 MR JACOBS: [11:51:55](Interpretation) (Redacted)
- 19 (Redacted)
- 20 (Redacted).
- 21 Q. [11:52:10] (Redacted)
- 22 (Redacted)
- 23 (Redacted) ?
- 24 A. [11:52:31] (Redacted)
- 25 (Redacted).

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1 Q. [11:53:11] Very well, Mr Witness. My question was about the date. Does this help
2 you remember which month it was in (Redacted)
3 (Redacted) ?

4 A. [11:53:23] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [11:54:29] Thank you, Mr Witness.

11 MR JACOBS: [11:54:49](Interpretation) If we could go be back to the previous page for
12 just a moment, page 0387. If we could zoom in and have a closer look at the bottom of
13 the page. Thank you, court officer. A bit higher, please. Just have a full view of the
14 account. Perfect. Thank you very much.

15 Q. [11:55:16] (Redacted)

16 (Redacted)

17 (Redacted) ?

18 MS VON BRAUN: [11:55:41] Sorry, I have to intervene on this issue. The witness sees
19 this report for the first time. (Redacted)

20 (Redacted). So I would ask the question to be put differently so it's not misleading.

21 PRESIDING JUDGE SAMBA: [11:56:00] Well, the witness can read (Redacted)

22 (Redacted), he can say so.

23 Mr Witness, can you look at the document and read (Redacted)

24 (Redacted). Can you read that?

25 THE WITNESS: [11:58:09](Interpretation) I confirm that that is indeed the content of

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- 1 the statement I gave.
- 2 PRESIDING JUDGE SAMBA: [11:58:22] Thank you very much, Mr Witness.
- 3 And just for procedures, Ms von Braun, I am sure that you would like your junior
- 4 colleague, I am sure she has conduct of this particular witness, to address to Court next
- 5 time. Thank you.
- 6 Mr Jacobs, please.
- 7 MR JACOBS: [11:58:48](Interpretation) Thank you, your Honour.
- 8 Q. [11:58:49] Thank you, Mr Witness. (Redacted)
- 9 (Redacted), I noticed that you mentioned Camp Kassai, but you don't mention
- 10 the OCRB at all. Why is that?
- 11 A. [11:59:10] I was just answering the questions that they were asking me, and I
- 12 didn't mention that because I wasn't asked about that.
- 13 Q. [11:59:58] Thank you, Mr Witness.
- 14 MR JACOBS: [11:59:59](Interpretation) The document can be taken off the screen now.
- 15 Q. [12:00:16] Mr Witness, do you remember when you were contacted for the first
- 16 time by the OTP of the Court?
- 17 A. [12:00:44] I cannot remember the date.
- 18 Q. [12:00:50] Fine. And the first time that you were contacted, how did it happen?
- 19 Was it by phone?
- 20 A. [12:00:59] It was by phone.
- 21 PRESIDING JUDGE SAMBA: [12:01:16] Mr Jacobs, would you want us to still continue
- 22 in private session? Because we're in private session.
- 23 MR JACOBS: [12:01:33](Interpretation) It's always the same thing. I think many of my
- 24 questions could be public, but there's always a risk that the witness provides
- 25 information which might identify him. But we can try to go into public session if you

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1 prefer, your Honour.

2 PRESIDING JUDGE SAMBA: [12:01:51] Well, it's not about my preference. You have
3 your questions. I don't want to put the witness at risk if you think it's risky for us to go
4 into open session. You guide us. If you're fine with us going into open session, we're
5 very happy to do so, so that the public will at least know what's happening here.

6 MR JACOBS: [12:02:22](Interpretation) Well, let's try and go into public session then,
7 your Honour.

8 PRESIDING JUDGE SAMBA: [12:02:26] Thank you very much. Mr Witness, we're in
9 open session so be guided as to what you say. Anything that relates to you or your
10 relatives or naming names, you can tell us so that we can go back into private session.
11 Madam Court Officer, can you get us into open session, please. Thank you.

12 (Open session at 12.03 p.m.)

