

Trial Hearing
Procedural Matters

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera
6 and Judge Sergio Gerardo Ugalde Godinez
7 Trial Hearing - Courtroom 2
8 Wednesday, 26 October 2022
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:32:55] All rise. The International Criminal Court is now in
11 session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:33:28] Good morning, everyone.
14 Madam Court Officer, can you please mention the case.
15 THE COURT OFFICER: [9:33:43] Good morning, Madam President, your Honours.
16 This is the situation in the Central African Republic II, in the case of The Prosecutor
17 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:33:52] Thank you very much.
20 Can I ask that the parties introduce themselves, please.
21 MS MAKWAIA: [9:33:57] Good morning, Madam President, your Honours. For the
22 Prosecutor this morning, myself, Holo Makwaia, senior trial lawyer; Leonie von Braun,
23 trial lawyer; Yuichiro Omori, associate trial lawyer; and Gabriela Campos, our trial
24 support assistant. Thank you.
25 PRESIDING JUDGE SAMBA: [9:34:21] Thank you very much.

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- 1 Victims representative, please.
- 2 MS BEDOUCHA: [9:34:24](Interpretation) Thank you, Madam President.
- 3 Representing the victims today, Tars Van Litsenborgh, and myself, Adeline Bedoucha
- 4 for the Office of Public Counsel for Victims.
- 5 PRESIDING JUDGE SAMBA: [9:34:47] Thank you very much.
- 6 Ms Naouri for the Defence, please.
- 7 MS NAOURI: [9:34:48](Interpretation) Thank you, Madam President. Next to me is
- 8 Mr Jacobs, Simon Appriou. And next to me I have Léa Allix, Sarah Valduriez, and
- 9 myself, Sarah Pellet, counsel of the office of the public counsel -- sorry, lead counsel
- 10 representing Mr Said.
- 11 THE INTERPRETER: [9:35:03] Correction of the interpreter: Jennifer Naouri, lead
- 12 counsel representing Mr Said.
- 13 PRESIDING JUDGE SAMBA: [9:35:09] Thank you very much, Ms Naouri.
- 14 And, for the record, I note that Mr Said is in court.
- 15 Good morning, Mr Said.
- 16 MR SAID: [9:35:16](Interpretation) Good morning, your Honour.
- 17 PRESIDING JUDGE SAMBA: [9:35:31] Good morning, Mr Witness. I hope you rested
- 18 well.
- 19 WITNESS: CAR-OTP-P-2105 (On former oath)
- 20 (The witness speaks French)
- 21 THE WITNESS: [9:35:42](Interpretation) Good morning, Madam President.
- 22 PRESIDING JUDGE SAMBA: [9:35:45] Rule 74 counsel, can you introduce yourself,
- 23 please.
- 24 MR RAIMONDO: [9:35:49] Good morning, Madam President and your Honours.
- 25 Fabián Raimondo, Rule 74 counsel.

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1 PRESIDING JUDGE SAMBA: [9:35:56] Thank you very much.

2 Mr Witness, we are going to continue with your direct examination this morning, after
3 which counsel for the Defence will put questions to you. So I'm going to give the floor
4 to the Prosecutor to continue with her questioning. Thank you very much for your
5 cooperation.

6 MS VON BRAUN: [9:36:20] Good morning, Madam President, your Honours. Good
7 morning.

8 QUESTIONED BY MS VON BRAUN: (Continuing)

9 Q. [9:36:27] Good morning, Mr Witness. We will continue now with some questions.
10 Before we continue with some other subjects and questions, I have to repeat one
11 exercise with you that we completed yesterday, but for technical issues, what you had
12 said and marked on one photograph was not captured properly. So I would like to
13 show you an item again.

14 MS VON BRAUN: [9:37:10] And this is item at tab 41, your Honours, with the
15 registration number, CAR-OTP-2069-3228. And I believe we can remain in open
16 session for this picture.

17 Q. [9:37:48] Mr Witness, when you have the image on your screen, please tell us
18 whether you recognise anybody, and feel free to use the marker again with the number
19 -- and using numbers.

20 A. [9:38:27] Yes. Number 1, here we have President Djotodia. Number 2, this is
21 Colonel Tahir. Number 3, Captain Ibrahim. Number 4, Captain Souleyman. At
22 number 5, Commander Nassour. And number 6, this police officer also worked at the
23 OCRB central, but I no longer remember his name.

