

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 Friday, 4 November 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:47] All rise. The International Criminal Court is now in
11 session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:33:08] Good morning, everybody.
13 Madam Court Officer, can you please mention the case.
14 THE COURT OFFICER: [9:33:17] Good morning, Madam President, your Honours.
15 The situation in the Central African Republic II, in the case of The Prosecutor versus
16 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21. And we are in open
17 session.
18 PRESIDING JUDGE SAMBA: [9:33:32] Thank you very much.
19 Can I ask the parties to introduce themselves, please.
20 MS MAKWAIA: [9:33:42] Good morning, Madam President, your Honours. For the
21 Office of the Prosecutor this morning, Lisa Tamm; Vanessa Hernandez; Le Bailly,
22 Brunhild; and myself, Holo Makwaia. Thank you.
23 PRESIDING JUDGE SAMBA: [9:33:57] Thank you very much, Ms Makwaia.
24 Representatives for the victims, please.
25 MR LITSENBORGH: [9:34:02] Good morning, Madam President, your Honours. The

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1 victims are represented today by myself, Tars van Litsenborgh, for the Office of Public
2 Counsel for Victims.

3 PRESIDING JUDGE SAMBA: [9:34:12] Thank you very much. Representation for the
4 Defence. Ms Naouri, please.

5 MS NAOURI: [9:34:20](Interpretation) Thank you. Beside me, Counsel Dov Jacobs,
6 Léa Allix, and behind me I have Sarah Valduriez and Capucine Banet. And I am
7 Jennifer Naouri, lead counsel for the Defence.

8 PRESIDING JUDGE SAMBA: [9:34:35] Thank you very much, Ms Naouri. For the
9 record, I note that Mr Said is in court. Good morning, Mr Said.

10 MR SAID: [9:34:40](Interpretation) Good morning, Madam President, your Honour.

11 PRESIDING JUDGE SAMBA: [9:34:49] Good morning, Mr Witness. I hope you rested
12 well.

13 WITNESS: CAR-OTP-P-2240 (On former oath)
14 (The witness speaks French)

15 THE WITNESS: [9:34:53] (Interpretation) Good morning, Madam President. I did rest
16 well.

17 PRESIDING JUDGE SAMBA: [9:35:01] Good. Well, today we're going to continue
18 with your cross-examination. Questions are going to be put to you as was done
19 yesterday by Ms Naouri for the Defence.

20 I want to remind you that you're still under oath to say the truth, and I'm going to ask
21 that you calm down and --

22 THE WITNESS: [9:35:31] (Interpretation) I will tell the truth and nothing but the truth.

23 PRESIDING JUDGE SAMBA: [9:35:35] Yes. That's what we expect of you. I'm going
24 to ask that you calm down and just answer the questions. Ms Naouri -- just like the
25 Prosecutor did, Ms Naouri is here to, you know, do her job and it's a criminal matter,

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1 so she's here to defend her client. So I thank you very much for your cooperation.

2 Ms Naouri, please.

3 MS NAOURI: [9:36:03](Interpretation) Thank you, Madam President.

4 QUESTIONED BY MS NAOURI: (Interpretation)(Continuing)

5 Q. [9:36:10] Good morning, Mr Witness.

6 A. [9:36:12] Good morning.

7 MS NAOURI: [9:36:27](Interpretation) So for the first questions could we go into

8 private session, Madam President.

9 PRESIDING JUDGE SAMBA: [9:36:31] Certainly.

10 Madam Court Officer, can we go into private session, please.

11 (Private session at 9.36 a.m.)

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6 Q. [9:43:47] Okay. And during Michel Djotodia's regime, what was Narkoyo's position?

7 A. [9:43:56] When they came to Bangui, Narkoyo was already a colonel and he was --
8 he was the head of the mobile gendarmerie corps.

9 Q. [9:44:18] You said when they entered Bangui, you're referring to the Seleka; right?

10 A. [9:44:25] Yes, indeed.

11 Q. [9:44:26] So if I understand correctly, Narkoyo was already colonel before the
12 Seleka got to Bangui, so it was still within the framework of François Bozizé's regime.

13 A. [9:44:39] Negative. That is not what I said. I said that during Bozizé's time, that
14 Narkoyo was a first class warrant officer sent to Bria or Sam-Ouandja for security, and
15 it was from there that he entered the rebellion and he was ousted from the Central
16 African armed forces. Subsequently, when they came, when the Seleka came into
17 Bangui, Narkoyo acted as a spokesperson for Seleka and he was a colonel when he
18 entered Bangui. That is how he was the head of the mobile gendarmerie corps.

19 Q. [9:45:34] Thank you for those clarifications, Mr Witness. And in these different
20 positions which you have just given us, did at some point Narkoyo get deployed to
21 Sam-Ouandja in order to secure negotiations of a private deal on diamonds?

22 A. [9:46:03] That, I don't know, but I know that he comes from Sam-Ouandja.

23 Q. [9:46:19] Okay. Just to clarify, when did Narkoyo become the spokesperson for
24 the Seleka, and when did he become the head of the mobile gendarmerie corps?

25 A. [9:46:29] When Narkoyo entered the rebellion in Bria or Sam-Ouandja, he was

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1 appointed. He was spokesperson. He was the one speaking on behalf of the Seleka on
2 the radio. And it is when they came to Bangui, that's where he was head -- he was
3 named or appointed head of this mobile gendarmerie corps.

4 Q. [9:47:00] That's very clear right now. Thank you. Were there any other
5 spokespeople for the Seleka?

6 A. [9:47:08] I only know Narkoyo.

7 Q. [9:47:16] And if I were to mention Eric Massi, does that ring a bell?

8 A. [9:47:26] Eric Massi is someone I know, but officially the spokesperson of the
9 Seleka was Narkoyo.

10 Q. [9:47:35] Okay. Go ahead, Mr Witness.

11 * A. [9:47:38] Just some further details. Eric Massi was not in Bangui. He was a
12 Seleka spokesman, but he was in France, not in Bangui.

13 Q. [9:47:58] Perfect, Mr Witness. Thank you. Do you know that Narkoyo was
14 considered in 2014 as someone who was in opposition to Nouradine Adam?

15 A. [9:48:12] That I do not know.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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11 (Open session at 9.56 a.m.)

12 THE COURT OFFICER: [9:56:52] We are in open session, Madam President, your
13 Honours.

14 PRESIDING JUDGE SAMBA: [9:56:55] Thank you very much.

15 Carry on, Ms Naouri.

16 MS NAOURI: [9:57:00](Interpretation) Thank you, Madam President.

17 Q. [9:57:01] Mr Witness, can you tell us where was Nouradine Adam's office when he
18 was the minister of public safety?

19 * A. [9:57:07] His office was below Camp de Roux, to the right of the Renaissance
20 Palace, as one heads towards the Ubangui.

21 Q. [9:57:27] Could you tell us where the CEDAD was located?

22 A. [9:57:31] The CEDAD was 200 metres behind the Air France company building.

23 Q. [9:57:43] Mr Witness, do you remember when CEDAD was created?

24 A. [9:57:45] I no longer recall that.

25 Q. [9:57:53] So I will show you a document.

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- 1 MS NAOURI: [9:57:56](Interpretation) It is tab 33 in our evidence list, CAR-OTP-2005-
2 0375. * It is the decree to create an extraordinary committee for the defence of
3 democratic achievements, that is to say, the CEDAD. And on the second page, that is,
4 page 0376, the date is indicated, 25 May 2013.
- 5 Q. [9:58:34] Does that refresh your memory?
- 6 A. [9:58:36] It is quite possible.
- 7 Q. [9:58:44] And if we go a bit further down in the document to look at the signature,
8 who signs this document, Mr Witness?
- 9 A. [9:58:52] The president of the republic.
- 10 Q. [9:58:59] Thank you.
- 11 MS NAOURI: [9:59:01](Interpretation) I have finished with this document.
- 12 Q. [9:59:08] So do you remember, Mr Witness, who the first director of the CEDAD
13 was?
- 14 A. [9:59:11] The first director of the CEDAD, I believe, was Nouradine.
- 15 Q. [9:59:22] So I will show you another document.
- 16 MS NAOURI: [9:59:24](Interpretation) It is tab 47 of our evidence list, CAR-OTP-2005-
17 0377.
- 18 Q. [9:59:41] The document will come up on the screen, Mr Witness. It's coming. So
19 we will look at this together. So this is a decree of appointment. I will finish and then
20 you can say what you remember.
- 21 So this is a decree of an appointment of the director-general of the CEDAD, as we see
22 here, and in the middle of the document what we see written is Adjaze Bangue Pierre.
23 Does this jog your memory somewhat, Mr Witness?
- 24 A. [10:00:31] Yes, I come back now. I come back to this appointment. I remember Mr
25 Adjaze, who was the general controller of the police, was indeed appointed before, and

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1 he was director-general of CEDAD. But before that, Nouradine was still minister at
2 that point. And subsequently, it was the minister who then became the director of
3 CEDAD. * (Redacted)

4 (Redacted). I remember that. And in fact we had this date
5 before, it wasn't that date, before it was BND. That was the old name of the office, the
6 BND, the national documentation office. And it was when Mr Adjaze was appointed
7 that the name of the office was changed to CEDAD. * So CEDAD is in fact the same
8 thing as the former BND.

