

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 Tuesday, 25 October 2022  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:34] All rise. The International Criminal Court is now in  
11 session.  
12 Please be seated.  
13 PRESIDING JUDGE SAMBA: [9:33:00] Good morning, everyone.  
14 Madam Court Officer, can you mention the case, please.  
15 THE COURT OFFICER: [9:33:13] 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're in open session.  
19 PRESIDING JUDGE SAMBA: [9:33:27] Thank you very much.  
20 Can the parties please introduce themselves.  
21 MS MAKWAIA: [9:33:31] Good morning, Madam President, your Honours. For the  
22 Prosecutor this morning, Mr Yuichiro Omori, Ms Leonie von Braun, and myself, Ms  
23 Holo Makwaia. Thank you.  
24 PRESIDING JUDGE SAMBA: [9:33:43] Thank you very much.  
25 Counsel for the victims.

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- 1 MS BEDOUCHA: [9:33:47](Interpretation) Thank you, your Honour. Representing the  
2 victims today, Tars Van Litsenborgh on my right, and myself, Adeline Bedoucha, for  
3 the Office of Public Counsel for Victims.
- 4 PRESIDING JUDGE SAMBA: [9:34:06] Thank you very much.  
5 Ms. Naouri for the Defence, please.
- 6 MS NAOURI: [9:34:09](Interpretation) Good morning, your Honour. Next to me,  
7 Maître Jacobs and Simon Appriou, Maître Valduriez, Léa Allix, and I'm Jennifer  
8 Naouri, the lead counsel.
- 9 PRESIDING JUDGE SAMBA: [9:34:26] Thank you, Ms Naouri.  
10 Rule 74 counsel, please.
- 11 MR RAIMONDO: [9:34:32] Good morning, Madam President, your Honours. Fabián  
12 Raimondo, the Rule 74 counsel.
- 13 PRESIDING JUDGE SAMBA: [9:34:38] Thank you very much.  
14 And for the record, I note that Mr Said is in court. Good morning, Mr Said.
- 15 MR SAID: [9:34:44](Interpretation) Good morning, Madam President.
- 16 PRESIDING JUDGE SAMBA: [9:34:47] Thank you.
- 17 WITNESS: CAR-OTP-P-2105 (On former oath)  
18 (The witness speaks French)
- 19 PRESIDING JUDGE SAMBA: [9:35:05] Good morning, Mr Witness. I hope you had a  
20 restful night.
- 21 THE WITNESS: [9:35:02] (Interpretation) Good morning, your Honour. I rested well.
- 22 PRESIDING JUDGE SAMBA: [9:35:17] We'll take it you are still on oath. We are going  
23 to continue with your direct examination by the Prosecutor.
- 24 Ms von Braun, can I ask how much more you have with this witness?
- 25 MS VON BRAUN: [9:35:33] Good morning, Madam President. Good morning,

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1 everyone. So my estimation is that we will use today, and then we will review and  
2 perhaps take a little bit tomorrow morning. That is my current estimate.

3 PRESIDING JUDGE SAMBA: [9:35:45] Thank you very much. Continue with your  
4 direct examination, please. Thank you.

5 MS VON BRAUN: [9:35:52] Thank you very much.

6 QUESTIONED BY MS VON BRAUN: (Continuing)

7 Q. [9:36:53] Good morning, Mr Witness. We are in open session. I will begin my  
8 questions in open session, but as we did yesterday, please do not hesitate to raise your  
9 hand and indicate whether anything that we are venturing into could identify you.  
10 Understood?

11 A. [9:36:36] It's clear.

12 Q. [9:36:37] Now, yesterday, Mr Witness, you described how you arrived at the  
13 OCRB and we began talking about the Seleka station there. Were there any other  
14 people, aside from Seleka, stationed at the OCRB when you arrived?

15 A. [9:37:10] (Redacted).

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 And according to Nouradine, this commander would be in charge of the OCRB, and  
22 Said, Colonel Said, would be his deputy. The commander would be responsible for  
23 judicial matters, responsible for call-ups, for dealing with current affairs. And as  
24 Colonel Said wasn't in the police school, he would be his deputy, responsible for  
25 carrying out security work within the OCRB with his troops.

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1 Q. [9:39:27] Do you recall this commander's name?

2 A. [9:39:35] His name, no. But I could recognise it.

3 Q. [9:39:52] You can recognise the name; did I understand that correctly?

4 A. [9:40:02] No, I could recognise it on a photograph, or I could recognise the person  
5 on a photo. But as far as the name is concerned, I no longer remember the name.

6 Q. [9:40:14] All right. Thank you. That's noted. And we can turn to that a bit later  
7 on. I have noted that, however.

8 So this commander, what, in fact, did he then do at OCRB?

9 A. [9:40:46] This commander had a desk in the main office of the OCRB. He had an  
10 office there which had an outside door next to the toilets and the cells. At the  
11 beginning, the minister brought him there, and his task was to -- or his roles was to  
12 manage everything that was of a legal nature in the OCRB, all legal affairs. But in  
13 reality, he didn't have a direct contact with the Seleka troops at the OCRB. He didn't  
14 give orders to the troops. He didn't give instructions or guidelines to them.  
15 In my opinion, he had an advisory role. He would often come to Colonel Said to get  
16 information with regards to events, and he would give his opinion as to what could be  
17 done. Otherwise, he could give his opinion to Said with regards to an order given by  
18 General Nouradine.

19 Q. [9:42:41] And was this commander by himself brought to -- brought to the OCRB?

20 A. [9:43:00] Yes. At the start when he arrived, he arrived alone. But it was  
21 afterwards, when another minister of the interior arrived that the other police officers  
22 came to work at the OCRB.