24 Q. [9:39:45] Thank you very much, Mr Witness.

25 MS VON BRAUN: [9:39:47] And I would like this image to be registered.

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- 1 PRESIDING JUDGE SAMBA: [9:39:53] Madam Court Officer, is it for us to give it a
- 2 new ERN number? Because it already has CAR-REG-0002-0044. Shall it so remain?
- 3 THE COURT OFFICER: [9:40:10] Exactly, Madam President. We are going to replace
- 4 the actual corrected and full picture with the same ERN to avoid confusion and have an
- 5 accurate record.
- 6 PRESIDING JUDGE SAMBA: [9:40:19] Thank you very much.
- 7 MS VON BRAUN: [9:40:30] All right. Thank you very much for that. I wasn't aware
- 8 of that.
- 9 Shall I give some more time or can I continue?
- 10 PRESIDING JUDGE SAMBA: [9:40:46] I think for as long as you are not referring to an
- 11 exhibit which you want annotated, you can continue.
- 12 MS VON BRAUN: [9:40:55]
- 13 Q. [9:40:55] Now, Mr Witness, before we ended your questioning yesterday, we had
- 14 spoken about this meeting that concerned the OCRB Seleka which you described, and
- 15 this is at page 74, line 7 of yesterday -- line 7 onwards of yesterday's transcript. You
- 16 had described the purpose of this meeting concerning the images that you were shown.
- 17 Now, I would like to ask you whether you remember anything else that happened at
- 18 that meeting.
- 19 A. [9:42:00] As I said yesterday, all the Seleka were asked to come to this meeting, all
- 20 the Seleka who were occupying the police station in the capital, as well as the OCRB
- 21 antennas. They were asked to vacate the offices so that the former police officers,
- 22 meaning the commissioned police officers, could come back and do their job.
- 23 Secondly, there was also the issue that the Seleka colonels should choose certain troops
- 24 in order to send them to police stations and OCRB antennas as support for the police.
- 25 And the Seleka troops who were sent there had to, at the same time, undergo a training

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1 or internship as police auxiliaries.

2 And one other thing that has struck me. As the Seleka troops were using the offices as
3 their housing, a sum of 50.000 francs was given to each troop in order to allow them to
4 find housing, to find housing and to get what they needed in order to be able to vacate
5 the work premises.

6 Being an OCRB troop -- being OCRB troops, we thus went to the OCRB and received
7 from Colonel Said the 50.000 francs that were allocated to each of us. And at the same
8 time --

9 Q. [9:45:12] I didn't get the --

10 A. [9:45:13] I think there is an identifying piece of information here.

11 MS VON BRAUN: [9:45:33] All right. I'm sorry, I was just waiting for the rest of the
12 translation. Now I have it, so we can -- I would request private session.

13 PRESIDING JUDGE SAMBA: [9:45:37] Okay. Let's allow the court officer to -- Madam
14 Court Officer, may we go briefly into private session, please.

15 (Private session at 9.45 a.m.)

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14 Q. [10:39:56] So, Mr Witness, please have a look at this part of the document and see
15 if you recognise any names.

16 A. [10:40:27] Yes. Number 19, Colonel Damboucha.

17 Q. [10:40:40] Go on. Who is this?

18 A. [10:40:41] He's a Seleka colonel who is also working under Nouradine, under his
19 orders.

20 Q. [10:41:07] And what function did he have? What did he do under those orders?

21 A. [10:41:11] He also had his troops, and if there were to be interventions, his service
22 would also take part. He also worked together with Colonel Said, or he had worked
23 with him previously. And afterwards they were all at the CEDAD. I don't know much
24 about his work there.

25 Q. [10:42:06] And what was his work with Colonel Said before CEDAD?

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1 A. [10:42:16] Before that, he would also take part in police missions. By this I mean
2 patrols and interventions. If there were patrols, he and his troops would be part of
3 these patrols. He'd also take part in interventions together with his troops.

4 Q. [10:42:58] So was this -- was this -- was he an element at OCRB or was he outside
5 of OCRB? How do we have to imagine this?

6 A. [10:43:11] He wasn't one of the OCRB troops. He's also a colonel. He had his own
7 base that he managed. He was not assigned to work at the OCRB.