9 Q. [10:01:46] Thank you. Thank you for those details. And do you remember when
10 Nouradine Adam set the date at which he would become the director-general of the CEDAD?

11 A. [10:01:59] I think that it was after being at the ministry of public safety that he
12 moved to CEDAD.

13 Q. [10:02:10] Okay. I'm going to show you another document. It's tab 46 from our
14 list of evidence this time, CAR-OTP-2005-0368. Do you see the document, Witness?

15 A. [10:02:30] Could we zoom in?

16 Q. [10:02:40] Yes. We're going to zoom in to the bottom of the document so that you
17 can see the date. There you go. You can see the title and the date perfectly, so you can
18 see that this document appoints the director-general of the CEDAD.

19 A. [10:03:00] Yes, 22 August 2013.

20 Q. [10:03:06] 2013; is that right?

21 A. [10:03:08] That's right.

22 Q. [10:03:13] And who signed this document, Witness?

23 A. [10:03:15] President Djotodia.

24 PRESIDING JUDGE SAMBA: [10:03:23] Sorry, the date -- okay, it's corrected now, 22
25 August, because I heard 28 August, and 28 August was on the transcript but it's

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- 1 corrected now. Yes.
- 2 MS NAOURI: [10:03:36](Interpretation) Thank you, your Honour. Now, we're going
- 3 to need to move back into private session for the following questions, if we may.
- 4 PRESIDING JUDGE SAMBA: [10:03:50] Yes, Madam Court Officer, can we go kindly
- 5 into private session.
- 6 (Private session at 10.04 a.m.)
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22 (Redacted)

23 (Open session at 10.16 a.m.)

24 THE COURT OFFICER: [10:16:18] We are back to open session, your Honours.

25 PRESIDING JUDGE SAMBA: [10:16:22] Thank you very much.

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1 Ms Naouri, please.

2 MS NAOURI: [10:16:26](Interpretation) Thank you, your Honour.

3 Q. [10:16:31] Now, in your statement at paragraph 24, you talk about the fact that
4 Djotodia didn't have any authority or was unable to command the respect of those
5 under him and the warlords, the Seleka commanders and warlords. I'd like to know
6 more about that.

7 First of all, I'd like to go back to the Central African Popular Front which was a group
8 operating, a Seleka group. Could you tell us who was the head of that group?

9 A. [10:17:11] I have no idea.

10 Q. [10:17:24] Now, the Union of Republican Forces, do you know who was the leader
11 of that group?

12 A. [10:17:30] I'm not really that interested in Seleka matters, and I did not know the
13 name of the various parts. I did know some Seleka heads, but now I couldn't tell you
14 the name of the group that was led by a particular Seleka commander. For instance,
15 even if you said to me Nouradine, I couldn't tell you the name of the group that he led
16 because I'm just not that interested.

17 Q. [10:18:09] Well, to pick up on what you just said, in fact, I'm going to have to
18 move into private session.

19 MS NAOURI: [10:18:14](Interpretation) Your Honour, could we move back into
20 private session so I can follow up on this.

21 PRESIDING JUDGE SAMBA: [10:18:18] Certainly. Madam Court Officer, could we go
22 back into private session, please.

23 (Private session at 10.18 a.m.)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [10:24:27] Thank you, Witness. Now, in your statement, you also refer to a
3 colonel, Colonel Bichara. Now, do you remember which Seleka group he was affiliated
4 with, if he was part of the Seleka?

5 A. [10:24:41] Bichara, I don't think he was in the Seleka. I think he joined the Seleka
6 in Bangui. Because I knew Bichara. He used to sell shoes and clothes, et cetera, in
7 Bangui. And it was when the Seleka came to Bangui that he went on to become a
8 colonel.

9 Q. [10:25:13] Do you know who appointed him colonel?

10 A. [10:25:19] Those people? Nobody appointed them. They just decided what rank
11 they were. That was it.

12 Q. [10:25:25] Thank you for that answer, Witness. Now, what can you tell me about
13 Moussa Assimeh?

14 A. [10:25:36] I think that Moussa is a general, but I know that he was living at the
15 firefighters camp.

16 Q. [10:25:52] Okay. Now, in your witness statement, you refer to an Oumar Moussa.
17 And I'm referring to paragraph 28 of your statement. What can you tell us about him?

18 A. [10:26:06] Yes. What's the question?

19 Q. [10:26:22] What do you know about this gentleman, Oumar Moussa? You say that
20 he is a Sudanese general whose first name was Oumar who apparently supplied the
21 majority of weapons used by the Seleka from Libya. Now, how do you know that, and
22 do you have anything to add to that?

23 A. [10:26:45] No. It was just talk, conversation.

24 Q. [10:26:53] And you have nothing to add regarding him?

25 A. [10:26:55] Affirmative.

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1 Q. [10:37:16] So you also speak in paragraph 25, page 0787 of your statement, of
2 Abdel Kader. He was a colonel under Bozizé. Is that not the case?

3 A. [10:37:32] No. No, Abdel Kader was not a colonel. He was a lance-corporal.

4 Q. [10:37:46] So he was a lance-corporal under the presidency of François Bozizé; is that it?

5 A. [10:37:52] Yes, that's it.

6 Q. [10:37:59] Was he the chief of staff under Bozizé at the Camp de Roux?

7 A. [10:38:09] No. He was a lance-corporal in the army. He was a soldier.

8 Q. [10:38:24] And as far as you know, why did he join the Seleka?

9 * A. [10:38:27] No. I don't know. Because it is... it's their ethnicity. His relatives who
10 were there, maybe he... because many, many, many of the elements who were in the
11 presidential guard were Gula or Runga. They are the ones who joined the rebellion
12 and he was a part of that group.

13 Q. [10:38:59] Thank you, Mr Witness. So still in your written statement, you speak of
14 Youssouf Adoum, paragraph 49, page 0794. That's CAR-OTP-2110-0780. So he was
15 someone who was part of the presidential guard of Bozizé, Youssouf Adoum.

16 A. [10:39:32] He was an element of the presidential guard, and then he had been
17 transferred to the gendarmerie.

18 Q. [10:39:44] When he was transferred to the gendarmerie, what was his rank?

19 A. [10:39:49] He was a FACA, he was a lance-corporal and transferred to the
20 gendarmerie, and when you're referred to the gendarmerie, you become what we call
21 second class at the gendarmerie.

22 Q. [10:40:07] So to situate us in time, here we are talking about these two different
23 posts under the regime of President Bozizé.

24 A. [10:40:17] Of course.

25 Q. [10:40:23] Do you know what he did subsequently, that is, after Bozizé's

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1 government?

2 A. [10:40:27] You are talking about whom?

3 Q. [10:40:34] I am still talking about Youssouf Adoum.

4 A. [10:40:42] Youssouf Adoum, after having left the FACA, he was transferred to the
5 gendarmerie and he became a gendarme.

6 Q. [10:41:00] Okay. And was he part of the Seleka?

7 A. [10:41:01] Affirmative. He was in Kaga-Bandoro.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:41:45] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted). And Dolle-Waya was one of the

17 chiefs in the army under Bozizé. Is that the case?

