

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 Monday, 31 October 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:32:03] All rise. The International Criminal Court is now in
11 session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:32:20] Good morning, everyone.
13 Madam Court Officer, can you please mention the case. Thank you.
14 THE COURT OFFICER: [9:32:30] Good morning, Madam President, your Honours.
15 This is the situation in the Central African Republic II, in the case of The Prosecutor
16 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21. And we're in open
17 session.
18 PRESIDING JUDGE SAMBA: [9:32:43] Thank you very much.
19 May I ask that the parties introduce themselves, please.
20 MS MAKWAIA: [9:32:52] Good morning, Madam President, your Honours. For the
21 Office of the Prosecutor this morning, Mr Yuichiro Omori, Ms Leonie von Braun, and
22 myself, Holo Makwaia. Thank you.
23 PRESIDING JUDGE SAMBA: [9:33:03] Thank you very much, Ms Makwaia.
24 Victims representative, please.
25 MS PELLET: [9:33:14](Interpretation) Thank you, Madam President. The victims are

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1 represented by Tars Van Litsenborgh and by myself, Sarah Pellet, Office of Public
2 Counsel for Vicrtims.

3 PRESIDING JUDGE SAMBA: [9:33:26] Thank you very much, Ms Pellet.

4 Ms Naouri, for the Defence, please.

5 MS NAOURI: [9:33:31](Interpretation) Thank you, Madam President. By my side, I
6 have Dov Jacobs and Simon Appriou. Behind me, I have Maître Valduriez and Manon
7 Lanselle. And I am lead counsel, Jennifer Naouri. Thank you.

8 PRESIDING JUDGE SAMBA: [9:33:56] Thank you very much, Ms Naouri.

9 Rule 74 counsel, please.

10 MR RAIMONDO: [9:34:01](Interpretation) Good morning, Madam President and your
11 Honours. Fabián Raimondo, Rule 74 counsel.

12 PRESIDING JUDGE SAMBA: [9:34:06] Thank you, Mr Raimondo.

13 And, for the record, I note that Mr Said is in court. Good morning, Mr Said.

14 MR SAID: [9:34:17](Interpretation) Good morning, Madam President, your Honour.

15 PRESIDING JUDGE SAMBA: [9:34:27] And good morning, Mr Witness.

16 THE WITNESS: [9:34:30](Interpretation) Good morning.

17 PRESIDING JUDGE SAMBA: [9:34:34] I hope you had a restful weekend.

18 THE WITNESS: [9:34:44](Interpretation) Yes.

19 PRESIDING JUDGE SAMBA: [9:34:45] So today we're going to continue with your
20 cross-examination. And just to remind you that you are still under oath, and we are in
21 open session.

22 WITNESS: CAR-OTP-P-2105 (On former oath)

23 (The witness speaks French)

24 PRESIDING JUDGE SAMBA: [9:35:02] Ms Naouri, your witness, please.

25 MS NAOURI: [9:35:05](Interpretation) Thank you, Madam President.

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- 1 For this line of questioning, I would like to go into private session, please.
- 2 PRESIDING JUDGE SAMBA: [9:35:14] Madam Court Officer, can we go into private
- 3 session, please.
- 4 (Private session at 9.35 a.m.)
- 5 THE COURT OFFICER: [9:35:30] We're in private session, Madam President.
- 6 PRESIDING JUDGE SAMBA: [9:35:32] Thank you very much.
- 7 Ms Naouri, please.
- 8 MS NAOURI: [9:35:36](Interpretation) Thank you, Madam President.
- 9 QUESTIONED BY MS NAOURI: (Continuing)(Interpretation)
- 10 Q. [9:35:42] Good morning, Mr Witness.
- 11 A. [9:35:44] Good morning, counsel.
- 12 Q. [9:35:45] * Now, I would like to start today by showing you a document that the
- 13 OTP has already shown to you. It's at tab 67 of our list of notifications, and it's CAR-
- 14 OTP-2422-0458, and it is a list of individuals who allegedly worked at the OCRB that
- 15 was shown to you on 25 October.
- 16 THE INTERPRETER: [9:36:18] The references were missed because it was said at the
- 17 speed of light. Could counsel please slow down when reading reference numbers.
- 18 THE COURT OFFICER: [9:36:27](Interpretation) I'm going to ask for the Defence to
- 19 provide the references a little bit more slowly for the interpretation. Thank you.
- 20 MS NAOURI: [9:36:38](Interpretation) Yes, indeed. Willingly.
- 21 Q. [9:36:40] Mr Witness, can you see the document before you?
- 22 A. [9:36:42] Yes.
- 23 Q. [9:36:57] Mr Witness, does your name figure on that list?
- 24 PRESIDING JUDGE SAMBA: [9:37:05] I think the interpreter wants you to provide the
- 25 references a little bit more slowly -- okay, for future references. I thought the

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- 1 interpreter wanted the references for this one tab 67.
- 2 THE INTERPRETER: [9:37:22] Message from the interpreter: I can provide the missing
3 information at the end. It was shown on 20 October, and it was transcript page 28 from
4 lines 1. Thank you so much.
- 5 PRESIDING JUDGE SAMBA: [9:37:38] Thank you.
- 6 Ms Naouri, continue please.
- 7 MS NAOURI: [9:37:46](Interpretation) Thank you, Madam President.
- 8 Q. [9:37:48] So, Mr Witness, I'm going to ask you the question once again. Does your
9 name figure on this list or appear?
- 10 A. [9:37:55] No.
- 11 Q. [9:38:00] So the individual who drew this document up did not know that you
12 were working at the OCRB, did they?
- 13 A. [9:38:10] I do not know.
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
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12 Q. [9:41:22] Thank you, Mr Witness. So I would now like to broach what you told us
13 regarding Mazangue in the transcript of 25 October 2022 - that's T24, page 5, lines 28, to
14 page 6, lines 11 - you say:

15 "Yes, this general was at the OCRB well ahead of the arrival of the commander. And at
16 the OCRB, he did not have a direct role. He just noted what was going on there, noted
17 the prisoners and attempted to ascertain who the prisoners were and why they were
18 there. But he gave no orders and he did not intervene in any matters concerning the
19 prisoners.

20 "Now, how long did General Mazangue remain at the OCRB?

21 "He remained there until the policemen arrived, and he left the OCRB because he had
22 fallen ill. And it was after falling ill that he left the OCRB." End of quote.

23 So I would like to read an excerpt to you of your second statement, second prior
24 statement that you gave to the investigators of the OTP. That is tab 3 of our list of
25 evidence and tab 4 in the English version or thereof, CAR-OTP-2081-0037, page 0039.

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1 And you say as follows at paragraph 12:

2 "Every morning there was a control of prisoners at the OCRB. Said was always also
3 present with the officers there during that inspection. The main chief of police at the
4 OCRB, Mazangue, was often present during the inspection. All the prisoners had come
5 out of their cells on that occasion. Said asked those who did not have their names
6 figuring in the log why they were in the cells, whereas, Mazangue, when present,
7 would question the prisoners about their rest in order to verify the information
8 contained in the logbook and ascertain whether it corresponded to what the prisoners
9 were saying. If the prisoner was not registered, Mazangue would note this, tell Said,
10 and Said would say to him that he needed to wait for the general or the colonel or
11 somebody who had brought him here."

12 So my question to you, Mr Witness: With regard to these specifics that you mention in
13 your statement as regards the role of Mazangue, are these details correct?

14 A. [9:44:35] First of all, I noted or mentioned that General Mazangue was to be found
15 at the OCRB. Subsequently, I said that he was there. It was not him who was in charge
16 of the OCRB. That's what I told you. He was there. He noted things because he was
17 the chief inspector of the police. He is present there. He notes -- when I say "note", that
18 is that upon his arrival at the OCRB he would come to the table, he would take the
19 book, the logbook, he would check it, and he would read what was written there.