23 Q. [9:43:31] Mr Witness, who is Mazangue?

24 MS NAOURI: [9:43:44](Interpretation) Objection.

25 PRESIDING JUDGE SAMBA: [9:43:46] Ms Naouri.

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1 MS NAOURI: [9:43:47](Interpretation) Yes. This is a leading question. The witness  
2 didn't speak about this person at all, so we don't see why this name is put to the  
3 witness.

4 PRESIDING JUDGE SAMBA: [9:44:00] Did the witness mention that name yesterday?

5 MS VON BRAUN: [9:44:05] No, Madam President, he didn't, but we are talking about  
6 a context in which this name is relevant --

7 PRESIDING JUDGE SAMBA: [9:44:12] No, that's leading. That's leading. No, no,  
8 that's leading. That's leading, Ms von Braun.

9 MS VON BRAUN: [9:44:18] All right.

10 PRESIDING JUDGE SAMBA: [9:44:18] Thank you.

11 MS VON BRAUN: [9:44:19] Then I will withdraw that question at this point and  
12 rephrase.

13 Q. [9:44:23] Mr Witness, you stated that you were not able to recall the name of this  
14 police officer. Can you remember names of any other police officers in relation to  
15 OCRB?

16 A. [9:44:37] Yes. At the OCRB there was General Mazangue, General --

17 PRESIDING JUDGE SAMBA: [9:45:04] That is -- sorry, Mr Witness, just a moment.  
18 That is what is bad with leading questions because you put the answers right in the  
19 mouth of the witness, whereas if you had asked that question as you have done now,  
20 you would have a free speech to just give the answers that you require.

21 MS VON BRAUN: [9:45:25] That's correct, Madam President. I apologise.

22 PRESIDING JUDGE SAMBA: [9:45:29] Carry on, Mr Witness. Carry on.

23 THE WITNESS: [9:45:39](Interpretation) Yes. The General was at the OCRB a long  
24 time before the arrival of the commander, and at the OCRB he didn't have a direct role.  
25 He just wrote reports on what was done. He would report on the prisoners and he

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1 would try to find out who the prisoners were, why they were there. But he didn't give  
2 orders. He did not intervene in the affairs of the prisoners.

3 MS VON BRAUN: [9:46:44]

4 Q. [9:46:53] So how long was this General Mazangue at the OCRB?

5 A. [9:47:15] He stayed at the OCRB until the arrival of the sworn police, and he left  
6 the OCRB because he was sick. He was ill, and after that he had to leave the OCRB.

7 Q. [9:47:47] Thank you. Do you recall any other names of police officers? And before  
8 you answer, if you could just answer yes or no at this point, and then we can see  
9 whether we would have to go into a private session for a moment.

10 A. [9:48:25] No.

11 Q. [9:48:27] Okay. Thank you. That settles that issue, then. Now, you've already  
12 described a bit the role of this lieutenant commander whose name you did not  
13 remember. Was this lieutenant commander himself also in contact with Adam?

14 A. [9:49:03] I want to correct something. It's a lieutenant colonel. It's the post of  
15 commander of the OCRB, but his grade or rank was lieutenant colonel in the police.  
16 Yes, because as Nouradine presented him as being in charge. I know that he was in  
17 contact with Nouradine because when he would come to see Colonel Said in order to  
18 give his opinion in accordance with Nouradine's orders. (Redacted)  
19 (Redacted). He was –

20 he would come often to see Colonel Said at the table that the colonel had put for his  
21 office.

22 So he would come either to say whether he had to send troops to ensure security for  
23 the president or, alternatively, for patrols or for other affairs underway, where the  
24 complainants would go to speak to him in his office and he would go see Colonel Said  
25 to discuss with him to have an idea of what the affairs were which the officers, Said's

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1 officers, were dealing with. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [9:51:33] Thank you, Mr Witness. Just for the future, if we discuss -- if we touch

5 on issues where it is potentially -- it touches also -- there's an overlap with your

6 personal role and a question develops that way in your answer, please don't hesitate to

7 say, "Let's go into a private session." Okay?

8 One moment. Yes. So the compound --

9 A. [9:52:16] Okay.

10 Q. [9:52:17] So the compound where we looked at the photos yesterday where you --

11 that were put to you yesterday, this OCRB compound, is it known by -- does it have

12 additional names, this compound? Is it known by additional names?

13 A. [9:52:44] No.

14 Q. [9:52:59] Are there -- are there other such compounds in Bangui?

15 A. [9:53:07] In Bangui there are other buildings, antenna of the OCRB, but they are

16 not identical to the OCRB buildings.

17 Q. [9:53:46] Thank you. Can you describe those other antennas to us, please.

18 A. [9:54:04] \*I can give you their names I think, but not all of them. I know the

19 Ngouciment antenna. I know the antenna of 92 Lodgement, the Damala antenna, the

20 PK13 antenna I also know. I think those are the antenna that I can remember. 92

21 Logements, Damala, PK13.

22 Q. [9:55:00] And in 2013, who was in charge of those antennas?

23 A. [9:55:21] All of these antennas were under the command of the central antenna,

24 under the commander, Colonel Said, the commander of the central antenna and the

25 chief of all the other antenna commanders. They were all under the responsibility of

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- 1 the minister of the interior, General Nouradine.
- 2 Q. [9:56:00] (Redacted)
- 3 (Redacted)
- 4 A. [9:56:04] (Redacted)
- 5 MS VON BRAUN: [9:56:30] Yes, I think --
- 6 PRESIDING JUDGE SAMBA: [9:56:31] Can we go into private session a bit, Madam
- 7 Court Officer. Thank you.
- 8 (Private session at 9.56 a.m.)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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1 Q. [10:16:18] (Redacted)

2 A. [10:16:23] Yaya also stayed at the OCRB. And I'd like to also share another piece  
3 of information. Another colonel was sent to the OCRB by Nouradine following an  
4 event that took place at the OCRB. And this colonel, on his arrival, was presented to  
5 the OCRB by Nouradine as the deputy of Colonel Said, and his role was to ensure the  
6 security of the OCRB. This was Colonel Tahir who had come to the OCRB with his  
7 troops. (Redacted), this colonel and his men were still at the OCRB.