18 A. [10:42:32] Jean-Pierre Dolle-Waya was a general in the army before -- under

19 Bozizé, he was first an inspector, a central inspector of the army. And then under

20 Djotodia, he was appointed the chief of the -- the head of the chiefs of staff, the head of
21 the FACA.

22 Q. [10:43:03] Thank you for that clarification. Do you know what he did
23 subsequently?

24 A. [10:43:08] Currently?

25 Q. [10:43:12] Yes.

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- 1 A. [10:43:13] He is the head of the chiefs of staff for the presidency of the republic.
- 2 Q. [10:43:27] Thank you, Mr Witness.
- 3 MS NAOURI: [10:43:45](Interpretation) Now, for the first question, I think we can go
- 4 into open session. Let's ask the Presiding Judge if we can go into open session.
- 5 PRESIDING JUDGE SAMBA: [10:43:55] Madam Court Officer, can we go back into
- 6 open session, please.
- 7 (Open session at 10.44 a.m.)
- 8 THE COURT OFFICER: [10:44:03] We are back to open session, your Honours.
- 9 PRESIDING JUDGE SAMBA: [10:44:14] Thank you very much.
- 10 MS NAOURI: [10:44:19](Interpretation) Thank you, Madam President.
- 11 Q. [10:44:20] Now, Mr Witness, I'm only talking about your preparation log. This is
- 12 CAR-OTP-00000455, page 000001, and this is here in our list. It is page 1. You said that
- 13 Djotodia -- Djotodia was a member of mediation with Tiangaye, Ziguélé, Doleguélé
- 14 and the late Kolingba. *This group went to Sibut to meet the Seleka, including generals
- 15 Nourredine, Narkoyo, Rakiss, etc,, one or two months before the Seleka got to Bangui.
- 16 Now, to talk about this -- and this was in order to work on this mediation, and this
- 17 mediation took place after the Libreville negotiations or talks; is that right?
- 18 A. [10:45:31] Indeed. That's it.
- 19 Q. [10:45:42] Do you remember the date of the agreement of Libreville?
- 20 A. [10:45:45] No.
- 21 Q. [10:45:46] No problem. So the presidential majority was a signatory of the
- 22 Libreville agreement, and this was the party of President Bozizé; is that correct?
- 23 A. [10:45:56] Affirmative.
- 24 Q. [10:45:55] And it is Tiangaye that is representing the opposition there in Libreville;
- 25 is that correct?

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1 A. [10:46:16] Correct.

2 Q. [10:46:25] The political military movements that were non-combatants were
3 represented by Abdoulaye Hissene; is that correct?

4 A. [10:46:35] I do not know.

5 Q. [10:46:37] No problem. The Seleka coalition, also a signatory of the Libreville
6 accords, is represented by Michel Djotodia.

7 A. [10:46:50] That is it.

8 Q. [10:46:59] And the Libreville accords had as their purpose to work for peace and
9 reconciliation; is that correct?

10 A. [10:47:05] Correct.

11 Q. [10:47:15] The Libreville accords lead to a government of national union; correct?

12 A. [10:47:25] That's what was said.

13 Q. [10:47:29] The minister of defence and vice-prime minister, do you remember who
14 it was?

15 A. [10:47:38] Defence minister of the time and not a vice-prime minister?

16 Q. [10:47:57] Okay. Well, you are specifying this. So you're saying Djotodia was the
17 minister of defence. And what was Dhaffane's function in this government of national
18 union?

19 A. [10:47:59] I think Dhaffane was not within the waters and forestry ministry -- no, I
20 think he was at the water and forestry ministry.

21 Q. [10:48:17] Thank you, Mr Witness. Gazambeti, do you remember what ministry
22 he belonged to?

23 A. [10:48:27] You're talking about Gazambeti? Mr Gazambeti was a member of the
24 government, I don't know what ministry or what corps he belonged to.

25 Q. [10:48:44] Okay. And Djono Ahaba, was he part of this national union

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1 government in Sibut, and if so, do you remember what ministry he was part of?

2 A. [10:48:55] I believe that Djono must have been minister of finance. I think minister
3 of finance. Either minister of finance or minister of mines.

4 Q. [10:49:22] Thank you, Mr Witness. And Abakar Sabone, do you remember what
5 ministry he had?

6 A. [10:49:30] I think he was at the ministry for youth and sports.

7 Q. [10:49:37] Thank you, Mr Witness. Did François Bozizé comply with the Libreville
8 accords?

9 A. [10:49:48] I have no answer on that.

10 Q. [10:49:53] I will show you a document, Mr Witness.

11 MS NAOURI: [10:49:55](Interpretation) It is CAR-OTP-2001-0742, tab 22, in the list of
12 notifications. We will look at the Libreville accords with regard to the political security
13 situation in the Central African Republic.

14 Q. [10:50:26] So in the first article, a bit lower down here on the screen, if we could
15 scroll that up, it is written, and I read it:

16 "The president of the republic remains in his functions up until the end of his term in
17 2016, and he cannot run again for another term."

18 So my question is: Did François Bozizé run for another term subsequent to the
19 Libreville accords?

20 A. [10:50:59] I am telling you, I follow politics, but I did not engage in politics. So the
21 Bangui accords did not interest me. This document is one I'm seeing for the first time.
22 I heard of it, but it's the first time that I see it. Only now am I seeing it.

23 Q. [10:51:22] Thank you, Mr Witness. So I will come back to this in private session,
24 on what you have just said, that is.

25 MS NAOURI: [10:51:43](Interpretation) I will go into private session. Madam

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- 1 President, could we go into private session.
- 2 PRESIDING JUDGE SAMBA: [10:51:46] Madam Court Officer, can we go briefly into
- 3 private session, please.
- 4 (Private session at 10.52 a.m.)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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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 (Recess taken at 10.56 a.m.)

22 (Upon resuming in open session at 11.34 a.m.)

23 THE COURT USHER: [11:34:52] All rise.

24 Please be seated.

25 PRESIDING JUDGE SAMBA: [11:35:13] Good morning again, everyone.

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1 Mr Witness, we're going to continue with your cross-examination, and I'm going to ask

2 Ms Naouri to please start.

3 MS NAOURI: [11:35:25](Interpretation) Thank you, your Honour.

4 Q. [11:35:35] Now, Witness, we are in open session. I don't think that that poses a
5 problem immediately, but if need be, I will ask for the court to move into private
6 session.

7 Now, this meeting at Sibut, the purpose thereof was to implement the DDR program; is
8 that right?

9 A. [11:36:12] Yes, I think that is right.

10 Q. [11:36:26] Thank you. And do you recall, in the framework of the DDR procedure,
11 do you remember whether weapons were handed in by the rebels?

12 A. [11:36:40] No, I don't recall that. Perhaps previously. Now, there were a number
13 of mediations, including ones where weapons were burnt opposite the court, but I
14 don't know if that -- I don't know if it was those weapons. I don't know.

15 Q. [11:36:58] So we were in Sibut. The Seleka then took over. Then there was a
16 transition government, wasn't there, after the takeover of Bangui by the Seleka; right?

17 A. [11:37:20] Yes, that's right.

18 Q. [11:37:21] Do you recall who was the prime minister of that transition
19 government?

20 A. [11:37:27] That was Djotodia's government.

21 Q. [11:37:30] Yes, that's right.

22 A. [11:37:38] Who did Djotodia appoint as minister? Djotodia arrived. I don't recall.
23 You'll have to jog my memory. I don't recall.

24 Q. [11:38:04] Well, in fact, I'm going to show you a document. It's tab 40 of our
25 evidence list, CAR-OTP-2004-1597, and we can go to paragraph 1605.

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1 Now, this document -- now, this is a decree dated 31 March 2013 and it lists the
2 appointments of the government, that is to say, in this transition government, and it's
3 decree 013.009. Witness, do you see the document?

4 A. [11:38:58] Yes, I can see it.

5 Q. [11:39:00] Okay, very good. We're going to scroll down through this document
6 where we see the various names of the ministers of state. And we will now move to
7 page 15. We're going to go to the next page, 1597, if I'm not mistaken. 1597. Is that
8 possible?