20 And when the prisoners are outside, he would attempt to ascertain whether what was
21 written in the book tallies with what the prisoner told him. And he would talk to Said
22 about this, that is to say, that he would attempt to talk to him about said prisoner. But
23 he did not give any orders to Said to release them or to put them in a cell.

24 Now to talk about this Seleka colonel. Well, it was a matter of giving an example of
25 what Mazangue noted. And this is how I came to say that on one given day, he saw an

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1 element and he asked. And subsequently, Colonel Said said to him that it was his
2 colonel who had brought him there because there was no reasons written against his
3 name.

4 So the colonel told him to wait for the colonel who had brought the prisoner there.

5 And upon arrival of that colonel, he would look into that prisoner's case. And

6 Mazangue went back to sit in his corner, and (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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13 (Redacted)

14 Q. [10:27:13] Thank you, Mr Witness. Now I'm going to go on to another topic. Mr.

15 Witness, do you remember when you were contacted for the first time by

16 representatives of the Office of the Prosecutor?

17 A. [10:27:31] Yes.

18 Q. [10:27:49] Okay. Do you have any indication of the date?

19 A. [10:27:51] No.

20 Q. [10:28:05] No problem. I will refresh your memory with the report of an

21 investigator from the Office of the Prosecutor.

22 This is tab 77. It's CAR-OTP-2130-7974.

23 And it says on page 7974 that: "On (Redacted) 2018, (Redacted) contacted

24 2015 -- but I suppose this is a typo, because the number was 2105, your pseudonym,

25 since this is a report that concerns you" and he agreed to meet on (Redacted) 2018."

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1 My question to you, Mr Witness, is what did you talk about during this first phone
2 conversation as far as you know, as far as you remember?

3 A. [10:29:17] The first meeting, they asked questions to know whether I had been a
4 member of the Seleka.

5 Q. [10:29:47] Mr Witness, I will specify my question. I will clarify it. This is a first
6 contact that was made by phone, by telephone. It's a first phone call. So, for instance,
7 during this first call, did the investigators tell you how they obtained your contact
8 information and why they wanted to talk to you? Could you talk to us about this first
9 conversation on the phone with the investigators?

10 A. [10:30:10] If I remember correctly, the first call that I received was from (Redacted)
11 (Redacted). It was a French lady who was working with (Redacted) who spoke to me
12 over the telephone. And subsequently, this lady, in view of the information that she
13 had obtained upon me, and as a member of the Seleka who wanted to help the case
14 underway, because there were also some Seleka elements who had been incarcerated in
15 bad conditions without any case file ongoing, without any good treatment, (Redacted)
16 (Redacted).

17 Now, having talked to this lady, she asked if she could give my number to the
18 investigators in order to talk to them about the situation of the Seleka. So I said, "Fine.
19 If I need to talk, no problem at all." And that is how a lady called and we talked about
20 my situation with regard to the fact that I was a member of the Seleka and about a
21 number of matters associated with the Seleka.

22 And she convened a meeting with an investigator and myself in order for me to delve
23 into these matters more deeply. And this is how I came to accept to meet them and we
24 started talking.

25 (Redacted)

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21 Now, subsequent to that exchange, you did not immediately meet with the
22 investigators of the OTP, did you now? You did not reach an agreement to meet the
23 OTP. That came at a later stage. Is that not true?
24 A. [10:52:02] No, that is not correct. We negotiated no partnership whatsoever, as I
25 have just explained to you. The question was put to me as to whether I had a family.

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1 Then I was asked to plan a meeting and to indicate to them where they could pick me
2 up. So I then told them that I did not have any fixed location, but that if an
3 appointment was made, I would be able to tell them where I had spent the night and
4 where they could pick me up.

5 And this did not have any connection with them. If you would like, I could tell you
6 that there were two issues here; namely, number one, the first issue I have mentioned
7 before here (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted).

11 And what is more, secondly, (Redacted).

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 So that is why I explained to the investigators that it wasn't possible to give them a
16 specific plan as to where we should meet. And that whenever I was able, I would tell
17 them where they could find me so that we could talk. That is how we discussed that
18 matter, that issue. It wasn't a matter of reaching an arrangement before I spoke to
19 them. No.

20 Q. [10:55:37] Very well. Thank you, Mr Witness. Now, we have elements in the case
21 here that you had a prior discussion on (Redacted) 2018.

22 And it's tab 71, CAR-OTP-2078-0031.

23 And one question with regard to this prior discussion: Did you give any contacts for
24 potential witnesses to the investigators of the OTP?

25 THE INTERPRETER: [10:56:25] Any contacts for prior witnesses, correction, to the

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1 investigators of the OTP.

2 THE WITNESS: [10:56:34](Interpretation) If my memory serves me correctly, when we
3 met, it was a matter of talking about the Seleka and not about a given individual. We
4 were talking about the Seleka. And the investigators were putting a number of
5 questions to me, and it was the investigators, rather, who were asking me whether I
6 knew certain individuals. I knew some of them and I responded yes, and others that I
7 did not know and I responded no. It was not a matter of me giving them names. They
8 were putting questions to me, and I would then just answer with regard to the Seleka.

9 MS NAOURI: [10:57:26](Interpretation)

10 Q. [10:57:28] Very well. Thank you, Mr Witness. And subsequently on (Redacted) 2018,
11 you met the investigators for your first statement to be taken. Did the representatives
12 of the Office of the Prosecutor pay any medical -- for any medical care for you to
13 cooperate and meet with the investigators?

14 A. [10:57:57] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 And it was on that one occasion that I said yes to them, but I do or did have an invoice
20 but that I did not have it on my person. They told me to bring it when we next met,
21 which I did. And they reimbursed me to the sum of approximately 8.500 CFA for me
22 to be able to go and pick up the medicines in view of the personal situation that I had
23 explained to them. I think that is why they wanted to help me at that given moment in
24 time.

25 But the investigators did not once mention to me that they were going to take on the

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1 expenses concerning myself or members of my family.

2 Q. [11:00:24] Very well, Mr Witness. So in your first statement, your first prior
3 statement.

4 MS NAOURI: [11:00:34](Interpretation) That is to say, tab 1 of our list, and, for the
5 French version -- I can see the time. Indeed, I can see what time it is. It is 11.00 on the
6 dot. And I think that before we read the excerpt, it is better for us to take the break.
7 But, of course, I am in your hands, Madam President.

8 PRESIDING JUDGE SAMBA: [11:00:55] Well, since you'll be reading an excerpt. If it
9 was the fact that you were going to put a short follow-up question, I would allow it.
10 But is what you want to read, is it a long piece?

11 MS NAOURI: [11:01:14](Interpretation) I am afraid so, Madam President.

12 PRESIDING JUDGE SAMBA: [11:01:17] Okay.

13 Then, Mr Witness, what we're going to do is to take a short break and come back in 30
14 minutes. So I rise the Court and ask that we come back in 30 minutes, please.

15 (Recess taken at 11.01 a.m.)

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

17 THE COURT USHER: [11:33:07] All rise. Please be seated.

18 PRESIDING JUDGE SAMBA: [11:33:21] Good morning again, everyone.

19 Ms Naouri, you continue with your cross-examination of this witness. We're in open
20 session. And if I may be guided as to time, because I know that we have another
21 witness waiting and we'll have to leave room for re-examination and questions from
22 the Bench.