8 Q. [10:17:55] (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [10:18:14] (Redacted)

12 (Redacted)

13 Q. [10:18:45] (Redacted)

14 A. [10:18:50] Yaya was part of Colonel Said's team. He was Colonel Said's deputy,  
15 and he's the person who planned the duty officers and who managed them. And this is  
16 the function he continued to carry out. However, Tahir arrived and was also Said's  
17 deputy. His role was to ensure OCRB security, but he hardly spent any time at the  
18 OCRB because he didn't find anything to do there. He would just come, rest a bit, and  
19 then leave the OCRB. He was not there often. So it was Colonel Said and especially  
20 Commander Yaya who stayed at the OCRB to manage the teams who worked there.

21 Q. [10:20:24] Can you describe Tahir for us, please.

22 A. [10:20:36] \* He was a light-skinned man. Short. He looked like a Peul or Fula, but  
23 I do not know his ethnicity. But according to my information, he would be a -- he was  
24 a Chadian citizen.

25 Q. [10:21:26] Do you know his full name?

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1 A. [10:21:27] No. I just know his name as Tahir, and the nickname used by his  
2 troops. And that nickname was Shisha.

3 Q. [10:22:02] All right. Thank you very much, Mr Witness. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted), it has to be noted that (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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12 (Open session at 12.06 p.m.)

13 THE COURT OFFICER: [12:06:25] We're back in open session, Madam President, your  
14 Honours.

15 PRESIDING JUDGE SAMBA: [12:06:28] Thank you very much.

16 Madam Prosecutor, carry on, please.

17 MS VON BRAUN: [12:06:32] Thank you.

18 Q. [12:06:34] Now, these persons we just spoke about that you provided information  
19 on from these lists, how were they provided for at the OCRB?

20 A. [12:06:46] I haven't understood the question.

21 Q. [12:07:13] Yesterday, when I asked you whether Seleka at the OCRB were paid,  
22 you had said no. So my question is: How are they provided for?

23 A. [12:07:25] OCRB personnel had the right to a meal provided by the OCRB. That is  
24 to say, the food that was in the shop, there was an officer responsible for preparing that  
25 and serving it to all the troops. Furthermore, the troops who were on duty or who

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1 were carrying out patrols had 2.000 francs for mission costs or mission expenses where  
2 they had to leave on patrol or carry out interventions. And those who were on duty or  
3 carrying out service within the OCRB, they had between 1.000 and 2.000 francs to make  
4 it possible for them to buy cigarettes and other things that they would need. And this  
5 money came from the duty officer. That is to say, the right to intervene and the  
6 expenses and the release of prisoners, that's paid to the officer. This money is paid to  
7 the officer with the duty -- with the permission of the colonel, and the duty officer  
8 would use that money for the troops. That is to say, that is how the troops could have  
9 something. So that's to say money was paid in case of complaints, intervention or for  
10 expenses.

11 Q. [12:10:00] And where did this money come from?

12 A. [12:10:02] So, as I've said, this money comes from the call-ups that were made for  
13 interventions, the expenses for those, the expenses for releasing prisoners, which were  
14 paid at the table to the duty officer. And the duty officer in turn, on the order of the  
15 colonel, could use this to give troops -- give it to troops, according to the details that I  
16 have given you.

17 Q. [12:11:05] Thank you very much. And who would pay for releasing prisoners?

18 A. [12:11:13] So sometimes it would be the detained person themselves, or it could be  
19 a family member who would pay the fees.

20 Q. [12:11:40] And how high were those fees?

21 A. [12:11:43] Well, it depended on the seriousness of the problem of the suspect or  
22 detained person. There wasn't a fixed, set fee, but it was up to the duty officer to set  
23 the amount of the fee. And the detained person or the representative of that person  
24 would then discuss that, and the duty officer was obliged to inform the colonel on the  
25 amount decided on before the payment was made. (Redacted)

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1 (Redacted)

2 Q. [12:12:58] All right. I'm mindful that we're still in open session, and if we go into  
3 more details on that, we would probably have to go into another private session. So I  
4 will leave it at that for the moment.

5 Now, Mr Witness, we were talking about these funds now and the food prepared at the  
6 OCRB. Were the Seleka at the OCRB also armed?

7 A. [12:13:41] Yes.

8 Q. [12:14:03] All right. Could you describe that a bit more, please, for us.

9 A. [12:14:25] So each troop had an AK-47. And for interventions, there were heavy  
10 weapons that were also used; rocket launchers, for example, and DKMs.

11 Q. [12:14:56] And where were these heavy weapons kept?

12 A. [12:14:58] The weapons, the heavy weapons, were often kept by the users; that is  
13 to say, the people who would shoot the heavy weapons. So prior to the interventions,  
14 the weapons would be in the premises used by the firers of the heavy weapons. And if  
15 an intervention was necessary, then these weapons had to be put onto the vehicle. And  
16 after the intervention, they had to be taken off the vehicle and they had to be placed  
17 where the shooter or firer was.

18 For the AK-47s, they were distributed to those people who were carrying out the  
19 service, and then it had to be given back in the arms dump, the G4, such that the  
20 following people carrying out service could then be provided with them. If you were  
21 undertaking service, you had the obligation to keep the weapon on you. And after  
22 your service, you would give it back for the next person carrying out the next service.