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14 Mr Witness, I would like to ask you: What can you tell us about this part of Bangui, the
15 4th arrondissement?

16 A. [11:41:13] The 4th arrondissement in Bangui is part of Bangui where you have a
17 neighbourhood called Boy-Rabe. It has a reputation for being close to Bozizé. And the
18 neighbourhood has a lot of members of the Central African army forces. And Seleka at
19 the time considered that the resistance to Seleka could come from that neighbourhood,
20 and that's why the Seleka troops carried out two incursions into that neighbourhood.

21 The first was undertaken on the initiative of a joint patrol carried out by police
22 personnel, and the second was when people leaving the neighbourhood were against
23 the confirmation by the transition council of -- were against the confirmation of the
24 transition council of keeping Djotodia in power. And that's how General Nouradine,
25 for his part, he had brought together the Seleka commanders working within the police

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1 in order to go to Boy-Rabe and to counter the demonstrators.

2 But what happened was that the Seleka troops, not having any pay, not having any
3 mission expenses, wanted to get money from being in the field. So whenever they
4 intervened, they had to pillage from the population in order to get money.

5 And that's why it turned into a major drama, and that's the reason why a Seleka team,
6 with General Nouradine at the head, arrived in Boy-Rabe on that day, in order to
7 counter the demonstrators. And at the same time, the presidential guard troops were
8 also there as well as troops from other Seleka colonels who weren't in the police section
9 or police units.

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

12 THE COURT USHER: [14:32:06] All rise.

13 Please be seated.

14 PRESIDING JUDGE SAMBA: [14:32:38] Good afternoon, everyone. Mr Witness, as I

15 said before we left for lunch, Defence counsel, Ms Naouri, will now put questions to

16 you in cross. Thank you for your cooperation.

17 Ms Naouri, your witness, please.

18 MS NAOURI: [14:33:06](Interpretation) Thank you, your Honour.

19 QUESTIONED BY MS NAOURI: (Interpretation)

20 Q. [14:33:12] Good afternoon, Witness.

21 A. [14:33:13] Good afternoon.

22 Q. [14:33:14] I'm called Jennifer Naouri. I'm going to put questions to you today on

23 behalf of the Defence team of Mr Said. Like the Prosecution, I will call you "Mr

24 Witness", and I will try to ensure when we are in open session -- I will say whether

25 we're in open session or private session. And as you did for the examination by the

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1 Prosecution, if you consider there are any identifying elements, simply don't hesitate to
2 say so.

3 As you can hear, I'm going to speak to you in French, and so together we will try to
4 allow the interpreters to take a breath. So at the end of each question, I will wait a few
5 seconds, and at the end of each of your answers, I will wait a few seconds before
6 putting the following question to you. Please try to leave a few seconds before
7 answering. That will make it possible for our interpreters to interpret us at a normal
8 pace, if I can put it like that. Is that okay, Witness?

9 A. [14:34:35] Yes, that's fine.

10 Q. [14:34:36] Very well.

11 MS NAOURI: [14:34:44](Interpretation) If I'm not mistaken, we are in open session, so I
12 would ask if we could go into private session, please.

13 PRESIDING JUDGE SAMBA: [14:34:50] Madam Court Officer, can we go into private
14 session.

15 (Private session at 2.35 p.m.)

16 THE COURT OFFICER: [14:35:04] We are in private session, Madam President.

17 PRESIDING JUDGE SAMBA: [14:35:07] Thank you very much.

18 Ms Naouri, continue, please.

19 MS NAOURI: [14:35:11](Interpretation) Thank you, your Honour.

20 Q. [14:35:19] So, Witness, first of all, I would like to go back a bit to your studies, and
21 first of all, the secondary studies that you followed.

22 *So, Witness, you stated, and this is in the French transcript of 24 October, T-023, page
23 8, line 15, to page 9, line 12, and here I quote from the transcript. To the question,
24 "What did you study?" you answered: "My last studies were at the university of the
25 second year of chemistry, biology, and geology, and I also holds a baccalaureate of the

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13 (Open session at 3.35 p.m.)

14 THE COURT OFFICER: [15:35:26] We are back to open session, your Honours.

15 PRESIDING JUDGE SAMBA: [15:35:29] Thank you very much.

16 Ms Naouri, continue, please.

17 MS NAOURI: [15:35:37](Interpretation) Thank you, your Honour.

18 Q. [15:35:39] Witness, I would like to go back to the different groups which made up
19 the Seleka at the end of 2012. We're talking about the end of 2012. And firstly I want to
20 speak about the Democratic Front, the FDC. Do you know when the FDC was created,
21 the Democratic Front of the Central African People? Do you know when it was
22 created?