13 THE COURT OFFICER: [12:03:04] We're in open session, Madam President.

14 PRESIDING JUDGE SAMBA: [12:03:09] Thank you very much.
15 Let's try, Mr Jacobs.

16 MR JACOBS: [12:03:20](Interpretation) Thank you, your Honour.

17 Q. [12:03:34] Mr Witness, we have a report from the investigators, which is CAR-
18 OTP-00000778.

19 MR JACOBS: [12:03:50](Interpretation) But we shouldn't display it for the witness, but
20 there are some information which is confidential. It is number 18 on our list of
21 materials. So that is document ending 778.

22 THE COURT OFFICER: [12:04:27] The document is published on the evidence 1
23 channel and won't be displayed to the witness.

24 MR JACOBS: [12:04:38](Interpretation) Thank you, court officer.

25 Q. [12:04:40] *On this report, it is stated that on 11 February 2020, an investigator

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1 contacted you, P-2692, with success and then you met on 15 February 2020. Does that
2 jog your memory?

3 A. [12:05:01] I had several telephone calls, but it does not really jog my memory.

4 Q. [12:05:31] Fine. And when the investigators contacted you for the first time, did
5 they explain to you how they got your phone number, your contact details? And be
6 careful, we are in open session. So if you want to provide any information that
7 identifies you, we have to go into private session.

8 A. [12:06:04] The investigators met me for the first time. Before that, they called me
9 by phone. They had my name and they also asked me if that was indeed my name.

10 And when I told them that was the case, they then asked me whether I could meet
11 them at a particular address, which they passed on to me, so that we could talk about
12 what had happened to me. I gave my agreement. And then on that date we met and
13 we had a meeting.

14 I asked myself the question how those individuals obtained my contact details, and in
15 particular my name, so that they could call me. So I introduced myself and came to the
16 meeting, the interview. They asked me whether I agreed that we could have an
17 interview on a particular subject, and I accepted. After that, we started the interview.
18 That's how it happened. And that is why I'm here before you today.

19 Q. [12:07:36] Thank you. It's very clear. Thank you for that timeframe. So after the
20 first meeting, did they show you a document which you had to sign in 2020?

21 A. [12:07:51] During our first meeting, they didn't provide me any sort of document
22 at all which I signed.

23 Q. [12:08:26] Thank you. According to your previous statement, this was taken in
24 April 2021. So between February 2020 and April 2021, did you have regular contact
25 with the investigators of the OTP?

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1 A. [12:08:43] Yes, we did have contact.

2 Q. [12:09:15] Did the investigators give you a telephone so that they could contact
3 you more easily?

4 A. [12:09:19] They gave me two telephone numbers. One was of Telecel and the
5 other was from the operator Orange. They told me that I could use those numbers to
6 contact them if I needed to. It's true that I never used those two numbers, but I still
7 have them with me now.

8 Q. [12:10:21] Thank you. So to go back to your previous statement, when did the
9 investigators re-contact you to meet you? Can you remember the date of that?

10 A. [12:10:34] It's difficult for me to remember the dates. You know, I haven't got a
11 good memory for dates.

12 Q. [12:11:04] Don't worry about that, Mr Witness. When you met the investigators
13 for your previous statement, did they ask you for any form of identification?

14 A. [12:11:15] Yes, they asked me for my identity documents, which I gave them.

15 MR JACOBS: [12:11:45](Interpretation) If possible, court officer, to display CAR-OTP-
16 2135-3812. It is tab 13 on our list of materials. And the page 3822.

17 Q. [12:12:33] Mr Witness, do you see it?

18 A. [12:12:35] Yes, I can see it.

19 Q. [12:12:53] Is this the document that you showed the investigators in 2021?

20 A. [12:12:58] That's correct.

21 Q. [12:13:18] On this document, we see that (Redacted)

22 (Redacted) ?

23 A. [12:13:35] (Redacted).

24 MR JACOBS: [12:14:05](Interpretation) For my next questions, I think it would be more
25 prudent to go into private session, your Honour.