23 Q. [12:16:51] Thank you. Mr Witness, you mentioned weapons, you called it DKMs.  
24 What is that?

25 A. [12:17:09] This is a weapon which is used to protect or to support the troops in the

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1 field. It's a large-calibre weapon which is used to support the troops in the field who  
2 were going in with small-calibre weapons as needed.

3 Q. [12:17:50] And how many such weapons were at the OCRB? Do you recall?

4 A. [12:17:53] There was one which was at the OCRB.

5 Q. [12:18:27] Okay. Thank you very much.

6 I'm mindful that we're still in open session, but I believe that at least the first part of my  
7 next line of questioning can remain in open session, but we will have to see a bit how it  
8 progresses. Yeah? All right.

9 Now, Mr Witness, yesterday, we had begun to speak about, when we were looking at  
10 those images where you had indicated certain things, where people were detained at  
11 the OCRB. And this was, for example, at transcript page 66, lines 19 to 25 of  
12 yesterday's transcript.

13 I would like to ask you to describe for us in a bit more detail, if you can, aside from  
14 those persons you've already mentioned, who else was detained at the OCRB that you  
15 can recall.

16 A. [12:19:48] (Redacted)

17 (Redacted). But after the

18 colonel arrived, the arrests and the complaints, things started to work. So other  
19 detained person -- other suspects were arrested, soldiers, civilians. And I also  
20 remember that there was some prisoners who were civilians who were arrested. They  
21 had been arrested for carrying out acts against the authority.

22 Now, some had been involved in that for having photocopies, others for taking part in  
23 that. They'd been printing pamphlets.

24 (Redacted). But civilians had been arrested

25 for the distribution of leaflets against the authorities and some for having made

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1 photocopies thereof.

2 MS VON BRAUN: [12:21:57] Thank you. I was just waiting for the translation to end,

3 but, yes, I would request private session.

4 PRESIDING JUDGE SAMBA: [12:22:03] Yes.

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

6 (Private session at 12.22 p.m.)

7 THE COURT OFFICER: [12:22:18] We're in private session, your Honours.

8 PRESIDING JUDGE SAMBA: [12:22:20] Thank you very much.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 And there was another person (Redacted)
- 5 (Redacted)
- 6 him. (Redacted)
- 7 (Redacted)
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24 (Recess taken in private session at 1.00 p.m.)

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

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- 1 THE COURT USHER: [14:32:14] All rise.
- 2 Please be seated.
- 3 PRESIDING JUDGE SAMBA: [14:32:28] Good afternoon, everyone.
- 4 Madam Prosecutor, you can continue with your direct examination. Just to inform you
- 5 that we're in open session, or, rather, to remind you that we're in open session.
- 6 MS VON BRAUN: [14:32:40] Thank you very much. That's much appreciated, Madam
- 7 President. I would request to go into private session, please.
- 8 PRESIDING JUDGE SAMBA: [14:32:55] Very well.
- 9 Madam Court Officer, can you get us into private session, please.
- 10 (Private session at 2.33 p.m.)
- 11 THE COURT OFFICER: [14:33:06] We're in private session, your Honours.
- 12 PRESIDING JUDGE SAMBA: [14:33:08] Thank you very much.
- 13 Madam Prosecutor, your witness, please.
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
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- 1 (Redacted)
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- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Open session at 3.04 p.m.)
- 7 THE COURT OFFICER: [15:04:53] We are back to open session, your Honours.
- 8 PRESIDING JUDGE SAMBA: [15:04:58] Thank you.
- 9 Madam Prosecutor, please carry on.
- 10 MS VON BRAUN: [15:05:04] Thank you very much.
- 11 Q. [15:05:05] I would like to turn back to the issues of the -- yeah, the detention of
- 12 persons in the cells that were not the basement. So we had spoken about times when
- 13 they could leave the cell, but I would like to ask you whether you can provide
- 14 additional details on their conditions of detention, as you remember it.
- 15 A. [15:06:00] I don't understand what you mean by detention conditions.
- 16 Q. [15:06:06] Yes, I'm sorry, it's a very general term. I'll try to be more concrete. So
- 17 we spoke about that they were able to leave the cells. How many persons were
- 18 detained in each cell?
- 19 A. [15:06:21] There wasn't a limited number in the cells. In the G2 cell, (Redacted)
- 20 (Redacted), it was reserved for military detainees, FACA and Seleka. And what
- 21 happened was if it was a member of a body -- if one person entered into the G2 --
- 22 before the escape, the G3 was basically reserved for those prisoners, for the two
- 23 prisoners, and the others, the G5 to G7, for everybody who was arrested or those who
- 24 were being questioned. They were all there. So it was sufficient just to open the door,
- 25 and (Redacted).

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1 And what this work consisted of, well, there were -- there were gaolers. They were the  
2 people who were responsible for the gaol, and they were the ones who would watch  
3 over the gaol. So the gaolers would -- was designated, and his name would be on the  
4 service, the daily service sheet or daily duty sheet. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 So there wasn't a precise number or a limited number that we would control with  
11 regards to the amount of detainees. You just had to have a bit of room and that was it.

12 Q. [15:09:23] Thank you. Mindful that we're still in open session, Mr Witness, I will  
13 pose some more of these types of questions. But if you believe that you have to -- that  
14 we have to go into private session again, please do indicate.

15 Now, you were speaking about room in the cells. Were there beds in those cells?

16 A. [15:09:47] No.

17 Q. [15:09:57] Then where did the detainees sleep?

18 A. [15:10:00] They would sleep on the floor or they would sleep on cardboard, pieces  
19 of cardboard. It might be the case that during the visit they would find a bit of  
20 cardboard or a bit of a mat in the courtyard of the OCRB. Then they could bring it into  
21 the cell in order to use that as a bed. However, in the G3, there was permission to put a  
22 mat there for the prisoners who were there.