23 How much more time would you want?

24 MS NAOURI: [11:33:56](Interpretation) Thank you, Madam President. I think we
25 have, in my estimation, just about a half hour. Maybe not even that.

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1 PRESIDING JUDGE SAMBA: [11:34:07] And that's fine. And while you put your
2 questions, maybe if I could kindly remind you, you had asked the witness of certain
3 documents. If you can get one of your junior colleagues maybe to bring those up, if at
4 all you still need them, so we will remind the OTP and the witness about those
5 documents, the ones he said he has at home. You asked him certain questions during
6 his cross-examination. It's just a reminder. Thank you.

7 Carry on, please.

8 MS NAOURI: [11:34:46](Interpretation) Thank you, Madam President.

9 Q. [11:34:48] Mr Witness, before the break I was going to read an excerpt from your
10 first statement. Okay. I will not read this one in open session.

11 MS NAOURI: [11:35:08](Interpretation) I will ask that we take this meeting into private
12 session, Madam President.

13 PRESIDING JUDGE SAMBA: [11:35:14] Madam Court Officer, can we go kindly into
14 private session quickly.

15 (Private session at 11.35 a.m.)

16 THE COURT OFFICER: [11:35:26] We are in private session, your Honours.

17 (Redacted)

18 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [11:37:54] Okay. But this treatment was reimbursed by the Office of the
11 Prosecutor?

12 A. [11:38:01] Yes. Yes, it was with the -- when I showed or upon presentation of the
13 prescription and the papers for consultation. And so I gave them the receipt, they took
14 the receipt in order to give me the associated costs.

15 Q. [11:38:43] Okay. Were you the one who had the originals of the documents or did
16 you give them to the Office of the Prosecutor? And can you tell us a bit more about
17 what these documents are?

18 A. [11:38:59] I do not know everything, but everything related to the Office of the
19 Prosecutor I keep a copy of, a trace of.

20 Q. [11:39:18] Okay. So you still have, and I quote, "the evidence of the medical
21 prescriptions and the documents drawn up by the medical doctors, like the documents
22 given by the doctor, and I gave them the receipts, which they took to then reimburse
23 me." So you had these papers from the consultation and the prescription. Did I
24 understand correctly?

25 A. [11:39:51] I think that I still have these papers as well as (Redacted)

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1 (Redacted). I think that, yes, I still have them.

2 Q. [11:40:06] Okay. Thank you, Mr Witness. So you met the investigators of the
3 Prosecution on (Redacted) 2018, and this is under 78 of our notification list, CAR-OTP-
4 2130-7974. And on page 7975, and at the beginning of 7976, it is said that during this
5 meeting the investigators have asked for information and on people of interest within
6 the framework of their investigation. And P-2105 provided information about
7 (Redacted)

8 (Redacted)

9 (Redacted). Does that refresh your memory, Mr Witness?

10 A. [11:41:26] I do not have the document.

11 THE COURT OFFICER: [11:41:44] For the record, and correction, the transcript is tab
12 77, and it's now displayed on evidence channel 1.

13 MS NAOURI: [11:42:07](Interpretation) Thank you, Madam Court Officer.

14 Q. [11:42:10] On this document, it is indicated by the investigators that you would
15 have given them (Redacted)
16 (Redacted)

17 (Redacted)

18 (Redacted). Is what has been reported by the investigators accurate, and does this
19 refresh your memory, Mr Witness?

20 A. [11:42:47] Yes. As I have told you here, questions were asked of me by people --

21 THE INTERPRETER: [11:43:01] Or on people, rather.

22 THE WITNESS: [11:43:07](Interpretation) -- and I answered about what I knew.

23 MS NAOURI: [11:43:18](Interpretation)

24 Q. [11:43:18] Okay, Mr Witness. Do you remember the people you mentioned to the
25 investigators of the Office of the Prosecutor?

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1 A. [11:43:28] I no longer recall. But if I would have to remember, I could.

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)

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12 (Redacted)

13 (Redacted)

14 Q. [11:56:24] Sorry, Mr Witness. I will ask you a question. I'd forgotten to turn off
15 my mic.

16 So how do the investigators contact you? Do they call you or do you call them? I'm
17 just trying to understand what happened, because I've two different versions.

18 A. [11:56:53] So before the loss of the phone, they would call me because they had
19 that number. And then after some time went by, we had been in contact. When I lost
20 my number, I then activated another number to call them to bring them up to speed, to
21 say that the number on which they usually contacted me was one that I had lost. I
22 explained the circumstances of this loss, and I told them that I had activated this
23 number with a friend's help in order to contact them and to bring them up to speed on
24 what had happened.

25 That is how I contacted them, with this new number, and then they will give me

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1 another number in order that I not use my own number, which I had used to contact
2 them. And they then continued as usual contacting me and not vice versa. So as I had
3 lost my phone, I had lost that number, it was impossible for them to reach me.

4 Q. [11:58:30] Thank you, Mr Witness, for those clarifications. Now just some follow-
5 up questions. The number that you were given, is it a SIM card? Do you have to put
6 credit on it, or is it one where you have a phone plan? Could you explain? Could you
7 tell me?

8 A. [11:59:02] It is a phone. Before giving it to me, they gave me a plan, an internet
9 plan and credit for communication. So the pre-paid number which they bought with
10 the phone, they gave this to me. And the instructions they gave me is that they are the
11 ones who must contact me. And if I have an urgent need or if I have something to give
12 them, I could also call them. As they were the ones who were supposed to call me
13 before the peace, it was not up to me to call them. So it was they who would call me
14 for meetings, for appointments.

15 As I had lost the phone with the credit that they had put on it to be able to call them
16 with it, that is why I activated this one, to say, there you go, I lost that phone, and I
17 have activated another with a friend to be able to call them. And then they gave an
18 appointment, I get there, they gave another phone with another pre-paid card in order
19 that I would not use the activated number of my friend.

20 Q. [12:00:41] Very well. Thank you, Mr Witness. I'm going to be showing you a
21 document that we received last Thursday at the behest of the Defence. This is a report,
22 a complementary investigation report, an additional investigation report, dated 24
23 October 2022, and this is CAR-OTP-0000-4000.

24 So I would request a little bit of patience here because I haven't noted down the tab
25 number, and I'm going to find it for you as soon as possible. Tab 90, 9-0, of our list of

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1 evidence.

2 So in this additional investigative report, it is indicated that: P-2105 gave the team the
3 invoice to charge up the SIM cards for 10.000 CFA that he had forgotten to give or hand
4 over during the previous meeting with the team.

5 So my question is, were there any other invoices after that that you submitted to the
6 Office of the Prosecutor?

7 A. [12:02:21] Generally speaking, it was they who were due to produce that invoice.

8 As I said to you, I activated it, so they asked me to pay. And I paid and brought them
9 the bill for reimbursement.

10 Q. [12:03:20] Very well. And since that invoice, have you submitted any further
11 invoices to the team of the OTP?

12 A. [12:03:30] I do not recall.

13 Q. [12:03:39] And are you still using the second telephone that the OTP gave you, Mr
14 Witness?

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:04:42] Very well, Mr Witness. So to wrap up, I would like to hark back to the
21 reason you gave us as to why you lost the first telephone, and I'm going to be using the
22 investigator's report dated 24 October 2022. So that's CAR-OTP-2130-0126, and it's tab
23 70, 7-0. It is indicated therein, when you make mention of this incident, that:

24 (Redacted) the Anti-

25 Balaka Chief Rambo organised the attack upon the military convoy at the Pissa

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1 crossroads. (Redacted) the seized weapons were stocked, and he heard that Rambo
2 and Ngaïssona wanted to use these weapons against the Russian president who --

3 THE INTERPRETER: [12:06:08] The interpreter was not able to finish interpreting
4 because it's all too fast.

5 MS NAOURI: [12:06:15](Interpretation)

6 Q. [12:06:15] Could you please tell us who is Rambo?

7 THE COURT OFFICER: [12:06:21] For the record, it's page 0127.

8 THE INTERPRETER: [12:06:23] Message from the interpreter: Could the counsel
9 please be told or asked to slow down when she's reading out. Thank you.