9 While I look for the exact page regarding the prime minister, would you be so kind as
10 to look at -- oh, there. So 1597, we see here that it is Mr Nicolas Tiangaye who was
11 appointed prime minister and chief of the transition government. Do you recall that,
12 Witness?

13 A. [11:40:18] Yes, I recall that now. Yes, when they arrived, Tiangaye was the prime
14 minister, and his director of security was a colleague. I recall that.

15 Q. [11:40:40] Okay. Now, aside from Mr Tiangaye, do you recall any other ministers
16 who were part of the transition government?

17 A. [11:40:47] Well, there was Crépin Mbolli-Goumba who was minister of works in
18 that government.

19 Q. [11:40:53] And was he somebody who was part of a Seleka group?

20 A. [11:40:55] Crépin was part of the opposition.

21 Q. [11:41:15] Do you recall other ministers who were part of the opposition and in
22 the transition government, Witness?

23 THE INTERPRETER: [11:41:19] Interpreter corrects: Did you know other ministers in
24 the transition government, Witness?

25 THE WITNESS: [11:41:18](Interpretation) No, no. But I do know most of those. I

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1 know most of those that you showed earlier.

2 MS NAOURI: [11:41:35]

3 Q. [11:41:35] Yes. So you know most of the people whose names you saw earlier on
4 the screen. Thank you, Witness.

5 MS NAOURI: [11:41:46](Interpretation) I have finished working with that document.
6 Thank you very much.

7 And now for the next questions, we can remain in open session.

8 Q. [11:41:56] Now, Witness, what is the exact position of Mamour as of March 2013?
9 What was his post in the transition government?

10 A. [11:42:09] Mamour was a colonel for a time, and then he was appointed minister
11 of defence and then he became a general. So he was minister of defence. I'm referring
12 to General Mamour.

13 Q. [11:42:30] Okay. Now, the document at tab 40, so that was CAR-OTP-2004-1597,
14 and this time page 1608. Sorry, I should have said 1607. I was one page out. My
15 mistake. Now we're on the right page. Thank you very much, court officer and court
16 clerk.

17 Now, right at the bottom of that page, I think we'll have to scroll down a little further.
18 Thank you. Right.

19 Here we see Colonel Bertrand Mamour, minister for finance, responsible for the
20 budget. Does that jog your memory, Witness?

21 A. [11:43:49] Yes. It's written right here, delegated minister in the department of
22 finance, responsible for budget. Sorry. It says delegated minister of national defence
23 responsible for restructuring of the army and disarmament, demobilisation and
24 reinsertion programme, DDR.

25 Q. [11:44:34] Okay. Thank you very much. In the meantime, he has become a

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1 general. We note the date.

2 MS NAOURI: [11:44:45](Interpretation) And we will now move to the next page, page
3 1608 this time. The next page.

4 Q. [11:44:53] Now, we see that this document is dated 31 March 2013. Do you see
5 that, Witness?

6 A. [11:44:59] Yes.

7 Q. [11:45:06] Very well. I'm now going to show you another document. It also
8 relates to Mamour.

9 MS NAOURI: [11:45:32](Interpretation) This is at tab 29 of our list of evidence, CAR-
10 OTP-2004-16 -- sorry, 2014-1926, page 1987. 1987. Thank you very much.

11 Q. [11:45:56] Now, here, we see the first article which says that Brigade General
12 Bertrand Mamour is appointed as a minister, counsellor responsible for global defence
13 and reform of the security sector, and this at the presidency of the republic.

14 A. [11:46:19] I see that this document is dated 13 June 2013.

15 Q. [11:46:29] Does that strike you as being right?

16 A. [11:46:31] I don't know. I'm not sure.

17 Q. [11:46:32] No problem. Do you see who signed this decree, Witness? I'm going to
18 just move to that point on the document. We'll look at a little more of that document to
19 see the bottom of it. Do you see who signed it, Witness?

20 A. [11:46:50] Yes. It was President Michel Djotodia.

21 Q. [11:46:56] Thank you. Now, I'm staying on the topic of Mamour, and I'm going to
22 show you another document.

23 MS NAOURI: [11:47:24](Interpretation) This is tab 30 of our list of evidence, CAR-
24 OTP-2101-1888, page 1891. Page 1891.

25 Q. [11:47:42] Now, here at number 34, we see an indication of the position held by

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1 General Bertrand Mamour.

2 A. [11:47:53] Delegated minister at the presidency of the republic responsible for
3 national defence, restructuring of the army and former combatants and victims of war.

4 * That was 3 August 2013.

5 Q. [11:48:08] Does that refresh your memory?

6 *A. [11:48:10] Well, you know, it was a difficult time. There were some decrees
7 which were not broadcast on the radio, not even printed in the newspapers.
8 Sometimes decrees were signed and provided directly to the relevant persons. So this
9 is entirely possible, but there was some confusion on these matters.

10 Q. [11:48:39] Could you tell us something more about this confusion of which you
11 speak.

12 A. [11:48:44] No. I saw that there was a minister who was delegated to national
13 defence at the presidency, but here I see a delegated minister at the presidency
14 responsible for national defence and restructuring of the army, former combatants and
15 victims of war. So I don't really understand that. But in any case, I do know that
16 Mamour was responsible for defence.

17 Q. [11:49:22] Okay. Thank you very much for that, Witness. Now, in your statement,
18 you refer to the fact that Mamour signed exceptional appointment decrees. This is at
19 paragraph 23 of your statement.

20 MS NAOURI: [11:49:52](Interpretation)That's tab 1 of our list of evidence; tab 2 for the
21 English version. CAR-OTP-2110-0780, and paragraph 23 is at page 0786.

22 Q. [11:50:05] And you say that:

23 "Nouradine gave instructions to Mamour signing a decree authorising an exceptional
24 appointment. Nouradine would draw up the list of appointments in the ranks and
25 would instruct Mamour to sign them."

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1 I'll stop there because that is a neutral quote.

2 Now, with respect to what you go on to state in your statement, I'm going to show you,
3 first of all, one document.

4 MS NAOURI: [11:50:39](Interpretation) This is CAR-OTP-2004-1003, page 1008.

5 THE COURT OFFICER: [11:50:50] Tab number, please.

6 MS NAOURI: [11:50:58](Interpretation) Tab 32. Page 1008.

7 Q. [11:51:45] Now, Witness, I'm going to guide you a little bit. You see that there are
8 two columns. The column I'm interested in is the right-hand column. * And this is
9 decree 13.318 of 2 September 2013, which is a decree authorising an exceptional
10 appointment as an officer of the national army. Do you see that, Witness?

11 Now, is this the type of decree that you were referring to in your witness statement?

12 A. [11:52:22] No. Let me explain. The minister of defence does not sign a decree.

13 The minister of defence can take a decision, and the decision that he signs is the non-
14 commissioned officers. But the officers, well, that's a decree.

15 Now, in the case of Mamour, Mamour would only sign a decision and not a decree. * If
16 it was a matter of appointing a non-commissioned officer to a higher rank, it would be
17 the minister of defence.

18 If it was an officer being appointed to a higher rank, it would be the president of the
19 republic who would sign. And here the prime minister signed.

20 Q. [11:53:22] Okay. We'll go to the next page, which is page 1009. And here, if we
21 look at the right-hand column, right at the top of the document, can you name the three
22 persons who are signatories of this decree.

23 A. [11:53:47] I see General Bertrand Mamour, who is the minister of defence; I see Mr
24 Nicolas Tiangaye, prime minister; and the chief of state, Michel Djotodia. Now,
25 normally for a decree, it would be those three individuals who would sign.