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- 1 PRESIDING JUDGE SAMBA: [12:14:08] Okay.
- 2 Madam Court Officer, can you kindly get us into private session.
- 3 *(Private session at 12.14 p.m.) (Reclassified partially in public)
- 4 THE COURT OFFICER: [12:14:30] We are in private session, Madam President.
- 5 PRESIDING JUDGE SAMBA: [12:14:31] Thank you very much.
- 6 Mr Jacobs, continue, please.
- 7 MR JACOBS: [12:14:43](Interpretation)
- 8 Q. [12:14:43] Mr Witness, you can see in this document that as profession it says
- 9 (Redacted). Can you see that, Mr Witness?
- 10 * A. [12:15:01] Yes, I can see that.
- 11 Q. [12:15:03] You said earlier during the question that (Redacted)
- 12 (Redacted) ?
- 13 A. [12:15:13] (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. [12:16:52] Thank you, Mr Witness.
- 21 MR JACOBS: [12:16:54](Interpretation) The document can be removed and we can also
- 22 go into open session again.
- 23 PRESIDING JUDGE SAMBA: [12:17:03] Madam Court Officer, can we go back into
- 24 open session, please.
- 25 (Open session at 12.17 p.m.)

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- 1 THE COURT OFFICER: [12:17:21] We are back in open session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [12:17:22] Mr Jacobs, maybe before you put your next
- 3 question, I just want to clarify, because what I see in the transcript, the witness said that
- 4 that ID card that we just looked at was done in 2009. But the date I saw on that
- 5 document, the year was 2019.
- 6 Can we confirm the year, please?
- 7 Can I have the document again on the screen, please.
- 8 All right. It was issued in 2009, was it, and expired in 2019. All right. That's clear now.
- 9 Thank you very much.
- 10 Mr Jacobs, you can continue, please.
- 11 MR JACOBS: [12:18:32](Interpretation) Thank you, your Honour.
- 12 Q. [12:18:37] I would like to go back to your previous statement. When you met the
- 13 investigators in 2021, what language did you speak to them?
- 14 A. [12:18:48] If I remember correctly, it was in Sango.
- 15 Q. [12:19:12] Was there an interpreter present?
- 16 A. [12:19:13] Yes, there was an interpreter.
- 17 Q. [12:19:39] What language did the investigators speak?
- 18 A. [12:19:42] They spoke to me in English, and it was interpreted into Sango so that I
- 19 could understand.
- 20 Q. [12:20:18] Thank you. We just saw that the previous statement which you signed
- 21 is the English version of the statement; is that correct?
- 22 A. [12:20:47] No, I don't speak English at all. I said that the investigators asked me in
- 23 English and I answered in Sango.
- 24 Q. [12:21:11] Yes, that's very clear, Mr Witness. My question: When you signed your
- 25 statement -- you signed the document, we saw that this morning, with the OTP. But

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1 the document that you signed, was it in English? Did you sign the English version?

2 A. [12:21:31] Yes, I signed the document. I repeat, I do not speak any English at all. I
3 speak Sango. And it was no doubt transcribed in English. When I spoke Sango, it was
4 interpreted to English. And when they spoke English, it was interpreted in Sango so
5 that I could understand.

6 Q. [12:22:06] Fine. And can you remember whether the investigators recorded your
7 interview? Did they have any sort of device to film or record what you were saying?

8 A. [12:22:23] Everything that was said was interpreted and recorded. At the end of
9 the interview, they printed it out, my statement, which I read before returning it to
10 them.

11 Q. [12:23:05] So they gave you your statement in which language so that you could
12 read it?

13 A. [12:23:20] It was in French.

14 Q. [12:24:11] Thank you, Mr Witness. During the time you cooperated with the OTP,
15 did they cover any costs; travel costs or medical care costs, for example?

16 A. [12:24:26] The money which I received was for transport costs only so that I could
17 go to the place where we were meeting.

18 Q. [12:25:05] Fine. And as regards your health, did the OTP ever cover any medical
19 costs?

20 A. [12:25:18] Yes, the OTP carried -- allowed for some examinations to take place,
21 particularly as regards COVID. They also covered the costs of some consultation,
22 because I had to consult a doctor who examined me.