10 MS NAOURI: [12:06:31](Interpretation)

11 Q. [12:06:31] Go ahead, Mr Witness. So the courtroom officer has asked me to specify
12 which page we're bringing up. And the transcript in French has not noted the page
13 number. We're going to wait for this to be complete.

14 So, Mr Witness, could you in the interim tell us who Rambo is?

15 A. [12:07:03] Rambo, his real name being Yekatom, was the chief corporal of the
16 army. He's also an Anti-Balaka leader. And at the time, he was an MP. However, he
17 still kept the basis or foundations going for the DDR process to unfold.

18 Q. [12:07:56] Thank you. And how did you come to hear that there were attacks on
19 the Pissa crossroad military convoy?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:09:19] Thank you, Mr Witness. So two more follow-up questions on this
3 report where it is indicated, in addition, that the investigators say that (Redacted)
4 (Redacted) the prime minister of the CAR was, in fact, the brains
5 behind the attack on the Russian military convoy, and that Rambo was operating under
6 his command, according to P-2105, who was also behind the political issues at the
7 National Assembly.

8 Could you tell us about this, and was he part of the armed groups?

9 A. [12:10:00] Sarandji was not a member of an armed group. At the time, he was the
10 prime minister, Sarandji. And as I answered with regard to the report, there were
11 groups of individuals who wanted there to be continued unrest in the CAR because it
12 was advantageous to them.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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- 1 (Redacted)
- 2 PRESIDING JUDGE SAMBA: [12:21:30] (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Thank you for your cooperation.
- 6 QUESTIONED BY THE COURT:
- 7 JUDGE UGALDE GODINEZ: [12:21:53] Good morning, Mr Witness. Good afternoon,
- 8 actually, indeed. Thank you.
- 9 THE WITNESS: [12:22:02](Interpretation) Good morning -- or good afternoon, your
- 10 Honour.
- 11 JUDGE UGALDE GODINEZ: [12:22:07] Thank you. I'm going to ask you a few
- 12 questions, as the Presiding Judge just mentioned.
- 13 Mr Witness, you mentioned that when you entered Bangui in March 2013 that there
- 14 was an assault and that the fighting was intense. This is at T023, page 31, line 24
- 15 through 23 -- sorry, through page 33, line 13.
- 16 My question is this: Do you recall any other fighting taking place between the Seleka
- 17 and any other force between March 2013 and December 2013 or any time thereafter? If
- 18 so, can you provide details? Thank you.
- 19 THE WITNESS: [12:23:14](Interpretation) In answer to your question, fighting took
- 20 place on 24 March in the morning around PK10, that is to say, 10 kilometres away from
- 21 the centre of the town. Then a little later, at approximately 11.00, in and around the 4th
- 22 arrondissement, that is to say, 4 kilometres from the city of Bangui. But the most
- 23 intense was the fighting in PK10 when the South Africans still were entrenched there.
- 24 Apart from that, there was no fighting in Bangui with the exception of gunfire, guns
- 25 shot by the Seleka elements, until later in December, when the December attacks

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1 occurred. And that is when there was sustained combat between the Seleka and the
2 Anti-Balaka.

3 (Redacted)

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5 (Recess taken at 12.37 p.m.)

6 (Upon resuming in open session at 2.34 p.m.)

7 THE COURT USHER: [14:34:32] All rise. Please be seated.

8 PRESIDING JUDGE SAMBA: [14:35:00] Good afternoon, everyone. And for the

9 record, I note that we're in open session. We're about hearing the testimony of the

10 Prosecution's fifth witness, P-3108.

11 But before we do, I have a short ruling that I want to read out. The Chamber will issue

12 this brief oral decision in relation to the Defence's request for the lifting of redactions in

13 documents pertaining to Witness P-3108 in filing number 516.

14 The Chamber has taken note of the Prosecution's response in filing number 520 to the

15 Defence's request.

16 With regard to Annexes A and D, the Prosecution argues that the Chamber should

17 reject the Defence's request to lift the redactions because the documents and

18 information contained therein do not relate to Mr Said's communications but to those

19 of other witnesses. The Prosecution claims that the reports contained in Annexes A

20 and D are, therefore, not relevant to P-3108's anticipated testimony.

21 The Chamber does not find the Prosecution's argument convincing. Once the Office of

22 the Prosecutor considers an item disclosable such item must be disclosed in its entirety.

23 Should the Prosecution wish to redact certain information within this item, it must

24 show that there is a need for such redactions. In the absence of any substantiated

25 explanation from the Prosecution regarding why lifting the redacted material would

1 pose an objectively justifiable risk to safety or otherwise prejudice an investigation, the
2 Chamber orders the Prosecution to lift the redactions of the requested phone numbers.
3 Regarding the documents contained in Annex B. The Chamber notes that the
4 Prosecution has, indeed, responded to the Defence's request by either lifting redactions
5 or issuing lesser redactions and considers this portion of the Defence's request to be
6 moot.

7 Regarding Annex C, which contains documents cited in the CDR reports disclosed to
8 the Defence, the Chamber understands that the parties are still discussing this matter.
9 The Chamber also notes that the Prosecution has not made materials available to the
10 Chamber. The Chamber therefore instructs the Prosecution to inform the Chamber of
11 the outcome of these discussions with the Defence as soon as possible. If there is still
12 disagreement between the parties, the Prosecution is instructed to upload these
13 documents into ecourt in order to enable the Chamber to review and rule on the same.
14 That would be the end of our ruling.

15 I'd ask the court officer to kindly call this case that we're about to start.

16 THE COURT OFFICER: [14:38:49] The situation in the Central African Republic II, in
17 the case of The Prosecutor versus Mahamat Said Abdel Kani, case reference ICC-01/14-
18 01/21. And the court clerk beside me will, of course, escort the next witness, P-3108.

19 PRESIDING JUDGE SAMBA: [14:39:13] Thank you very much, Madam Court Officer.
20 And while the court clerk does that, it is our understanding that this witness will be
21 testifying in English.

22 Can you confirm, Madam Prosecutor?

23 MS VON BRAUN: [14:39:26] Yes, I can confirm that.

24 PRESIDING JUDGE SAMBA: [14:39:29] Thank you. I would, therefore, remind
25 everyone of the importance of the need to speak slowly for the interpreters and to

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1 observe the five-seconds rule between questions and answers.

2 Now, the Chamber notes, briefly, that protective measures are confirmed to this
3 witness by virtue of Decision No. 481, and that the VWU recommends no further
4 protective measures.

5 Ms Witness, good afternoon.

6 THE WITNESS: [14:40:46] Good afternoon.

7 PRESIDING JUDGE SAMBA: [14:40:47] Now, you're going to testify before the
8 International Criminal Court, as you know. So on behalf of the Chamber, I would like
9 to welcome you to this courtroom.

10 You should have in front of you a solemn declaration that every witness would make
11 who appears before the Chamber. Can I ask you that you read out allowed what you
12 have before you now?

13 THE WITNESS: [14:41:17] I solemnly declare that I will speak the truth, the whole
14 truth, and nothing but the truth.