23 Q. [15:11:04] Okay. Thank you very much. And how were detainees fed?

24 A. [15:11:23] There wasn't a programme to feed them at the OCRB. But if it was the  
25 case that the food was being prepared for the troops and there was still some

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1 remaining and they were outside for the visit, then they could have some. But most  
2 often, it was their parents or relatives who had to do everything, to be at the OCRB at  
3 6.00 in the morning to bring them breakfast, and afterwards, at 1.00 or 4.00 to bring  
4 them dinner.

5 Q. [15:12:20] And how would the relatives learn that there were relatives of theirs  
6 detained at OCRB?

7 A. [15:12:29] Those who were arrested at home, well, their relatives were aware of  
8 that. And those who were called in or summoned, they would come, and once they  
9 were there, they had to remain. They would ask to be put in contact with their  
10 relatives, and this request was often done in visiting hours, when the person would  
11 leave during the visit. The person didn't have any food, they didn't have any visitors,  
12 (Redacted). Either the duty officer would tell us (Redacted).  
13 (Redacted), and sometimes  
14 the duty officers also had one to make contact with the relatives of the detained person.  
15 And sometimes (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). And that made it

19 possible for the parents to know that there was a family member there or they  
20 themselves would know of the arrest.

21 Q. [15:14:42] Was it possible for detainees to contact a lawyer, a legal counsel?

22 A. [15:14:46] No.

23 Q. [15:15:06] And were there inquiries done with these detainees, either by the Seleka  
24 or the police? Were they questioned?

25 A. [15:15:19] By Seleka, yes, because there was a team of duty officers who were

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1 there. And among them, one of them would be on duty that day, and the others who  
2 weren't on duty would act as investigators. That is to say, the ones who were in the  
3 office would decide on the problems. They would put the questions and they would  
4 try to resolve the problems. And at the end, they would come to the colonel's desk in  
5 order to render their decision with regards to the problem at hand, whether the person  
6 should be released or not.

7 If the person should leave the OCRB, (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [15:16:53] All right. Thank you. Mindful that we're in open session, Mr Witness, I  
11 have just a few more questions on this issue, and then we can turn again to a private  
12 session.

13 The detainees that we are speaking about now in general terms, what gender did they  
14 have?

15 A. [15:17:22] They were male. At the time, it was not provided for to have female  
16 detainees at the OCRB. We only had male detainees. I remember what facilitated the  
17 arrival of Colonel Tahir at the OCRB, and that was under the orders of the prosecutor.  
18 The DG had brought three girls who were in custody at the OCRB, and General S'en  
19 Fou La Mort, he came to release them by force from the hands of the Seleka at the  
20 OCRB. But at the time the police retook them. As it was the police DG that had  
21 brought the girls, they were in the hands of the police. And at the time, the Seleka  
22 didn't intervene to prevent General S'en Fou La Mort from taking them away.

23 Nouradine arrived and he was angry, and as such, he put the Seleka there to ensure  
24 security at the OCRB so that they could get them back by force. And that's how he  
25 went to get Colonel Tahir and his men as additional troops. And in bringing Colonel

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1 Tahir, he said that he should be the deputy of Colonel Said in order to ensure security  
2 within the OCRB.

3 So other than these three girls, I do not know of any female detainees at the OCRB.

4 Q. [15:20:17] Thank you very much. You just mentioned a prosecutor. Did you ever  
5 see a prosecutor at OCRB?

6 A. [15:20:23] At the OCRB, no, he was never there.

7 Q. [15:20:42] And then you -- at least in the English translation it came through, the  
8 DG had brought three girls. Who is this DG you're referring to?

9 A. [15:20:51] \* Can we go to ... in order to mention his name here? I cannot say his  
10 name here.

11 Q. [15:21:10] Absolutely. Absolutely, we can. Yes.

12 PRESIDING JUDGE SAMBA: [15:21:14] Madam Court Officer, can we go briefly into  
13 private session, please.

14 (Private session at 3.21 p.m.)

15 THE COURT OFFICER: [15:21:23] We are in private session, your Honours.

16 PRESIDING JUDGE SAMBA: [15:21:31] Thank you very much.

17 Madam Prosecutor.

18 MS VON BRAUN: [15:21:35]

19 Q. [15:21:37] Shall I repeat my question or can you answer?

20 A. [15:21:41] I can answer. The DG at the time was Colonel Henri Wanzet  
21 Linguissara who is currently an advisor at the presidency in the Central African  
22 Republic.

23 Q. [15:22:24] And what was his relationship to Said in 2013?

24 A. [15:22:53] He was presented to the OCRB as being the director-general of the  
25 police, the police in general. But he didn't work at the OCRB. He came to see the

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1 OCRB, the person in charge of the OCRB and the troops, and then he left again.

2 He came back again on the day of the incident that I mentioned, and afterwards he  
3 didn't return. He didn't interfere in the work of the OCRB. The OCRB didn't work  
4 under his direct command.

5 The commander-in-chief who gave orders at the OCRB was General Nouradine who at  
6 the time was the minister of the interior. And in 2013, the Seleka did not obey -- well,  
7 only obeyed its own chief. And within the Seleka, a troop only obeyed his own colonel,  
8 because that is the person who gets the weapons, the ammunition, and foodstuffs. And  
9 as such, he could not obey another colonel or any other colonel than his own colonel.

10 Q. [15:24:57] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MS NAOURI: [15:26:00](Interpretation) Objection, your Honour.