23 Q. [12:26:05] Thank you, Mr Witness. Did you submit invoices to the OTP for these
24 consultations?

25 A. [12:26:15] I didn't submit any invoices.

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1 Q. [12:27:05] Thank you, Mr Witness. I have a question as regards your participation
2 in this trial. Once again, we're in public session, so I'm going to ask you general
3 questions. And if I need to be more specific, we'll go into private session.

4 When were you contacted to participate as victim in the trial?

5 A. [12:27:33] I can't remember the date. I can't remember the exact date. But I do
6 know I was invited to participate in this trial.

7 Q. [12:28:16] When you say you were invited, can you tell us who invited you to
8 participate in this trial?

9 A. [12:28:22] I was invited by the members of the OTP, and I acknowledged the
10 invitation so that I could participate in this trial.

11 Q. [12:29:16] Fine, Mr Witness. So that we're clear on this subject. So far, we talk
12 about your meeting with the Prosecution for being a witness, and my question relates
13 to your participation as a victim. As was said by the counsel of the OPCV, that was
14 done on 27 May last year on the basis of an application you filled and submitted to
15 Maître Bekoy. That's what I am talking about right now.

16 So who contacted you so that you could participate not as a witness but as a victim in
17 this current trial?

18 A. [12:30:12] *In the practice of Counsel Bekoy ... in fact, he contacted me himself. He
19 asked me to meet him in his office and he gave me the contact details. Once I had
20 arrived over there, it was in the centre of the town. We met up there. We met in his
21 practice. He also put me into contact with a lawyer who is currently present in this
22 courtroom, and with this lawyer we had an interview. And at that moment, I
23 understood that she was the one who had contacted me. But I didn't know who gave
24 her my telephone number. She's the one who told me that she got my number through
25 the OTP.

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1 Q. [12:31:40] Very well. Thank you, Mr Witness. Just to make sure I've understood
2 the sequence of events. First you got a phone call from Mr Bekoy asking you to go to
3 his office. And then you had a discussion with your lawyer. Is that what you're telling
4 us?

5 A. [12:31:57] Yes, that's right. That's correct.

6 Q. [12:32:32] Thank you, Mr Witness. So you filled out a participation form with Mr
7 Bekoy and with your lawyer; is that correct?

8 A. [12:32:52] I filled out the form when I was informed that I should take part in the
9 proceedings. An employee from your institution invited me to fill out and sign a form
10 in order to take part in the proceedings. After that, I was told that I should testify here
11 in the CAR by way of a video connection. So that is why I am taking part in the
12 proceedings, and that is why I am testifying today.

13 Q. [12:34:21] That's very clear, Mr Witness. Thank you.

14 MR JACOBS: [12:34:41](Interpretation) Court officer, could we please have a look at
15 CAR-OTP-2135-3812, tab 13 on our list of materials. If we could please go to the first
16 page. 3812, please. Page 3812. That was the correct page. I was just asking if you
17 could go to the first page thereof. Thank you very much.

18 Q. [12:36:01] Mr Witness, can you see the document?

19 A. [12:36:03] Yes, I can see it.

20 Q. [12:36:20] Do you recognise this document?

21 A. [12:36:21] Yes, I do recognise this document.

22 Q. [12:37:16] Great.

23 If we could scroll down, I think we'll see that the form has been filled out using a
24 computer.

25 MR JACOBS: [12:37:28](Interpretation) If we could move to the next page, and then the

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1 next.

2 Q. [12:37:50] Mr Witness, when you filled out this form, you were speaking to Mr
3 Bekoy and with your lawyer in which language?

4 A. [12:38:01] In French.

5 Q. [12:38:23] Thank you.

6 MR JACOBS: [12:38:26](Interpretation) And if we could move to page 3820, court
7 officer. Page 3820. If we could zoom out a little bit, please. Thank you, court officer.

8 Q. [12:39:00] Here we see a heading: "Contact information of the person or
9 organisation who helped the victim fill out this form, if necessary." And this section
10 hasn't been filled out. Could you explain why?