15 WITNESS: CAR-OTP-P-3108

16 (The witness speaks English)

17 PRESIDING JUDGE SAMBA: [14:41:24] Thank you very much. Do you understand
18 and agree to what you just read out?

19 THE WITNESS: [14:41:28] I do.

20 PRESIDING JUDGE SAMBA: [14:41:29] Thank you.

21 As you probably know, Madam Witness, the Chamber has put in place protective
22 measures for your testimony. In particular, the following measures are put in place to
23 protect you. Now, voice and face distortion has been put in place for the duration of
24 your testimony. This means that no one outside the courtroom can see your face or
25 hear your real voice during your testimony.

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1 There will also be the use of pseudonym. In accordance with that, we will all refer to
2 you only as "Madam Witness" to make sure that the public does not know your name.
3 When you answer questions that will not give away who you are, we will do so in
4 open session, which means that the public can hear what is being said in the
5 courtroom.
6 Since you have been at the Court, I probably do not need to explain to you how these
7 measures protect you, but I'm happy to do so if you wish.
8 When you are asked to describe anything that relates specifically to you, Madam
9 Witness, or you are asked to mention facts that might reveal your identity, we will do
10 so in private session.
11 And, lastly, you know everything that we say here in the courtroom is written down
12 and interpreted. It is, therefore, important to speak clearly and at a slow pace. Speak
13 into the microphone, and only start speaking when the person asking you the question
14 has finished. To allow for the interpretation, everyone has to wait a few seconds before
15 starting to speak.
16 If you have any questions yourself, raise your hand so we know that you want to say
17 something.
18 THE WITNESS: [14:43:32] I understand.
19 PRESIDING JUDGE SAMBA: [14:43:33] Have you understood?
20 THE WITNESS: [14:43:34] I understand. Thank you.
21 PRESIDING JUDGE SAMBA: [14:43:35] Thank you very much.
22 So we'll start with your testimony. I'll call on the Prosecutor to start her examination-
23 in-chief.
24 Madam Prosecutor, please.
25 MS VON BRAUN: [14:43:44] Thank you very much, Madam President.

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1 And for the first line of questioning, which will be very brief and concerning the
2 personal background of the witness, I would like to request a brief private session.

3 PRESIDING JUDGE SAMBA: [14:44:03] That's okay.

4 Madam Court Officer, can we kindly go into a brief private session.

5 (Private session at 2.44 p.m.)

6 THE COURT OFFICER: [14:44:19] We are in private session, your Honours.

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1 (Open session at 2.48 p.m.)

2 THE COURT OFFICER: [14:48:30] We are back to open session, Madam President.

3 PRESIDING JUDGE SAMBA: [14:48:32] Thank you very much.

4 Madam Prosecutor, carry on, please.

5 MS VON BRAUN: [14:48:36] Thank you.

6 Q. [14:48:38] And with regards to your work on the case of the Prosecutor versus Mr
7 Said, were you also involved in telecommunications data review and analysis?

8 A. [14:48:49] Yes.

9 Q. [14:48:50] Can you describe that to us, briefly, give an overview of that.

10 A. [14:49:02] The analysis of the telecommunications in this case involved the --
11 firstly, the identification of any numbers attributed to Mr Said within the materials in
12 the case collection, then the specification of what call data record sets we had that were
13 linked to those numbers. And then the identification of what telecommunications
14 within that group of records were potentially relevant to this case, and subsequent to
15 that reporting on what those records were, which allowed navigation of the data for
16 disclosure purposes.

17 Q. [14:50:00] Thank you very much. Now, you just mentioned reporting with regard
18 to those specific telecommunications. Did you document your review on these
19 telecommunications anywhere?

20 A. [14:50:20] Yes, the documents -- the reports are generated sometimes on an
21 ongoing basis - in this case, on an ongoing basis - basically representing what -- the
22 state of what we had found in the data collections and what phone numbers we had
23 found that we -- that, sorry, I, believed to be relevant. So there are, I think, three
24 reports to date that were updates of the original reports.

25 Q. [14:51:01] And with this, you're referring to a report related to

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1 telecommunications data relevant to Mr Said; is that correct?

2 A. [14:51:19] Yes.

3 Q. [14:51:20] Did I understand that correctly?

4 A. [14:51:21] Yes.

5 Q. [14:51:23] I would like show you an item that is linked to what you just said on
6 reporting on your analysis.

7 And would request the item at tab 63 of the Prosecution's list of materials to be
8 displayed on the evidence channel, which is registered as CAR-OTP-00000418, which is
9 the unredacted version of the same report at tab 1.

10 You should have the item before you now, Madam Witness. Is that correct?

11 A. [14:52:39] Yes.

12 Q. [14:52:39] Madam Witness, is this your report?

13 A. [14:52:42] Yes.

14 Q. [14:52:42] Can you briefly, in simple terms, explain to us what this report is about?

15 A. [14:52:50] The report covers the analysis of the telecommunications of Mr Said in
16 relation to the collection that we hold -- sorry, the case holds of call data records. And
17 the purpose of the report was to guide disclosure because the materials in and of
18 themselves are just data without context. The report outlines -- well, it specifies what
19 phone numbers were identified for Mr Said based on attributions for those phone
20 numbers. It then covers the Requests for Information, which is how we obtained those
21 call data records, and specifications around the timeframes that those records cover.
22 Then it lists what call data records, which are referred to as CDR in this report, what
23 call data records are specifically linked to Mr Said's phone numbers, a summary of the
24 outcomes derived from the analysis of those records.
25 That is essentially what the document showed.

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1 So it -- it came with an annex and a lot of the context was contained in the annex.

2 Q. [14:54:43] Thank you.

3 MS VON BRAUN: [14:54:47] Madam Court Officer, could we maybe move down a bit
4 on this page. And then move to the second page, so -- yes, which is -- and enlarge it a
5 bit.

6 Q. [14:55:10] So going back to what you just summarised, what materials did you use
7 to produce this report? What was your approach there?

8 A. [14:55:23] Well, the approach was it started quite broad. As I said, it was to first
9 identify what numbers we had that were attributed to Mr Said, and then to look,
10 generate those numbers, look for those numbers within the call data sets that we had.
11 To do this we used the databases, the analysis databases that we have. One of the
12 databases provides links and the other database is used largely for this processing of
13 telecommunications. What that allows us to do is to link names to phone numbers.
14 Once we have a name linked to a phone number, we can then identify what might
15 potentially be relevant to the case.

16 And there was a -- it's outlined in the report that we were looking for guidance on what
17 should be disclosed. So things like Rule 77 persons. And from that -- once we'd
18 identified relevant communications, it was produced in what's called a call sequence
19 table, which is an overview of the data that was deemed to be relevant.

20 There were also additional materials of Mr Said's, which I obtained from a report that
21 was not written by me but it was part of our materials. And it was an overview of the
22 contents of Mr Said's mobile phones and other devices that had been seized from him
23 at the time of his arrest. So because this was a review of Mr Said's communications, I
24 also incorporated some materials from that overview of his mobile devices.

25 And the guidance was that the relevant period to look at would be April 2013 to

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1 November 2013, and it's noted that that is a typographical error in the report.

2 Q. [14:57:58] And just on that last point briefly as follow-up, why that timeframe?

3 A. [14:58:02] The timeframe is -- this is an analysis report to inform disclosure of call
4 data records and associated materials. So the analysis timeframe has always -- is
5 broader than the time-period relevant to the charges because I was trying to cast the net
6 wider to ensure all relevant materials were captured and disclosed. So the time
7 relevant to the charges is a narrower period, but this timeframe was felt to be specific
8 enough given the -- the -- it's only slightly broader than the charge period.

9 Q. [14:58:53] Thank you. And concerning the methodology you applied, can you tell
10 us, did you use any specific databases or tools in your analysis work?