17 PRESIDING JUDGE SAMBA: [15:26:04] Yes, Ms Naouri, can I hear you.

18 MS NAOURI: [15:26:10](Interpretation) Yes, the question's leading. He was asked  
19 (Redacted). And there were a couple of questions which we let pass, but now it's no  
20 longer possible.

21 PRESIDING JUDGE SAMBA: [15:26:18] Madam Prosecutor, yes.

22 MS VON BRAUN: [15:26:21] I will rephrase. I'm sorry.

23 Q. [15:26:22] (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 MS VON BRAUN: [15:30:48] So with your leave, I would request tab 37, the item on  
2 tab 37 to be brought up. I'm sorry, I need to find --
- 3 PRESIDING JUDGE SAMBA: [15:31:03] We are still in private session, but that's okay,  
4 I suppose, because we're dealing with photos.
- 5 MS VON BRAUN: [15:31:08] I think we can try in open session, though, because I  
6 think it will be mainly about recognition issues and -- but I'm in ...
- 7 MS NAOURI: [15:31:19](Interpretation) Your Honour.
- 8 PRESIDING JUDGE SAMBA: [15:31:22] Yes, Ms Naouri.
- 9 MS NAOURI: [15:31:24] Yes, we're not clear on --
- 10 PRESIDING JUDGE SAMBA: [15:31:37] Do you want to sit down, Madam Prosecutor?  
11 Let me hear Ms Naouri, yes.
- 12 MS NAOURI: [15:31:40](Interpretation) Thank you, your Honour.
- 13 What I was saying is that it's not very clear for us what the basis for showing these  
14 photos is. Since the place where these photos were taken, do they -- does this represent  
15 the event itself? This is not something that was brought up by the witness. He hasn't  
16 spoken about the event or the place. So we'd like to know what the basis is to show  
17 this photo to the witness. Maybe there is something we're not understanding here, but  
18 we're not very clear what the basis for showing this picture would be.
- 19 PRESIDING JUDGE SAMBA: [15:32:19] I think she said, you know, what information  
20 given by the witness and persons they have spoken about -- I mean, the witness has  
21 spoken about in testimony and places that he has referred to in testimony. She laid that  
22 foundation before referring to whichever tab that was that she spoke about. Correct?
- 23 MS VON BRAUN: [15:32:53] Yes, correct.
- 24 PRESIDING JUDGE SAMBA: [15:32:54] Shall we do this in open session, or do you  
25 want us to go to private session?

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1 MS VON BRAUN: [15:32:59] I believe we could do it in open session, but I'll try to be  
2 mindful of the type of questions I ask, and Mr Witness I'm sure will be as well, so we  
3 can try --

4 PRESIDING JUDGE SAMBA: [15:33:08] If the witness feels comfortable and if you  
5 want your --

6 MS VON BRAUN: [15:33:08] Yeah, the photos itself --

7 PRESIDING JUDGE SAMBA: [15:33:08] -- answers soberly, maybe you'd want to go to  
8 private session.

9 MS VON BRAUN: [15:33:18] Then we just stay in private -- just to be sure, let's stay in  
10 private session for the moment.

11 PRESIDING JUDGE SAMBA: [15:33:23] Madam Court Officer, let us go into private  
12 session, please.

13 THE COURT OFFICER: [15:33:31] Madam President, we are still in private session.

14 PRESIDING JUDGE SAMBA: [15:33:34] Thank you.  
15 So carry on, please.

16 MS VON BRAUN: [15:33:38] Thank you. And sorry for the confusion.

17 PRESIDING JUDGE SAMBA: [15:33:39] You referred to a tab. Which tab are you --

18 MS VON BRAUN: [15:33:41] Yes, tab 37, and I was looking for the ERN, which is CAR-  
19 OTP-2069-3222.

20 Q. [15:34:07] Mr Witness, once it is brought up on the screen, perhaps you could say -  
21 - let us know whether you can recognise anyone on this photograph.

22 A. [15:34:36] Yes. I recognise at least five people.

23 Q. [15:34:47] You can use a marker to indicate as you are speaking who you mean  
24 and also numbers, please.

25 A. [15:35:18] Number 1, this is President Djotodia. Number 2, this is DG Linguissara,

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Q. [15:36:52] Anyone else, or was that it?
- 6 A. [15:36:54] No. The other faces are not clear to me.
- 7 Q. [15:37:01] All right. Thank you.
- 8 MS VON BRAUN: [15:37:04] Then I would like to request registration of this image.
- 9 For the record, the witness has indicated in red numbers on the image.
- 10 PRESIDING JUDGE SAMBA: [15:37:17] Can we have an ERN number for that one,
- 11 Madam Court Officer, please.
- 12 THE COURT OFFICER: [15:37:22] Yes, Madam President. CAR-OTP-0002-0040.
- 13 PRESIDING JUDGE SAMBA: [15:37:31] Do you mean CAR-REG or --
- 14 THE COURT OFFICER: [15:37:39] CAR-REG, I'm sorry. CAR-REG-0002-0040. Of
- 15 course. Thank you.
- 16 MS VON BRAUN: [15:37:56] All right. Thank you very much. Then I would request
- 17 tab 38 which is CAR-OTP-2069-3225, please.
- 18 Q. [15:38:45] So if you have the image on your screen, Mr Witness, then, please,
- 19 again, say if you recognise anyone, and please do not hesitate to use the marker and the
- 20 numbering system again.
- 21 A. [15:39:14] I can see number 1. This is still President Djotodia. Number 2, General
- 22 Rakiss, the deputy director-in-chief of the police. Number 3, Lieutenant Mahamat, the
- 23 president's aide de camp. In the background, number 4, behind the person dressed in
- 24 (Redacted)
- 25 (Redacted)