23 A. [15:36:10] Can you remind me of the name?

24 Q. [15:36:12] Yes. The Democratic Front of the Central African People, the FDC.

25 A. [15:36:33] No.

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- 1 Q. [15:36:34] Do you know who Abdoulaye Miskine is?
- 2 A. [15:36:46] No. How?
- 3 Q. [15:36:49] So I'm not going to ask you for your personal relations with him
- 4 because we're in open session. But do you know who Abdoulaye Miskine is, and what
- 5 can you tell us about him?
- 6 A. [15:37:05] Abdoulaye Miskine, as far as I know, was an officer working in the
- 7 Central African army in the presidential guard for President Patassé. And when Bozizé
- 8 came to power, that is when he had to leave the country. That's what I know about
- 9 him.
- 10 Q. [15:37:37] Thank you. Do you know what he is doing today, or what he does
- 11 today?
- 12 A. [15:37:41] On the day we're speaking about, the day we're speaking on?
- 13 Q. [15:37:51] Yes, indeed.
- 14 A. [15:37:52] No.
- 15 Q. [15:38:01] Do you know to which Seleka group Abdoulaye Miskine belonged to?
- 16 A. [15:38:12] *Can you reformulate the question, because the Seleka already was a
- 17 group. It brought together the FDPC and the other groups.
- 18 Q. [15:38:21] So obviously the Seleka was in alliance, but do you know if Abdoulaye
- 19 Miskine was part of the alliance which the Seleka was in?
- 20 A. [15:38:30] Well, what I would say is that his group also joined the Seleka, it
- 21 integrated itself into the Seleka.
- 22 Q. [15:38:44] So he had his group, the FDPC --
- 23 A. [15:38:47] The FDPC joined the Seleka.
- 24 Q. [15:38:54] Thank you, Witness. I was waiting for the interpreters. So thank you.
- 25 Now, thereafter, could you tell us what you know about Florian Ndjadder.

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1 A. [15:39:23] Florian?

2 Q. [15:39:26] Ndjadder.

3 A. [15:39:36] Florian Ndjadder was a Central African who went into the rebellion
4 with regard to Bozizé because -- that's what I know about him, because he accused
5 General Bozizé of killing his father, General Ndjadder. So he went into rebellion
6 against Bozizé. General Ndjadder was his father.

7 Q. [15:40:20] Do you remember the name of the group that he created in order to join
8 the rebellion?

9 A. [15:40:24] No.

10 Q. [15:40:33] Thank you, Witness. So if I put it to you, Union des Forces des
11 Républicaines, UFR, Union of Republican Forces, what can you tell us about that
12 group?

13 A. [15:40:43] Nothing.

14 Q. [15:40:44] Very well. So now the UFDR, the union of democratic forces for the ally
15 -- do you know who created this group? Union des Forces Démocratiques pour le
16 Rassemblement, UFDR, who created that group?

17 A. [15:41:08] Who created it? No, but it is one of the armed groups, the UFDR, which
18 is in the Central African Republic, and within it it has the Gula ethnic group for the
19 most part. Most of its members are of the Gula ethnic group.