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- 1 Q. [11:54:19] Thank you, Witness. Now I'm going to show another document to you.
- 2 MS NAOURI: [11:54:22](Interpretation) It's tab 31 of our list of evidence, CAR-OTP-
- 3 2122-9848.
- 4 Q. [11:54:40] Do you see the document, Witness?
- 5 A. [11:54:42] Yes, I can see it.
- 6 Q. [11:54:44] Could you read the title of the document.
- 7 A. [11:54:49] It's a decree, decree number 33.406, appointing or confirming officers of
- 8 the national army to various posts of responsibility in the military regions.
- 9 Q. [11:55:16] Thank you. Now we're going to go right to the bottom of that
- 10 document, at page 9852. 9852. Now, Witness, do you see the date of the document,
- 11 and who the signatories of this document are?
- 12 A. [11:55:46] Yes. The document was signed in Bangui on 8 October 2013 by the
- 13 minister delegated to the presidency of the republic, General Bertrand Mamour, and by
- 14 the premier -- the prime minister, rather, who was chief of the transition government,
- 15 Mr Nicolas Tiangaye, and the chief of -- head of state, the head of the transition state,
- 16 Michel Djotodia.
- 17 Q. [11:56:21] Do you have anything to add regarding this document?
- 18 A. [11:56:27] No, I don't really understand, because what I see there is that at the
- 19 bottom you have the minister of defence delegated to the presidency of the republic,
- 20 and the other one is the minister of defence. So I don't know what you're interested in.
- 21 I know the ministry of defence was led by Colonel Mamour, because he became a
- 22 general subsequently.
- 23 Q. [11:56:54] Thank you very much. We see, indeed, that three people have signed
- 24 the document, including Mamour; is that correct?
- 25 A. [11:56:59] Yes, that is correct. Because I said that when it comes to the decrees, it

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1 will be the minister of defence, the prime minister and the head of state who would
2 sign. In the case of a decision, it was only the minister of defence alone who would
3 sign.

4 Q. [11:57:20] Thank you, Witness. I would now like to go back to the topic of the
5 gendarmerie. Witness, do you recall, who was the national commissioner of the
6 gendarmerie in 2012?

7 A. [11:57:36] If I'm not mistaken, (Redacted).

8 Q. [11:57:50] Witness, we're going to ask that what you've just said be redacted, but
9 I'm going to stop you before you give (Redacted)-- what I'd like to talk about is
10 the general operation or functioning of the gendarmerie, but let's be cautious.

11 MS NAOURI: [11:58:09](Interpretation) To that end, I'll ask that we move to private
12 session. Your Honour, if we might move into private session.

13 PRESIDING JUDGE SAMBA: [11:58:19] Madam Court Officer, can we go into private
14 session, please.

15 (Private session at 11.58 a.m.)

16 THE COURT OFFICER: [11:58:29] We are in private session, your Honours.

17 PRESIDING JUDGE SAMBA: [11:58:33] Thank you very much.

18 Ms Naouri, continue, please.

19 MS NAOURI: [11:58:36](Interpretation) Thank you, your Honour.

20 Q. [11:58:37] Now, you remember that the national commissioner of gendarmerie at
21 that time (Redacted).

22 A. [11:58:45] At that time he was a colonel, Linguissara Henri Wanzet.

23 Q. [11:58:58] Thank you. That was back in 2012. Now, do you recall who held that
24 position in 2013, shortly after the Seleka groups arrived?

25 A. [11:59:09] No. I think that when the Seleka was in Bangui, it was General Wanzet

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1 who was the national commissioner of the gendarmerie. Now, before the Seleka
2 arrived, it was Colonel Depo. He was in the position for three months, then the Seleka
3 arrived, then Colonel Wanzet was appointed as commissioner of the gendarmerie.

4 Q. [11:59:49] So if I've understood correctly, in 2012 to the beginning of 2013, the
5 national commissioner of the gendarmerie was Depo?

6 A. [12:00:08] Yes, Landry Depo.

7 Q. [12:00:12] And after Depo Landry, it was Linguissara who became the national
8 commissioner; is that correct?

9 A. [12:00:17] Yes, yes, that is correct. That's right.

10 Q. [12:00:27] Thank you, Mr Witness. I will give you -- I will show you another
11 document.

12 MS NAOURI: [12:00:33](Interpretation) This is tab 28, CAR-OTP-2004-1305, page 1379.
13 So this is a decree of 12 May 2013 appointing officers of the gendarmerie into positions
14 of responsibility. We will go to page 1381. Sorry, it's 1379, in fact. I made a mistake.

15 Q. [12:02:03] So we see at the top of the page the position here of national
16 commissioner of the gendarmerie. Can you indicate who is there?

17 *A. [12:02:19] It is Brigadier-General Métinkoué, who is now a Grand Chancellor. At
18 the time he was with Anthony Mbongui, who was the deputy and assistant. That's
19 possible. And if I'm not mistaken, at the end of Bozizé's reign, Wanzet was the national
20 commissioner of police, and Metinkoe was the national commissioner of the
21 gendarmerie. It's possible. It's possible.

22 Q. [12:03:04] Okay. Let's look at the date. This is 1381, which I had announced earlier.
23 That is the page, 1381. Do you see the date of this decree, Mr Witness? Do you see it?

24 A. [12:03:35] Yes, but no.

25 Q. [12:03:41] Could you state it.

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1 A. [12:03:43] It is 2 May 2013.

2 Q. [12:03:51] Okay. So Thierry-Marie Metinkoe is the national commissioner of the
3 gendarmerie starting on 12 May 2013.

4 A. [12:04:09] Yes, yes.

5 Q. [12:04:10] Mr Witness, you and I are overlapping. You're saying, "Yes, yes," when
6 I'm still asking my question. So I will give you all the time you need to answer your
7 question, but please let me finish my question before you answer. Otherwise, it's going
8 to upset the functioning of the hearing.

9 I will repeat my question. So Thierry-Marie Metinkoe is the national commissioner of
10 the gendarmerie starting on 12 May 2013; is that right?

11 A. [12:04:38] Of course.

12 Q. [12:04:50] Thank you, Mr Witness. And, precisely, now Henri Wanzet
13 Linguissara, when did he become the national commissioner of the gendarmerie?

14 A. [12:05:00] General Wanzet became director under the rule of President Djotodia.

15 Q. [12:05:15] Okay. I will show you a document.

16 MS NAOURI: [12:05:18](Interpretation) It is tab 28 of our list of evidence. It is CAR-
17 OTP-2004-1003, page 20 -- sorry, page 1020. Small correction, it is tab 33. Sorry about
18 that for the court officer. It is tab 33.

19 THE COURT OFFICER: [12:05:55] Tab 32, because I heard in English tab 33.

20 MS NAOURI: [12:05:58](Interpretation) You are right. It is 32. And I repeat, the page
21 is 1020.

22 Q. [12:06:35] Do you see the document, Mr Witness?

23 A. [12:06:36] Yes, I see the document.

24 Q. [12:06:48] So I think there is a minor error in the document. Let me just check it. I
25 am not very good at looking at a small screen, Mr Witness. So here we see -- I will

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1 nicely ask that we zoom in on the right side because I do not see it very well. Oh, there
2 we go. Perfect. Thank you very much.

3 So the first article, article 1, I'm sure you can see it better, Colonel Wanzet Linguissara
4 Henri, he has a post at the national gendarmerie. He is the national director of the
5 national police, and he becomes the national commissioner of the gendarmerie,
6 replacing the general of the brigade, Metinkoe Thierry-Marie, who has been called
7 upon to carry out other functions. Do you see this, Mr Witness?

8 A. [12:08:00] That's why I explained that this is coming back to me. I said that after
9 the rule of General Bozizé, Colonel Depo was the national commissioner of the
10 gendarmerie, and Colonel Wanzet was the commissioner of police. And then
11 subsequently, General Metinkoe was appointed the national commissioner, and
12 General Wanzet replaced him. I think that's what happened. That's what I remember.

13 MS NAOURI: [12:08:42](Interpretation) So I will ask that the bailiff scroll down a bit so
14 we can see the date of this document. I would ask that the court clerk scroll up. Thank
15 you.

16 Q. [12:09:01] Do you see the date of the document, Mr Witness?

17 A. [12:09:04] Yes, I see it.

18 Q. [12:09:11] Does it seem accurate as a date of appointment?

19 A. [12:09:16] As I have told you, I do not know well these draft decrees within the
20 presidency earlier, where there was confusion with regard to the defence minister.
21 Now, with regard to the decrees, I don't have a good handle or grasp on them.

22 Q. [12:09:41] Okay. Thank you for those clarifications. I will now show you a last
23 document which is not a decree.

24 MS NAOURI: [12:09:49](Interpretation) Tab 48 of our list of evidence, CAR-OTP-2034-
25 3043.

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1 Q. [12:10:04] And, as you see, it is a mission order. Do you see the signature on this
2 mission order, Mr Witness, at the bottom? Thank you.