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- 1 Q. [15:40:42] And where are these people? Where is this -- where is this --
- 2 MS NAOURI: [15:40:48](Interpretation) Objection.
- 3 PRESIDING JUDGE SAMBA: [15:40:53] I'm sorry. Yes. Why?
- 4 MS NAOURI: [15:41:00](Interpretation) Your Honour, to continue with my previous
- 5 objection, we should have first spoken about this location with the witness and then
- 6 ask him to recognise it, whereas now we're guiding the witness. And all of this is very
- 7 leading.
- 8 I'll give you an example. Rakiss was never mentioned by the witness. Here we have a
- 9 photo of Rakiss and we're asking the witness to recognise people in a general manner
- 10 on this photo. The witness doesn't know, he wasn't told where this picture was taken.
- 11 He hasn't commented on the location of this photo. We do not know from his
- 12 testimony whether he was present in this location or at this event.
- 13 So there's nothing in his testimony up until now that creates a basis for this photo. So
- 14 when the Prosecution asks questions about an event that was mentioned, this may
- 15 allow him to identify things. But we need to limit ourselves to photos that show
- 16 people who were mentioned by the witness, such as Djotodia, for example, or
- 17 Linguissara who were mentioned by the witness, whereas Rakiss was never
- 18 mentioned.
- 19 So we are leading the witness, we're showing him photos and we're asking him to
- 20 identify people and suddenly we're talking about Rakiss. And then using the photo as
- 21 basis, we ask him, do we know this place, whereas he should first be asked, Have you
- 22 been in such and such a place, have you been at such and such an event, and then show
- 23 him the photos. Because what we're doing now is we're leading the witness. We're
- 24 making him saying things, we're putting words in his mouth, by showing him a simple
- 25 picture. So that is why we are objecting, because using this method, we are leading the

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1 witness and this is a leading process.

2 So first the witness should be questioned and then he should be shown a photo, which  
3 would create a basis. That is the goal of the basis. Otherwise, you could just show him  
4 a -- documents to the witness and ask him to comment on them, and that is not the  
5 objective of the main questioning.

6 PRESIDING JUDGE SAMBA: [15:43:14] Madam Prosecutor, in response, please.

7 MS VON BRAUN: [15:43:19] Well, I simply asked whether he can recognise where this  
8 is, this place on the photo. That's all I asked. And if he recognises certain people in this  
9 photo, and not everybody he can recognise I can anticipate, then that is not leading.

10 And about -- that these persons are somehow related to the events that we have  
11 discussed before, I cannot tell him that in advance, how and why. You know? I have  
12 to be able to present him with items.

13 And also these items were shown to him in his second interview by OTP investigators  
14 already. So this is not coming out of the blue at all.

15 PRESIDING JUDGE SAMBA: [15:44:12] Thank you very much. Actually, I don't see  
16 what's leading about that, and, I mean, why should the Prosecutor have to first ask the  
17 witness where this is before the witness identifies persons on the photo? It's one and  
18 the same. It's their strategy. It's the Prosecutor's strategy.

19 And these documents that are in these binder, my understanding is that when the  
20 witness was spoken to how so many days go before coming to testify before this Court,  
21 these photos were shown to him and he commented on them. Why is it it's only  
22 because of his identification of -- of -- is it Rakiss? He identified other persons.

23 I don't see the question that the Prosecutor asked -- I don't see it as a leading question.

24 That is one.

25 And, secondly, there nothing wrong with her asking the witness where this is after she

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- 1 has asked him to identify these persons in this photo.
- 2 So I overrule you, Ms Naouri, and I'll ask the Prosecutor to carry on.
- 3 Carry on, please.
- 4 MS VON BRAUN: [15:45:28] Thank you.
- 5 Q. [15:45:29] So, Mr Witness, do you know where this is, this location?
- 6 A. [15:45:33] Yes. This is the building that houses the general directorate of the
- 7 Central African police.
- 8 Q. [15:46:08] Thank you very much.
- 9 MS VON BRAUN: [15:46:10] Then I would move -- I would like to have this image
- 10 registered.
- 11 PRESIDING JUDGE SAMBA: [15:46:17] Madam Court Officer, can we have an ERN
- 12 marked, please.
- 13 THE COURT OFFICER: [15:46:25] Yes, Madam President. This item will bear the
- 14 reference CAR-REG-0002-0041.
- 15 MS VON BRAUN: [15:46:37] Thank you. Then I would request to show item at tab 39,
- 16 CAR-OTP-2069-3226.
- 17 Q. [15:47:35] So, again, Mr Witness, I would ask whether you recognise anybody, and
- 18 use your marker, please, if that is the case.
- 19 A. [15:48:05] Yes. Once again, here is President Djotodia. Number 2, General Rakiss,
- 20 the deputy director-general of the police. Number 3 is lieutenant colonel who was
- 21 presented by Nouradine as the director of the OCRB. And number 4, this is Colonel
- 22 Said.
- 23 Q. [15:48:48] Thank you.
- 24 MS VON BRAUN: [15:48:50] And for the record, the witness has marked this photo
- 25 with numbering in red, and I would like to request registration of this item as well,

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1 please.

2 PRESIDING JUDGE SAMBA: [15:48:59] An ERN number, please, Madam Court

3 Officer.

4 THE COURT OFFICER: [15:49:04] The next Registry item will bear the reference CAR-

5 REG-0002-0042.

6 MS VON BRAUN: [15:49:30]

7 Q. [15:49:32] Mr Witness, I will now ask the item at tab 40 to be brought up. That is --

8 oh, sorry.

9 PRESIDING JUDGE SAMBA: [15:49:42] Just a moment. You said -- the witness

10 referred to a number 3. Is there any name for that person, number 3? He said he's a

11 lieutenant colonel. Does he have a name?