20 Q. [15:41:48] Michel Djotodia, was he part of the UFDR?

21 A. [15:41:53] I could say yes.

22 Q. [15:42:05] Do you know what function he had within the UFDR?

23 A. [15:42:08] No.

24 Q. [15:42:14] Damane Zakaria, was he a member of the UFDR?

25 A. [15:42:18] I could say yes.

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- 1 Q. [15:42:26] Do you know what function he held?
- 2 A. [15:42:28] No.
- 3 Q. [15:42:38] Abakar Sabone, was he part of the UFDR?
- 4 A. [15:42:45] I don't know.
- 5 Q. [15:42:48] Very well. Could you tell us what you know about Abakar Sabone,
- 6 please.
- 7 A. [15:43:05] What I know about him, he was one of the people who accompanied
- 8 General Bozizé during his coup d'état. He was a former liberator, and he held the
- 9 function of minister in the Central African Republic.
- 10 Q. [15:43:44] Thank you, Witness. Do you know which government he was a
- 11 minister of?
- 12 A. [15:43:47] With Bozizé and with the Seleka. He was an advisor for the presidency.
- 13 That's what I know about him.
- 14 Q. [15:44:15] Thank you, Witness. To the best of your knowledge, was there a power
- 15 struggle, an internal power struggle, within the UFDR? Were there leaders, different
- 16 leaders, who were claiming to be the official representative of that group?
- 17 A. [15:44:35] I don't know. I was never close or, by near or far, associated with the
- 18 UFDR, so I wouldn't know what happens within the UFDR.
- 19 Q. [15:44:53] Thank you, Witness. So I would now like us to address the CPJP, the
- 20 Convention for Patriots for Justice and Peace. Could you tell us what Dhaffane's role
- 21 was, to the best of your knowledge, within the CPJP?
- 22 A. [15:45:19] I don't know.
- 23 Q. [15:45:29] Very well. Nouradine Adam, was he a member of the CPJP?
- 24 A. [15:45:37] Well, I could say yes.
- 25 Q. [15:45:47] Do you remember what functions he held within the CPJP?

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1 A. [15:45:59] No.

2 Q. [15:46:01] Charles Massi, was he a member of the CPJP?

3 A. [15:46:16] When you speak about Charles Massi, I think that at that time, there
4 must have been two CPJPs, but I don't know which one Charles Massi belonged to. He
5 must have been a member of one of these CPJPs, that is, CPJP and CPJP-Fundamental.
6 So he was a member of one of these two CPJP groups.

7 Q. [15:46:59] Thank you, Witness. And what else do you know about Charles Massi?
8 Did he hold functions in Bozizé's government?

9 A. [15:47:07] I think so. I think he was a minister in the Central African Republic.
10 After holding those functions, he went into the rebellion against Bozizé.

11 Q. [15:47:41] Very well. Abdoulaye Hissene, was he a member of the CPJP?

12 A. [15:47:47] I could say yes.

13 Q. [15:47:56] For the UFDR, do you know if there was a power struggle within the
14 CPJP? You spoke about two groups, two wings, if we put it like that. Do you have any
15 other information about internal power struggles within the CPJP like you had for the
16 UFDR?

17 A. [15:48:15] No, because I'm not a member of the CPJP. I'm neither close to or far
18 from being a member of the CPJP.

19 Q. [15:48:34] Very well, Witness.

20 MS NAOURI: [15:48:43](Interpretation) So the next line of questioning will have to be
21 put in private session, please, your Honour.

22 PRESIDING JUDGE SAMBA: [15:48:49] Madam Court Officer, can we go a bit into
23 private session, please.

24 (Private session at 3.48 p.m.)

25 THE COURT OFFICER: [15:48:59] We're in private session, your Honours.

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8 Q. [15:49:40] So thank you, Witness. In transcript T23, page 14, you speak about

9 Mahamat Saleh, and on line 22, you say he is one of the leaders of the armed group

10 CPJP. So how did you know that he was one of the CPJP leaders? Could you tell us a

11 bit more about that.

12 A. [15:50:12] Yes. I think that I continued by saying that what made me say one -- he

13 was one of the leaders because he was made colonel by presidential decree by

14 President Bozizé. He was the president -- who was the president.

15 Q. [15:50:35] Very well. And when was that approximately that General Bozizé

16 made him colonel?

17 A. [15:50:40] When he was still in power, when he was still in power as president of

18 the republic.

19 Q. [15:50:55] *To the best of your knowledge, what was the role of Mahamat Saleh

20 with Bozizé? In particular, do you know why he appointed him colonel?

21 A. [15:51:07] *I don't know, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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- 25 (Open session at 4.01 p.m.)

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1 THE COURT OFFICER: [16:01:46] We are back to open session, Madam President.

2 PRESIDING JUDGE SAMBA: [16:02:23] Thank you very much.

3 Mr Witness, thank you very much for your cooperation for today's session. I'm going
4 to ask that you do not discuss anything that has happened here today when you leave
5 this courtroom. Tomorrow we shall continue with your cross-examination by Defence
6 counsel.

7 So I'm going to rise the court and ask that we meet again tomorrow at 9.30 in the
8 morning. Thank you very much, all.

9 (The hearing ends in open session at 4.02 p.m.)