3 A. [12:10:31] It is General Wanzet.

4 Q. [12:10:40] Okay. (Redacted). Are
5 you okay?

6 A. [12:10:45] Yes. I'm okay.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:11:06] (Redacted). And as far as you know,
11 was Linguissara participating in 2013, when the Seleka were there, in operations in
12 collaboration with elements from the OCRB?

13 A. [12:11:29] No, I don't believe so.

14 Q. [12:11:48] So, Mr Witness, the director of the OCRB, Benjamin Mallo, during a
15 public testimony he gave, and I quote the transcript on 7 October 2022, T17, page 54,
16 lines 16 to 24:

17 "Upon instruction of the high command of the OCRB, the OCRB had a mixed team of
18 the police and gendarmerie to try to maintain security throughout the city of Bangui."

19 Question which he's asked: "Where was your hierarchical supervisor, Linguissara?"

20 "He was in Bangui. Sometimes with him there was a mixed patrol conducting
21 activities."

22 Question: "What did Linguissara tell you about the events that were taking place?"

23 Answer:

24 "For us, the forces of defence and security and safety were to maintain the safety and
25 security of the city of Bangui and the director-general was always with this mixed

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1 team, mixed with police and gendarmerie. We were there to maintain safety and
2 security and to assure people and to remain calm?"

3 So my question is: As far as you know, (Redacted), did
4 you know about these mixed patrols between elements from the police and the OCRB
5 under Djotodia's regime?

6 A. [12:13:45] That is absolutely true because at one point, as there was fear, to help
7 people feel trust, they created mixed patrols. They would regroup all units of the
8 gendarmerie, the intervention units, and all police units under the supervision of the
9 director-general -- the national commission, rather, of the gendarmerie. And it was at
10 the Place D'Armes Martin Lingoupou and then we would have -- to start, and then
11 there would be a debriefing at the end, at that same place.

12 Q. [12:14:33] Thank you, Mr Witness. As far as you know, where was the office
13 where Linguissara worked when he was appointed the national commissioner of the
14 gendarmerie under Djotodia's presidency?

15 A. [12:14:50] It remained the same one. It was at the headquarters of the
16 gendarmerie opposite the barrier.

17 Q. [12:15:05] For the transcript, when you say "opposite the barrier," what do you
18 mean?

19 A. [12:15:08] At the Henri Izamo camp. It is the camp of the gendarmerie.

20 Q. [12:15:25] And could you tell us where the office of the national directorate of the
21 police was located?

22 A. [12:15:42] The bureau of the national directorate of the police is located across
23 from the OCRB, going toward the Oubangui river, to the left of the Renaissance Palace.

24 Q. [12:16:03] Thank you, Mr Witness. And Mr Linguissara was appointed minister of
25 public safety between 2017 and 2021; is that correct?

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1 A. [12:16:12] Correct.

2 Q. [12:16:23] You have already told us this but we wanted to confirm this: He is the
3 one who is now at the head of intelligence; is that accurate?

4 A. [12:16:31] Of course.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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11 (Redacted)

12 Q. [12:43:46] Thank you, Witness. I'm now going to talk about Mazangue who you
13 refer to in your statement.

14 MS NAOURI: [12:43:56](Interpretation) CAR-OTP-2110-0781, page 0788. This is at tab
15 1 of our list of evidence and tab 2 for the French version.

16 Q. [12:44:06] And there in paragraph 29, you say that: The basement was already
17 being used prior to the Seleka as a detention cell by General Mazangue by people who
18 had committed holdups and other dangerous prisoners."

19 Now, my question is, was General Mazangue at the OCRB during the period there was
20 a Seleka government?

21 A. [12:44:36] No. Mazangue was not at the OCRB.

22 Q. [12:44:49] I'm going to show a document to you, Witness.

23 MS NAOURI: [12:44:52](Interpretation) This is at tab 19 of our list of evidence, CAR-
24 OTP-2034-1740.

25 Q. [12:45:09] The document is going to appear on your screen. Now, we're going to

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1 try and increase the size of that now.

2 Now, this is a memorandum dated 18 April 2013, and it is signed by Nouradine Adam.

3 I'm going to tell you what it says:

4 "Awaiting the regularisation decree, Police General Louis Mazangue is appointed

5 director of the central office for combatting crime, the DOCRB, to replace Mr Benjamin

6 Mallo who is relieved of his duties."

7 Now, does this refresh your memory, Witness?

8 A. [12:46:02] Yes, I recall this. I remember that General Mazangue (Redacted)

9 (Redacted). Now, if he was appointed to the OCRB, well, that is

10 possible. It's possible.

11 Q. [12:46:23] (Redacted)

12 (Redacted)

13 A. [12:46:28] (Redacted)

14 (Redacted).

15 Q. [12:46:47] Now, I'm going to show you another document.

16 MS NAOURI: [12:46:50](Interpretation) Tab 20 of our list of evidence, CAR-OTP-2004-

17 0814, at page 0838.

18 Q. [12:47:20] Now, the decree I'm interested in is dated 8 July 2013, which is to

19 appoint or to confirm higher police levels to certain posts of responsibility. If we go to

20 the next page, we'll be able to read paragraph -- subparagraph 2 there, or paragraph 2

21 there.

22 So there at 2, we can read regarding Mazangue, he is appointed central inspector

23 responsible for emigration and the administrative police. And that was in July 2013.

24 Now, does that strike you as being right, Witness?

25 A. [12:48:14] Yes, it's entirely possible, because here I see that when he was

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1 appointed, he was appointed to emigration, where Wanzet -- and Wanzet would have
2 been the national commissioner of police. That would be entirely possible.

3 Q. [12:48:33] Thank you, Witness. I'd like to return now to another person. When
4 the investigators of the Office of the Prosecutor showed you photos during your
5 preparation session, and here I'm referring to the witness preparation log.

6 * MS NAOURI: [12:48:57](Interpretation) So tab 16 of our list of evidence, CAR-OTP-
7 00000455 at page 000004. And you were shown a photograph, CAR-OTP-2069-3226.

8 Q. [12:49:21] And you stated that the person to the left was the police inspector in the
9 1st arrondissement, and that his call-sign was Mirage. Now, do you recall that?

10 A. [12:49:35] I recall.

11 Q. [12:49:45] Now, the person that you were saying was known by Mirage was
12 Benjamin Mallo; is that correct?

13 A. [12:49:58] Affirmative.

14 Q. [12:50:01] Thank you, Witness. Do you recall when Benjamin Mallo joined the
15 service back in 2013?

16 A. [12:50:16] I don't know. Perhaps the person who would know would be the
17 controller, Sophil, because he worked over there.

18 Q. [12:50:32] Okay. Thank you. So I understand that Benjamin Mallo and Sophil
19 worked together. But to try and ascertain the dates, let me show you this document.

20 MS NAOURI: [12:50:42](Interpretation) It's at tab 20, CAR-OTP-2004-0814, and at page
21 0823, we'll see the date of the decree, on page 0823.

22 * Q. [12:51:10] Here we see a decree dated 4 July 2013. This is on the left -- in the left-
23 hand column now. So it is a decree authorising exceptional appointment to the
24 National Order of Central African Recognition.

25 And now we're going to go to another page in this document, and that's page 0842.

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1 And we see in the left-hand column, right at the bottom of the page -- I think we've just
2 missed it. We'll need to scroll down. Thank you. Perfect.

3 We see director, Mr Benjamin Mallo, police inspector. Now, does that strike you as
4 being correct at that date, Witness? This is from 2013.

5 A. [12:52:22] Well, I don't know the organisational chart of the police, but I know that
6 Mallo, Sophil, Koutoulingar, I knew all of those people but I couldn't say exactly what
7 their position was at the directorate-general of police.

8 Q. [12:52:50] Okay. Thank you for that answer. Now, you just mentioned Sophil.
9 Do you recall what Sophil did before he was seconded to the OCRB? What were his
10 responsibilities specifically?