11 A. [14:59:08] Analysis of call data records does -- it requires the use of some
12 analytical databases because of the volume that call data records usually are. They're
13 very voluminous, so we use a database called iBase which is an analysis database that
14 holds all of the materials that we've collected. Essentially, it mirrors the evidence
15 database, but it's broken into small entities so it provides links between entities.

16 The other database that was used for this report is called Mercure, and it is specifically
17 a database for telecommunications. The main benefit that you derive from this
18 database is that it links phone numbers to names and, therefore, gives you context
19 when you're looking at large sets of data. You understand who is speaking to who
20 rather than what phone number is calling what phone number, so it gives you context.

21 That, of course, is subjective. There's more to it, which we can discuss later. But,
22 essentially, the benefit is to provide context to the data and to be able to generate from
23 the various sets of data a uniform format in a chronological order, because the data
24 comes from various providers and it takes on various formats, and this is one way of
25 integrating all the data and providing a single data set that can be analysed.

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1 Q. [15:01:15] Thank you very much. Now, in the beginning when you summarised
2 your approach, you were speaking about purpose and initial results of your analysis.
3 With regard to Mr Said's telecommunications, can you summarise any results for us?

4 A. [15:01:44] The conclusions are based on the attributions that we have for the
5 phone numbers that were present in call data records linked to Mr Said's phone
6 numbers. And those attributions showed communications with persons who were
7 Seleka, high-level Seleka OCRB staff and other persons related to the activities relevant
8 to this case.

9 MS VON BRAUN: [15:02:30] I would like to have page 3 of this item displayed.

10 Q. [15:02:55] Now, Madam Witness, we can see that the first sentence on this page
11 mentions -- or the title mentions here: Overview of phone numbers attributed to Said.

12 A. [15:03:15] Yes.

13 Q. [15:03:16] Can you explain to this Court what "attributed" means?

14 A. [15:03:19] Attributed is a process where materials that have names linked to --
15 sorry, the -- the -- the volume just changed on this. Can I change it? Excuse me. Thank
16 you.

17 The -- attribution is a process of allocating a user name to a phone number. And it is
18 derived from reviewing materials where people talk about their own phone number,
19 they confirm that they used a phone number, or there will be government documents,
20 military documents, witness statements that -- where somebody confirms that they
21 contacted somebody on a specific number. All of those pieces of information are
22 reviewed and those names are linked to phone numbers. And that's the process of
23 attribution.

24 Then we would look at why a -- the source of that information and whether or not all
25 of those sources are actually credible sources and whether or not the attribution being

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1 provided by those sources is consistent. The attribution is necessary because
2 sometimes you don't have, in formal records, the actual user of a phone. You might
3 have the subscriber to a phone, but you need to derive contemporaneous information
4 of people who were contacting somebody at the time or the number that they were
5 using.

6 So we look -- I looked into the materials of the case, and these are the types of things
7 that are put into the databases. You find a phone number, it's linked to a name, and
8 you assess those one by one to derive an attribution for a phone number.

9 MS NAOURI: [15:05:45](Interpretation) Excuse me, your Honour, but this is the second
10 transcript inscription where there are a number of dots in the French version. I have
11 the impression that the pace at which the speaker is speaking is a little too fast, and the
12 interpreter is having difficulty keeping up. So perhaps it would be helpful if those five-
13 second breaks could be taken occasionally to ensure that the quality of the French
14 transcript is maintained.

15 PRESIDING JUDGE SAMBA: [15:06:24] That is noted.

16 And that's for you, Madam Prosecutor.

17 And, Madam Witness, if we can go at a slower pace so that we can help the interpreters
18 so we get each and every bit of what you are saying. Thank you.

19 MS VON BRAUN: [15:06:40] That is noted. And apologies to Defence on this.

20 Q. [15:06:53] To go back to the last point you made regarding attributions and
21 sources of attributions, so how do you assess whether you come to the conclusion that
22 a number is attributed or not? So what is the -- do you have any defining criteria for
23 that? Are there parameters for that? Can you explain that to us in general? We can
24 then look at some examples, but in general, please.

25 A. [15:07:21] Well, you identify the various sources that link a number to a name, and

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1 you look at those sources and make an assessment about whether that source is
2 credible. And I listed some examples of a credible source, such as if a witness
3 confirmed their own phone number or if it was on a government document, an official
4 document.

5 And an uncredible source would be open source, something in the media, something
6 where we -- where I could not assess the source or the source was unclear. If we have
7 multiple sources of the same name to the same phone number, that would be assessed
8 as reliable.

9 Q. [15:08:34] And were phone numbers attributed to Mr Said?

10 A. [15:08:40] Yes.

11 Q. [15:08:41] And how many? Do you recall?

12 A. [15:08:50] There were, in the materials, we had seven phone numbers attributed to
13 Mr Said from various sources but only two of those numbers had substantive call data
14 records associated with them.

15 Q. [15:09:23] Now, on the page of the report that is still displayed to you, there is a
16 phone number displayed. Was this phone number attributed to Mr Said?

17 A. [15:09:32] It was. And the first line notes that the number was initially linked to
18 Mr Said from a 2013 list of CEDAD staff "and later indicated by witnesses to be used by
19 Mr Said." So there would be multiple sources. One is an official document, and the
20 other is witnesses who, for various reasons, have been in contact with him or know his
21 number.

22 Q. [15:10:18] And do you remember for which timeframe this phone number was
23 attributed?

24 A. [15:10:21] The relevant timeframe is 2013. And so the CEDAD list, as it says there,
25 is 2013. The witnesses, as I recall, were also 2013 in terms of their communications.

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- 1 THE COURT OFFICER: [15:10:52] The French booth is just telling me if the witness
2 could kindly mark a pause of five seconds before answering the Prosecution's question.
3 Thank you very much.
- 4 THE WITNESS: [15:11:00] I understand.
- 5 MS VON BRAUN: [15:11:02]
- 6 Q. [15:11:03] Yes, just take a little pause before you answer then.
- 7 Now, Madam Witness, you just mentioned a list and witnesses whose information you
8 had a look at for the attribution of this phone number to Mr Said. And which phone
9 number exactly are you referring to for -- just for the record?
- 10 A. [15:11:44] Do I read out the whole number or -- I'm reading out the first number
11 that is visible on the page that ends in 523.
- 12 Q. [15:12:07] Did you want to give that full number or -- did you want to give the full
13 number?
- 14 A. [15:12:18] Okay.
- 15 Q. [15:12:18] For the record, please?
- 16 A. [15:12:19] Okay. For the record. 75353523.
- 17 Q. [15:12:31] Thank you very much. Now, going back to the sources of attribution
18 that you explained, one of the -- a list you mentioned.
- 19 I would kindly ask the court officer to display the item at tab 5, which is CAR-OTP-
20 2023-0646, but please, in the version R02, which is a lesser redacted version. And then
21 we would go to page 0642, please, which is the next page of this document. Ah, 47.
22 0647.
- 23 Do you recognise this list, Madam Witness?
- 24 A. [15:13:45] Yes, this is the list referred to in the previous attribution comment for
25 the number that ends in 523 for Mr Said, and it's a CEDAD list.

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1 Q. [15:14:11] And do you recall where this list comes from? How did you receive this
2 list?

3 A. [15:14:22] I think this -- I don't actually recall. I think it's come from a witness, but
4 I can't recall.

5 Q. [15:14:34] All right. Thank you.

6 Then I would like to have the item at tab -- no, before we move to the next tab, sorry,
7 Madam Witness, do you recognise the relevant phone number on this document?

8 A. [15:15:00] Yes, it is Mr Said's number, which is visible, and it is the -- the line has
9 been cut off, but it's the line with number 2, the first 2 on the page. On the numbering.