12 THE WITNESS: [15:50:03](Interpretation) I do not remember his name.

13 PRESIDING JUDGE SAMBA: [15:50:09] Thank you very much.

14 Carry on, Madam Prosecutor.

15 MS VON BRAUN: [15:50:16] Yes, thank you.

16 Then we will look at, yeah, the item on tab 40, which is CAR-OTP-2069-3227.

17 Q. [15:50:39] And please, again, Mr Witness, indicate whether you can recognise

18 anybody using your marker as well.

19 A. [15:51:03] Number 1 is President Djotodia. Number 2, Colonel Said. 3, Colonel

20 Tahir, who was brought to the OCRB to fill a position by Nouradine.

21 Q. [15:51:39] Anything else on this image?

22 A. [15:51:42] I see faces but they're not very clear to me. The others do not really

23 strike me.

24 Q. [15:52:05] And when Tahir and Said met here with Djotodia, were you also

25 present?

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1 A. [15:52:10] Yes.

2 Q. [15:52:26] What was the occasion? What was this meeting about?

3 A. [15:52:29] The president had convened to the compound of the general directorate  
4 of the police, he had convened all the police troops, all the Seleka troops who worked  
5 for the police and the appointed police officers. And at this time, President Djotodia  
6 had asked all the Seleka men to free up all the offices of the station, the rooms that they  
7 were using as a -- to live in, so that the policemen could return to work there. And he  
8 also asked the Seleka leaders to send some of their troops to the police stations in order  
9 to support the police and to also enable the police to train the Seleka troops so that they  
10 could become police auxiliaries.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [15:54:40] Thank you very much.

16 MS VON BRAUN: [15:54:41] I would also like this item to be registered, Madam  
17 President.

18 PRESIDING JUDGE SAMBA: [15:54:46] Madam Court Officer, an ERN number,  
19 please.

20 THE COURT OFFICER: [15:54:52] CAR-REG-0002-0043.

21 MS VON BRAUN: [15:55:02] And then with the remainder of our time, I would like  
22 the item at tab 41, at CAR-OTP-2069-3228 to be brought up on the screen, please.

23 Q. [15:55:48] Anyone you recognise on this image?

24 A. [15:55:51] Yes. Number 1, President Djotodia. Number 2, Colonel Tahir. Slightly  
25 in the background, number 3 is Captain Ibrahim from the OCRB. Number 4, Captain

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1 Souleyman. And right next to Captain Souleyman, number 5, this is Commander

2 Nassour. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [15:57:18] Thank you very much. Just so I'm sure, the number 4, because the 4 is  
6 now between two heads, which individual do you mean for number 4?

7 A. [15:57:29] It's this one here, the one who's in front.

8 Q. [15:57:37] Okay. Thank you very much.

9 And for the record, the witness has now put a red circle around the individual that he  
10 has designated with the number 4 as well.

11 Anything else on this image, Mr Witness?

12 A. [15:57:58] No.

13 PRESIDING JUDGE SAMBA: [15:58:05] Can we have an ERN number for that, please,  
14 Madam Court Officer.

15 THE COURT OFFICER: [15:58:11] This item will bear the reference CAR-REG-0002-  
16 0044.

17 MS VON BRAUN: [15:58:24] And then I think I have three minutes left for one last  
18 photo, and I think that will be sufficient. So please, the item at tab 42, which is CAR-  
19 OTP-2069-3245.

20 Q. [15:58:42] And, again, Mr Witness, once it is on your screen, please indicate if you  
21 recognise anybody and use your marker, please. Thank you.

22 A. [15:59:16] Number 1, this is General Rakiss, the deputy director-general of the  
23 police. Number 2, this is the lieutenant colonel that was presented by Nouradine as the  
24 person in charge of the OCRB. Number 3, Colonel Said. 4, Colonel Tahir. And  
25 number 5, this is a policeman I saw working at the OCRB but whose name I do not

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- 1 know.
- 2 Q. [16:00:16] Thank you very much, Mr Witness.
- 3 MS VON BRAUN: [16:00:19] I would like to have this item registered as well, Madam
- 4 President.
- 5 PRESIDING JUDGE SAMBA: [16:00:23] An ERN mark, please, Madam Court Officer.
- 6 THE COURT OFFICER: [16:00:28] CAR-REG-0002-0045.
- 7 PRESIDING JUDGE SAMBA: [16:00:37] Thank you very much.
- 8 MS VON BRAUN: [16:00:40] And I think we have reached the end of our session, our
- 9 possibilities today, so I would continue tomorrow, Madam President.
- 10 PRESIDING JUDGE SAMBA: [16:00:56] Thank you very much, Madam Prosecutor.
- 11 We're still in -- can we go to open session, please, Madam Court Officer.
- 12 (Open session at 4.01 p.m.)
- 13 THE COURT OFFICER: [16:01:17] We are back to open session, Madam President.
- 14 PRESIDING JUDGE SAMBA: [16:01:21] Thank you very much.
- 15 Mr Witness, we're going to go away for today, we're done with your testimony today,
- 16 but we'll continue tomorrow. The Prosecutor will continue asking you questions
- 17 tomorrow. She indicated that she wouldn't go -- she said she wouldn't do too much
- 18 tomorrow, and hopefully after that, Defence counsel will ask you questions in cross. So
- 19 we're going to go again away today, and I'm going to ask that you do not discuss your
- 20 testimony here with anybody when you leave this place.
- 21 I'll rise the court, therefore, and ask that we come here again tomorrow at 9.30, please.
- 22 Thank you.
- 23 THE COURT USHER: [16:02:10] All rise.
- 24 (The hearing ends in open session at 4.02 p.m.)