11 A. [12:52:59] Well, I don't remember his responsibilities. I would see him from time
12 to time at emigration, but afterwards I would see him at -- I saw him at the OCRB, but I
13 don't know exactly what his responsibilities were. I must admit, I'm not very familiar
14 with the functioning, the way in which the police functioned.

15 Q. [12:53:28] Thank you, Witness. That's very clear. So you personally saw Sophil at
16 the OCRB; is that right?

17 A. [12:53:38] Yes, I saw Sophil at the OCRB.

18 Q. [12:53:46] Thank you, Witness. Now, my last question regarding Sophil, and I'm
19 going to show you the relevant document.

20 MS NAOURI: [12:53:53](Interpretation) It's tab 20 of our list of evidence, CAR-OTP-
21 2004-0814.

22 Q. [12:54:02] This is a decree dated 4 July 2013. That's the same date. And it's also a
23 decree which appoints senior police to posts of responsibility. Now, I'd like to take you
24 to page 0842, and the left-hand column there.

25 Now, we see Sophil, and there it says that he is the chief of the analysis and

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1 investigation section. Jean-Claude Sophil, police inspector. So would that -- July 2013,
2 that would correspond to the period that you were seeing him at the OCRB; is that
3 right?

4 A. [12:54:50] I don't know.

5 Q. [12:54:51] Well, we've finished with that document. Thank you for that. Now, do
6 you know somebody called Pierre Guy -- Guy-Pierre, does that ring a bell, a police
7 officer?

8 A. [12:55:08] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:55:44] Okay. Thank you for those details. Now, Guy Mangabas, did you
13 know him?

14 A. [12:55:59] Yes. He worked for the police, but I'm not sure if he was at the OCRB or
15 the director-general. I think that you are talking about Mangabas who has since died.

16 Q. [12:56:13] Yes, the late Mr Mangabas.

17 A. [12:56:17] Yes, yes, he worked with Wanzet.

18 Q. [12:56:19] And if I understand correctly, he worked both at the OCRB and at the
19 director-general of police; is that correct?

20 A. [12:56:29] I think if I'm not mistaken that that was the case.

21 Q. [12:56:33] Now, did Patianga work with Linguissara?

22 A. [12:56:50] They worked with Wanzet and Patianga. Now, I think Patianga, I think
23 he was at the CNS. I think that's currently the director-general of the national
24 commission of police. I think that Patianga -- I'm not sure, but he definitely worked
25 under Wanzet in the national commission of police.

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1 Q. [12:57:27] Thank you, Witness. And Captain * Charadet, did he work with
2 Linguissara?

3 A. [12:57:35] I don't know him. I didn't know him.

4 Q. [12:57:37] Very well. Thank you, Witness. Now, Witness, you don't speak Arabic;
5 is that right?

6 A. [12:57:49] No, I don't speak Arabic.

7 Q. [12:57:58] Now, in your statement, you say --

8 MS NAOURI: [12:58:03](Interpretation) Tab 1 of our list of evidence, and tab 2 for the
9 English version, CAR-OTP-2110-0780, page -- well, I don't actually have the page
10 number, but it's paragraph 32.

11 Q. [12:58:24] And here at paragraph 32, and I'll tell you what the page number is. It's
12 been whispered to me that it's page 0789.

13 You say there in paragraph 32:

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:59:33] Thank you, Witness.

24 MS NAOURI: [12:59:35](Interpretation) Your Honour, I have an eye on the clock, and
25 the next topic will take a little bit of time, so this would probably be a good time for the

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- 1 break. I'm in your hands, your Honour.
- 2 PRESIDING JUDGE SAMBA: [12:59:47] Yes.
- 3 Mr Witness, we're going to stop at this point for now so that we can go and have lunch
- 4 and come back at 2.30, after lunch.
- 5 So I'm going to rise the Court and ask that we come back at 2.30, please.
- 6 (Recess taken at 1.00 p.m.)
- 7 (Upon resuming in open session at 2.31 p.m.)
- 8 THE COURT USHER: [14:31:51] All rise. Please be seated.
- 9 PRESIDING JUDGE SAMBA: [14:32:10] Good afternoon, everyone. We are going to
- 10 continue with your cross-examination, Mr Witness, and I'm going to ask Ms Naouri to
- 11 commence this afternoon's session. Thank you. And we're in open session, just so you
- 12 know.
- 13 MS NAOURI: [14:32:35](Interpretation) Thank you, Madam President. To start where
- 14 we were, we were in a private session. Can we take it into open session, please.
- 15 PRESIDING JUDGE SAMBA: [14:32:49] We are in open session.
- 16 MS NAOURI: [14:32:53](Interpretation) Madam President, could we go into -- could
- 17 we take it into private session.
- 18 PRESIDING JUDGE SAMBA: [14:33:02] Can we go back into private session, please,
- 19 Madam Court Officer.
- 20 (Private session at 2.33 p.m.)
- 21 THE COURT OFFICER: [14:33:20] We are in private session.
- 22 PRESIDING JUDGE SAMBA: [14:33:23] Thank you.
- 23 Ms Naouri, please.
- 24 MS NAOURI: [14:33:25](Interpretation) Thank you, Madam President.
- 25 Q. [14:33:26] (Redacted)

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(Redacted), Benjamin Mallo, who were under the Seleka regime and which we had brought up together. He says during his statement, he says, and I cite, and this is the transcript of 11 October 2022, T19, starting on page 58, line 9. So this is the question:

"So I understand that you are making a report to the national commissioner of the police that would transmit your reports to the Minister Nouradine.

"Answer: That depends. If the minister Nouradine arrives and asks that the report be given, even verbally, he comes and he says, 'Commissioner, what is not going on.

What happened this week?' I report to him like that within the OCRB. Otherwise, it's a paper like this. I say I remember the events that happened, and I see Mr Minister. This is the hierarchy and I give the police staff. I am there as the commissioner, and then there are the officers who are on duty. Their names are given. There was a detonation of weapons on Saturday among the Seleka. I say that and then there are substantive reports, because there's a detonation of weapons around the OCRB so we have to report on this. Even if the leaders see that there is a grouping because the Seleka have found someone important, because the curious always come. We always have to report to the minister so he is aware what is happening within the OCRB. It is within that framework that I refer to these regular reports."

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19 (Open session at 3.34 p.m.)

20 THE COURT OFFICER: [15:34:52] We are back to open session, your Honours.

21 PRESIDING JUDGE SAMBA: [15:34:54] So we are back into open session.

22 Ms Naouri, continue.

23 MS NAOURI: [15:34:57](Interpretation) Thank you, Madam President.

24 Q. [15:34:58] So, Mr Witness, now I would like to talk about your various exchanges

25 with the Office of the Prosecutor of the ICC. Okay? So do you remember the date of

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1 the first contact you had with the investigators of the ICC, Office of the Prosecutor?

2 A. [15:35:19] No, I do not have that in mind.

3 Q. [15:35:22] Okay. We have an investigator's report.

4 MS NAOURI: [15:35:29](Interpretation) It is tab 44 in the list of evidence, CAR-OTP-
5 2130-7979, page 7980.

6 Q. [15:35:44] In which it is indicated that you had a first call with the investigators on
7 28 August 2018, and on that same day you met them. Does that refresh your memory,
8 Mr Witness?

9 A. [15:35:58] Yes, that is entirely possible because I remember the first day, when I
10 got this phone call, I got closer to the coordinator for authorisation. So that is entirely
11 possible.

12 Q. [15:36:24] Thank you, Mr Witness. And did the investigators explain how they
13 had obtained your contact information and your phone number?

14 A. [15:36:36] Yes. They told me everything (Redacted)
15 (Redacted).

16 Q. [15:36:52] Okay. It is indicated that you met them that same day, the same day
17 they called you. Do you remember how long this first interview lasted, approximately?

18 A. [15:37:05] Over five hours.

19 Q. [15:37:18] Thank you. Could you explain how this first interview went?

20 A. [15:37:22] It was an audition.

21 Q. [15:37:40] It was an audition? Explain things a bit more. Was someone taking
22 notes? How were the exchanges taking place, those people who were listening to you,
23 who were auditioning you?

24 A. [15:37:51] Okay. There were two. There was a woman and a man, plus the
25 interpreter beside them in case, if I were to have any difficulties. So in any case, all the

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1 conditions had been met. I had not been forced during the declaration, during the
2 statement. You were only to say what you had experienced, what you had seen.