10 Q. [15:15:23] Thank you.

11 Then this item can be removed. And can the item at tab 6 please be displayed, which is
12 CAR-OTP-2094-0002, in the version R01. And then I would request to go to page 0017.

13 And I would ask you, Madam President -- Madam Witness, to see if you recall this
14 document and the information relevant to a phone number on this document.

15 A. [15:16:34] The document is the witness statement -- sorry, the delay.

16 Q. [15:16:38] And before you proceed, we're in open session, so it's important not to
17 give names of witnesses, please.

18 A. [15:16:49] The document is a witness statement. And in paragraph 93, the witness
19 provides the phone number and attributes it to Mr Said.

20 Q. [15:17:13] And can you read the phone number out for us for the record, please.

21 A. [15:17:18] +23675353523.

22 Q. [15:17:40] And do you recall whether this is also a witness who is speaking about
23 the relevant time-period?

24 A. [15:17:44] Yes.

25 I would then like to have the item on tab 7 displayed, please, which is CAR-OTP-2125-

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1 0936.

2 And ask you, Madam Witness, whether you recognise this item?

3 A. [15:18:21] Yes.

4 Q. [15:18:30] Is this a document that was relevant to attribution?

5 A. [15:18:36] This document -- sorry. This document was provided by a witness and
6 it is used to attribute the phone number on the document underneath the words "Le
7 Colonel." It was attributed to Mr Said partly because of the witness statement and also
8 because the witness confirms in a subsequent note, an investigation note, that the
9 initials C'MSAK in the note refer to Mr Said, who was the colonel.

10 Q. [15:19:35] And without, please, providing any identifying information regarding
11 this witness, was this witness positioning this document into the relevant timeframe,
12 and what can you say about that?

13 A. [15:19:55] This witness was detained at the OCRB in the relevant timeframe.

14 Q. [15:20:17] And then I would like -- this item can be removed, and we can move to
15 the item at tab 8, which is CAR-OTP-2125-0934.

16 And I would ask you if you recognise this document, Madam Witness? And pause
17 before you answer, please.

18 A. [15:20:54] Yes, this is the investigation report that adds further clarification to the
19 liberation note that I just referred to in my previous answer.

20 Q. [15:21:20] Thank you very much.

21 And this item can be removed as well.

22 Now, based on those sources you reached your conclusion. Is that understood
23 correctly?

24 A. [15:21:45] Yes.

25 Q. [15:21:47] Now, you explained that your report has an annex. I believe you also

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1 gave a brief description already of this annex. Could you maybe again state what are
2 the main components of this annex, and whether actual calls, communications, are
3 included either in the report or this annex, please.

4 A. [15:22:27] The annex provides a summary of the communications that were
5 identified within the larger call data set that were assessed as relevant because they --
6 the attributions showed that they were persons of relevance to this case. There was a
7 criteria for who would be relevant in the communications, and that criteria was
8 persons who were involved in the common plan, co-perpetrators, high-level Seleka
9 officers, any witnesses that the Prosecution intended to rely upon, and also any names
10 of persons under Rule 77 that could be potentially relevant to the preparation of the
11 Defence. So that was the criteria of persons who were identified. And if those names
12 came up as attributions, they were selected from the bigger dataset.

13 The call sequence tables are a summary of the communications between Mr Said and
14 that group of relevant persons or potentially relevant persons. And there is a summary
15 and the simplified version of the call data records to -- mainly to provide a uniform
16 format to allow ease of understanding of the data. Each line contains the source of the
17 original call data records which can be referenced for the full set of data.

18 The call sequence tables have additional information added by me, which was the
19 name of the person attributed to the numbers deemed relevant in the data, again, to
20 give context to why those communications had been identified as relevant.

21 The call sequence tables were supported by an attribution tab. The attribution tab
22 provides the sources for the names attributed to each number and why I would rely
23 upon those sources to use that name and rely upon that as a reliable attribution for
24 each number.

25 Q. [15:26:36] And just so we all understand, why are call sequence tables necessary

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1 for this type of review?

2 A. [15:26:46] The datasets primarily because the datasets of call data are very, very
3 large. And one call data record could be 10.000 lines of data, but another one could be
4 70, 80.000 lines of data, and some of the data records are 400.000 lines of data. Within
5 that data, there are only certain communications that relate specifically to Mr Said.
6 That's because the way that they're provided, the OTP has requested from the CAR
7 authorities and the telecommunications companies, they've requested certain numbers
8 and the call data records of certain numbers. And those data records have been
9 provided in various formats. Sometimes the numbers are mixed. Sometimes they're on
10 their own tab. Sometimes they're separated by the time-period we requested.
11 Sometimes they're not.

12 So primarily it's the volume and the nature of the way the data is intermingled. So the
13 first step is to identify only the calls -- only the communications relevant to specific
14 attributed numbers to Mr Said.

15 The other reason that we use call -- that I use call sequence tables is because the formats
16 vary considerably. And when I start, as I said, we cast the net quite wide, so we are
17 drawing from many different types of records. As we narrow it down, we have ended
18 up with only one or two providers in this case, so the records are similar but they're
19 still not identical.

20 Because of that, we use a database to generate a call sequence table that gives us all of
21 the data in the same format but references to the original data so that the original data
22 can be reviewed alongside it, if necessary.

23 Q. [15:29:48] And where in your report do these call sequence tables feature?

24 A. [15:29:53] The overview of what is involved in a call sequence table is in the
25 report, and it lists the fields that were used and they are the primary fields required to

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1 identify each line of data. That includes time, date, number calling, number called,
2 duration of the call, the direction of the call - meaning, which number is calling which
3 number - and the source of the original data. And then it has two additional columns
4 which I add, which is the attribution to the numbers in the data.

5 The report provided an overview of that process and the call sequence tables, but the
6 call sequence tables themselves are in the annex.

7 Q. [15:31:19] All right. Then let's have a look at that.

8 I would like to have item -- the item at tab 65 displayed, and this will be displayed by
9 the Prosecution because it is an Excel table and it is easier to display from our side on
10 the evidence channel. This is the reference number CAR-OTP-00000420.

11 THE COURT OFFICER: [15:32:01] The Prosecution has the floor. It's currently visible
12 on evidence channel 2 for everyone. Thank you.

13 THE WITNESS: [15:32:24] Sorry, I don't have it. Do I need to change the evidence
14 channel?

15 MS VON BRAUN: [15:32:29]

16 Q. [15:32:29] Yes, please, I think on to evidence channel 2.

17 A. [15:32:33] Okay. I have it.

18 Q. [15:32:42] Now, Madam Witness, you have already given us a broad description
19 of what a call sequence table is and how you approach them. Let's have a look together
20 now at this item. Do you recognise it?

21 A. [15:33:06] That's a call sequence table for the number identified in the tab, which is
22 the number for Mr Said that we have just previously discussed.

23 Q. [15:33:22] All right. And then I would like to have you look at the columns and
24 explain a bit what each column -- what the relevance is of each column, the data in each
25 column.

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1 A. [15:33:39] Starting from column A, it's the date. I think that many of them are self-
2 evident. It's the date of the call, the time of -- when I say "call", I should say
3 communication. Predominantly, there are two types of communications. There are
4 voice calls and there are text messages in these communications.

5 So the date of the communication, the starting time of the communication, the A Party,
6 and the B Party. And the A Party is essentially important because the A Party is -- if
7 you go to column H, it says "Direction". The direction of an incoming or an outgoing
8 call or communication relates to the A Party. So if column H says "I", for incoming, that
9 means it's a communication that is coming -- is being received, it's coming into the A
10 Party.