11 A. [12:39:15] I don't know why.

12 MS PELLET: [12:39:42](Interpretation) *I beg your pardon, your Honour. Just to make
13 things crystal clear, I would like to remind you once again of the existence of the
14 written submissions that we made to the Defence and to the Chamber, No. 518. I
15 understand that this is the same problem as last time, namely, a victim also testified,
16 but I would remind you that we did provide explanations to the Chamber and to the
17 Defence to avoid such questioning because obviously the witness is not in a position to
18 answer this question. Thank you, Madam President.

19 PRESIDING JUDGE SAMBA: [12:40:35] Ms Pellet, I accept the witness's answer, but he
20 completed this document with the help of you know who. So he's given the answer,
21 why shouldn't he be able to answer this? Why shouldn't he be able to answer this? He
22 has given the answer. He doesn't know why it was not completed, but his evidence is
23 that he completed the form with the help of your office and with the help of lawyer
24 Bekoy's office in the CAR. That's my understanding of his testimony. Thank you very
25 much.

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1 Mr Jacobs, please continue.

2 MR JACOBS: [12:41:24](Interpretation) Thank you, your Honour.

3 Q. [12:41:31] Mr Witness, did you provide any medical documents, medical

4 certificates, hospital records when you filled out your participation application? Did

5 you provide any such documents?

6 A. [12:41:48] I did not provide any documents related to medical care.

7 Q. [12:42:26] And why didn't you have those documents?

8 A. [12:42:28] Everything that has to do with my medical documents -- after the two

9 times I was imprisoned, the Seleka went to my home, they ransacked the house. And

10 when I was released, all my documents, my various documents had been looted, so I

11 have lost them.

12 Q. [12:43:23] And since 2013, you have continued to receive medical care from a

13 doctor at the hospital. You're still being treated; isn't that so?

14 A. [12:43:46] No, that's not so.

15 MR JACOBS: [12:44:03](Interpretation) Your Honour, for my next question I believe

16 we will have to go into private session.

17 PRESIDING JUDGE SAMBA: [12:44:10] Madam Court Officer, can we please go into

18 private session.

19 *(Private session at 12.44 p.m.) (Reclassified partially in public)

20 THE COURT OFFICER: [12:44:29] We're in private session, Madam President.

21 PRESIDING JUDGE SAMBA: [12:44:30] Thank you very much.

22 Mr Jacobs, please.

23 MR JACOBS: [12:44:39](Interpretation) Thank you, your Honour.

24 If we could scroll up, CAR-OTP-2135-3812, once again tab 13 on our list of materials.

25 2135-3820 -- (Redacted). Thank you. If we could zoom in to

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1 the very end at the bottom. Perfect.

2 Q. [12:45:41] And we read this:

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [12:46:19] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:48:09] Thank you. At any time during your cooperation with the OTP or with
17 your lawyer, did anyone offer help to you to help you get these documents or, rather,
18 copies of these documents?