3 Q. [15:38:30] Very well. And during this first meeting, during this first meeting, did
4 you read a document? Did you sign a document during this first meeting?

5 A. [15:38:45] Yes. I believe -- I believe -- I don't know if it was at the end of the
6 audition that I signed because we took almost two days. But I think the first day, I did
7 sign a paper. We usually call this for a per diem, the time that I had spent. And I
8 think, if I'm not mistaken, it was the second day, the next day, I was given the
9 statement and I re-read it and I signed it, and they countersigned this document as
10 well.

11 Q. [15:39:35] Okay. So I'm talking about the first meeting that you had, and you said
12 that - and I'm looking for the exact quotation here - you received per diem. Do you
13 remember how much the per diem was, Mr Witness?

14 A. [15:39:56] I'm not sure if it was about 2.000, 2.000, 2.500, or 4.000. That was just for
15 transport.

16 Q. [15:40:18] Thank you, Mr Witness. So you then meet with the investigators for a
17 second meeting. Do you remember when this second meeting took place?

18 A. [15:40:42] For my arrival, for my departure to come here?

19 Q. [15:40:56] No, no. Still when you were in the Central African Republic, you met
20 several times with the investigators. Is that not the case?

21 A. [15:41:05] Yes. I remember the second time was not easy because several times
22 they called me and I was not available. I was not available, and I did not want to. The
23 coordinator had to call me personally and ask me to respond to the invitation, and so I
24 went back to the same place.

25 Q. [15:41:49] Okay. Thank you, Mr Witness. We have in the file, we have the

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1 screening note which you had with the investigators from the Office of the Prosecutor,
2 that is, from the interview with them, and it says that on 30 August 2018 and 21
3 October 2018.

4 MS NAOURI: [15:42:28](Interpretation) This is document CAR-OTP-2102-0791, page
5 0791.

6 Q. [15:42:44] No, you did not say that. That's my mistake. The investigators indicate
7 that you had a meeting on 30 August 2018. So there would be a second meeting,
8 because I recapitulate, to be clear, we had had a first investigator's report saying you
9 met on 28 August for a first meeting, and then you have the screening note that there
10 was a meeting on 30 August 2018, a few days later. And in this report, it is indicated
11 that the investigators, for instance, explained the mandate of the ICC, and that your
12 identity and the information which you provided to the investigators could be shared
13 with the judges, with lawyers, the accused, and the representatives of the victims. And
14 this second interview, do you remember how long this second interview lasted,
15 approximately, Mr Witness?

16 A. [15:43:54] Well, I can assure you that I cannot tell you precisely. I know we started
17 in the morning and we ended in the afternoon.

18 Q. [15:44:17] Okay. So I am asking this question because we have an investigator's
19 report, a screening note of this meeting on 30 August 2018, and in your signed witness
20 statement, you speak of a meeting on the 30th, talking about -- it's the first page of your
21 statement.

22 *MS NAOURI: [15:44:47](Interpretation) CAR-OTP-2110-0780 --

23 MS MAKWAIA: [15:44:52] Excuse me, Madam President. I'm sorry to interrupt,
24 counsel. Can it be zoomed? We can't read it, the document.

25 THE COURT OFFICER: [15:45:02] Can I ask which document? Because Defence

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1 counsel just asked the witness statement to be displayed and the previous document
2 was a screening note.

3 PRESIDING JUDGE SAMBA: [15:45:14] It's tab 2, I think. Well, the English version,
4 tab 2.

5 MS MAKWAIA: [15:45:16] Whichever document that's being displayed, if it can be
6 zoomed a bit, then we can follow easy. Thank you.

7 PRESIDING JUDGE SAMBA: [15:45:22] Well, let's get confirmation from Ms Naouri.
8 Is it tab 2 of the English version of -- yes.

9 MS NAOURI: [15:45:30](Interpretation) Yes, Madam President. We looked at the
10 screening note, and now this is the witness statement. That is tab 1 for French and 2 for
11 English.

12 Q. [15:45:42] So, Mr Witness, as I explained, on this signed statement, there's a first
13 interview on 30 August 2015, so it goes from 1335 to 1525. Does this seem to be
14 accurate for the meeting that was held on 30 August 2018?

15 A. [15:46:09] Well, I don't see any problem with that.

16 Q. [15:46:13] Okay. Fine. And in investigator's report pertaining to the contacts with
17 P-2240, you.

18 MS NAOURI: [15:46:33](Interpretation) That is tab 44 of our list of evidence, CAR-
19 OTP-2130-7979, page 7979.

20 Q. [15:46:49] It is indicated on this same 30 August, two people, we will not -- it's two
21 people - I won't name them - met with you and began the interview with you. And the
22 only thing I would like to clarify here is if you remember whether during this meeting,
23 which lasted from, let's say, about 1.30 to 3.30, was it then that you were once again
24 asked to sign papers, because you said at the first meeting you did sign papers, or was
25 it the first time, this time, that you were signing your statement? If you remember, of

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1 course.

2 A. [15:47:36] I believe that the first time we signed the declaration, and even the
3 second time. And there was a document about per diem.

4 Q. [15:47:57] Okay. Thank you, Mr Witness. Now I would like to show you the
5 screening note.

6 MS NAOURI: [15:48:11](Interpretation) This is tab 34 in the list of evidence, CAR-OTP-
7 2102-0781, and I would like us to go to page 0784. I'm getting tired reading all these
8 numbers, but it's 0784. So we see the title, and the title -- we will ask that it be zoomed.
9 Thank you very much. Let's go to the bottom of the page. At the bottom of the page,
10 let's try to zoom so you can see the title. There it is.

11 Q. [15:49:04] It says, and I read it in English, (Redacted) This is a
12 document in English. This is the report about you. This is the screening note that the
13 investigators drew up when they met you. Such a title, had it been discussed with you,
14 this title? When you met with them and you explained things to them, you answered
15 their questions, did they say to you, "Okay. We're going to give this a heading,
16 (Redacted)?

17 A. [15:49:34] I have not understood well, what you're asking.

18 Q. [15:49:42] I will reformulate it. I'm going to turn it on its head. We will look at
19 your statement and compare it to what we have just seen.

20 MS NAOURI: [15:49:57](Interpretation) Let's look at tab 1 for French; tab 2 for the
21 English version. CAR-OTP-2110-0780, and we will go to page 0786.

22 Q. [15:50:23] And here we can see it's only shown to us. I'm only talking about the
23 title. So it says (Redacted). This is the
24 statement that you signed. Okay? So my question is: When you talked to the
25 investigators of the Office of the Prosecutor, do you talk to them about the title that had

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1 been given to your statement?

2 A. [15:50:49] Yes.

3 Q. [15:50:56] Thank you, Mr Witness.

4 MS NAOURI: [15:51:06](Interpretation) So for the continuing of my line of

5 questioning, Madam President, I would like to go into private session.

6 PRESIDING JUDGE SAMBA: [15:51:13] Madam Court Officer, could we go quickly

7 into private session, please.

8 (Private session at 3.51 p.m.)

9 (Redacted)

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20 (Open session at 4.02 p.m.)

21 THE COURT OFFICER: [16:02:47] We are back to open session, your Honours.

22 PRESIDING JUDGE SAMBA: [16:02:50] Thank you very much.

23 Mr Witness, we want to take this opportunity and thank you for your testimony, for

24 your cooperation with the Court. We really do appreciate it. I take this opportunity on

25 behalf of the Chamber to wish you well in your future endeavour and really wish you a

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- 1 safe journey back home. Thank you very, very much.
- 2 Can the Court Usher please escort the witness outside the courtroom so that we deal
- 3 with one more issue.
- 4 (The witness is excused)
- 5 (The witness exits the courtroom)
- 6 PRESIDING JUDGE SAMBA: [16:03:41] Very quickly, the Prosecution filed today a
- 7 document demanding -- which demands an expedited treatment. This is filing number
- 8 530. I'll ask the Court Officer to get us quickly into private session so that we can deal
- 9 with this.
- 10 (Private session at 4.04 p.m.)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
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- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
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- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (The hearing ends in private session at 4.05 p.m.)