19 A. [12:48:32] No, no one offered me such help.

20 MR JACOBS: [12:48:52](Interpretation) That was my last question, Madam President.

21 This concludes cross-examination by the Defence.

22 PRESIDING JUDGE SAMBA: [12:49:01] Thank you very much, Mr Jacobs. Thank you
23 to your team.

24 Let me turn to the Prosecution. Any re-examination, please?

25 MS NDAGIRE: [12:49:17] No further questions from us, your Honour.

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- 1 PRESIDING JUDGE SAMBA: [12:49:20] Thank you very much.
- 2 Mr Witness, we have one question from the Bench for you. So I'm going to ask my
- 3 colleague on my left, Judge Ugalde, to put his question to you please. Thank you.
- 4 JUDGE UGALDE GODINEZ: [12:49:47] Mr Witness, thank you very much. I have a
- 5 question concerning your witness testimony. At paragraph 39 of the English
- 6 translation, you stated, and I quote:
- 7 "When the OCRB colonel released me, he gave me a release slip, a small piece of paper
- 8 confirming he had released me."
- 9 This slip we saw this morning. The question for you is, did you see him writing down
- 10 this piece of paper, or was the paper ready - I mean, has already been written down -
- 11 when he gave it to you? Thank you.
- 12 THE WITNESS: [12:50:58](Interpretation) I was in prison. I was in a cell. (Redacted)
- 13 (Redacted) , negotiated my release. And once
- 14 that was done, I was called, I was taken to his office. There was nothing to say. He just
- 15 gave me the document that had to do with my release, and I left the premises of the
- 16 OCRB.
- 17 JUDGE UGALDE GODINEZ: [12:51:38] Thank you, Mr Witness.
- 18 I have nothing further, Madam President.
- 19 PRESIDING JUDGE SAMBA: [12:51:47] Thank you very much, Judge Ugalde.
- 20 And, Madam Court Officer, can we go back into open session, please.
- 21 (Open session at 12.52 p.m.)
- 22 THE COURT OFFICER: [12:52:02] We're in open session, Madam President.
- 23 PRESIDING JUDGE SAMBA: [12:52:10] Thank you very much.
- 24 We note that we have now finished with the 14th witness of the trial and the last for
- 25 2022. The Chamber notes that we will be in judicial recess from 16 December 2022 until

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1 9 January 2023.

2 We will provide further updates on the sitting schedule for 2023 in due course.

3 While the trial is making good progress, the Chamber is grateful to the parties for their
4 efforts in this regard, and the Chamber is mindful of the need to minimise the impact
5 on the efficiency of the proceedings as much as possible. We wish for the parties to
6 note that we expect that questions put by parties to witnesses will remain streamlined,
7 relevant, and focused. In line with the additional Directions on the Conduct of
8 Proceedings, the Chamber reiterates that it will stop questions that it deems to be
9 straying into irrelevant matters and, indeed, may call upon the questioning party to
10 explain the relevance of particular lines of questioning. We expect the parties to bear
11 this in mind when providing and undertaking its questioning of a witness, particularly
12 in regard to questions relating to credibility of witnesses for the coming session.

13 That being said, I take the opportunity to thank everyone for their hard work this year.
14 In particular, our colleagues in the Registry, both here and in the field. The Chamber is
15 grateful for all your efforts.

16 And at this stage, I'll want to thank the witness for cooperating with us. On behalf of
17 the Chamber, and, indeed, on behalf of the Court itself, we wish you luck in your
18 future endeavours.

19 May I ask the court officer to disconnect the witness.

20 We thank the court officer in the Bangui office, Mr Uziel. Thank you very much.

21 (The witness exits the courtroom via video link)

22 PRESIDING JUDGE SAMBA: [12:55:43] Again, I wish to thank the Registry staff, the
23 interpreters, and all staff members who helped during the proceedings for this first
24 session.

25 I'd want to ask the court officer to again get us into private session because I wish to

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- 1 say something shortly before we depart from here.
- 2 (Private session at 12.56 p.m.)
- 3 THE COURT OFFICER: [12:56:31] We're in private session, Madam President.
- 4 PRESIDING JUDGE SAMBA: [12:56:33] Thank you very much.
- 5 As I have thanked all parties for your efficiency and diligence in getting us through this
- 6 session, I wish particularly -- where is Ms Naouri? Smile, Ms Naouri. I wish
- 7 particularly at this point to encourage the Defence team to continue, if at all you're still
- 8 doing that, with your investigations during this period of recess. Not that we want you
- 9 to work during the Christmas vacation, but in the event that -- you know we are
- 10 having, like today, tomorrow, Friday, and even when we resume sessions on the 9th
- 11 officially, whatever days you may want to use, so that you continue with your
- 12 investigations in field, if at all you are still doing that.
- 13 And I thank the Prosecution also, and Ms Pellet for the victims, and the lady seated by
- 14 you. We wish you luck and you know why.
- 15 So I wish on behalf of myself and my colleagues here seated, wish everyone a happy
- 16 holidays and a prosperous new year.
- 17 The Court will be adjourned at this stage. Thank you.
- 18 (The hearing adjourned in private session at 12.57 p.m.)