11 If the direction is outgoing, represented by an O, it means that the A Party is making
12 that call. The call is going out from that number. The recipient of that call is the B
13 Party.

14 The column D is the column that I added, which is the attribute that I have given to the
15 number. We have discussed the phone number for Mr Said. Line number 5 is an
16 example of the number ending in 8993 was attributed to Nouradine Adam. I added
17 that D column of an attribute to that phone number. B Party, as we've discussed, the
18 same, I've added that column, the F column, to each of those numbers, what are the --
19 the person I've attributed to that number. The type of communication, that will either
20 say "voice" or it will say "SMS" for a message. Direction, we've discussed incoming and
21 outgoing in relation to the A Party. The duration of that communication, if it's a voice
22 call. And the source, which is the ERN of the original call data.

23 Because of the volume of this call sequence table, I added column K, and this is because
24 the original CDR that we were provided with had a lot of overlapping periods. And
25 because they had overlapping time-periods, there were duplicate records within the

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1 dataset. That can make the communications look like they're -- there are more
2 communications than there actually are.

3 So because there are duplicate records, I have identified Duplicate, Yes, to show where
4 the records overlap and we have duplicate records. So that is -- that is what essentially
5 the call sequence table is. That's what we provide. And -- I provide. And it is then
6 arranged in a chronological order, merging the various datasets that can be shown by
7 looking at the source.

8 Q. [15:38:23] Thank you. Before we return to the issue of attributions a bit more, for
9 these call sequence tables you referred to the data, the format that -- the reasons for
10 why this is a necessary tool in your view. Do you recall, for this particular number,
11 from which provider the data was given?

12 A. [15:38:57] These are the data records from Telecel.

13 Q. [15:39:07] And just to be more specific, what is Telecel?

14 A. [15:39:10] Telecel -- sorry. Telecel is a telecommunications service provider in the
15 Central African Republic.

16 Q. [15:39:35] I would like to have a look at with you the item tab 50, which is CAR-
17 OTP-2030-0329.

18 But this is again an item that will be displayed by the Prosecution, as it's an extensive
19 Excel table.

20 Once you have it on your screen, Madam Witness, can you explain to us what we are
21 looking at?

22 A. [15:40:16] This is -- this is one of the original call data records, and the -- that was
23 used for the previous call sequence table. And the tab on the bottom shows what
24 number it relates to, and it is for Mr Said's number ending in 523. That number is in
25 the A column under the heading "MSISDN". It's the -- telecommunications companies

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1 use sometimes technical language, and I change it to A Party for the purpose of the
2 CST. But MSISDN is mobile station integrated service digital network, I think.
3 Essentially, it refers to the telephone number that is linked to the phone.
4 Next column is IMSI, which is your SIM card. It's a number linked to the SIM card.
5 And it stands for international mobile subscriber identity.
6 Then C column is IMEI, I-M-E-I, which is international mobile equipment identity or
7 identifier, and this is the number of the handset, the actual handset, physical phone.
8 Then D column, Correspondent, is the B Party in the call sequence table. It's the other
9 party to the communication.
10 Destination is direction. It will tell you whether the communication is incoming or
11 outgoing.
12 Then there is the date and the hour but combined into a single column with a digital
13 ending which we have to convert -- I have to convert. Apologies.
14 Duration.
15 Then the last two columns are cell site locations. Cell site of the person receiving the
16 call, and the final column is the cell site of the person making the call. Those final two
17 columns are not included in the call sequence table as they are not necessary to the task
18 of identifying relevant calls for the purpose of disclosure and also they are -- the CST is
19 a simplified version and a lot of additional explanation and information has to be
20 added if you include cell sites into the CST.
21 Q. [15:44:44] Thank you very much for that clarification. The next item also relates to
22 call data records that were used in your work.
23 It is at tab 62 and it has the registration number CAR-OTP-2010-0565. And the
24 Prosecution will display this.
25 Do you recognise the item? And please pause before answering for the interpreters.

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1 A. [15:45:29] This is the format of a MOOV call data record, and MOOV is another
2 telecommunications service provider in Central African Republic.

3 Q. [15:45:49] Now, compared to the one we just saw, this one doesn't seem to have
4 tabs with numbers, so how would you find a number you're looking for or find
5 whether a certain number is in this sheet?

6 A. [15:46:12] This -- the way you would assess the -- whether a number -- sorry, I
7 should have paused. The way you would assess what number this call data record
8 belongs to is to filter on the A column. And I --

9 Q. [15:46:42] You can -- we can --

10 A. [15:46:45] I -- I believe this is a single -- this is a CDR -- I recall this is a CDR for
11 only one number, possibly.

12 Q. [15:46:59] All right. So for this format, you would have to filter and then see
13 whether the --

14 A. [15:47:06] Yes, you would --

15 Q. [15:47:07] All right.

16 A. [15:47:07] -- filter on the A column. And if there were more than one number in
17 this format, you would know that there were -- it was a -- a CDR for two separate
18 numbers. But in this case, I think there is -- I recall there is only one number, which is
19 the 511 number.

20 Then the B column shows all of the numbers that that 511 number was in
21 communication with.

22 Q. [15:47:41] All right. Thank you very much.

23 And this item can also be removed.

24 Now, we have a few minutes left for today's session, and I would like to turn back to
25 the issue of attributions again. Now, we discussed attributions, issues related to Mr

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1 Said, but I would now be interested in learning more about attributions to persons he
2 was allegedly in contact with.

3 And for this purpose, I would like to again go to the annex we just discussed, which is
4 tab 65 again, for one moment.

5 And I would ask you, Madam Witness, to set out, in brief terms, this part of your annex
6 and your work.

7 A. [15:49:07] For each of the CST compiled, the names that were linked to the
8 numbers in the CST were reviewed to see what type of sources provided those names
9 for those numbers. That list of the sources for each name to number is provided in the
10 attribution sheet. And if we had -- if I had attributions that I could not substantiate or
11 were not reliable - for example, from sources that were not verifiable or from open
12 source - if they were deemed unreliable, they were not relied upon and they are not in
13 the sheet. So only attributions that were considered reliable were included.

14 And those are listed, the source of them, but the type of them is also listed in the sheet
15 to provide an indication of the documents that were used to attribute the persons using
16 the phone to the phone numbers that was in communication with Mr Said.

17 Q. [15:51:07] All right. Thank you very much. Then, let's have a look at the first
18 phone number here at column A, which reads 236705 --

19 MS NAOURI: [15:51:28](Interpretation) I'm sorry to interrupt, but the French transcript
20 consists of a series of dots. So really, if you could, indeed, take that five-second break
21 to allow the court reporters and the interpreters to do their work, because, of course,
22 we are working in our team on the basis of the French transcript.

23 MS VON BRAUN: [15:51:56] I apologise. We will, for the remainder of the time, go
24 very slow. Sorry.

25 Q. [15:52:06] Let us look at the first number which is displayed at the top of column

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1 A. It reads 23670555511. And whether you can tell us more about how you attributed
2 this number and to who.

3 A. [15:52:38] I hope -- sorry. I hope that the -- the attribution process is relatively self-
4 evident in that the number is attributed to the name, Adam Mahamat Nouradine by
5 the source listed there, CAR-OTP-2023-0882 at 0962. And that document is Witness P-
6 0659's diary in which he lists "DG CEDAD, Nouradine". When you look at that
7 document, you will see that he has listed Nouradine and written the number that's in
8 the A column, 23 -- I don't think it includes 236 which is the country code. So many of
9 the numbers don't include that. But it is the number 070555511. And that is the basis
10 of the attribution of that name to that number.

11 Q. [15:54:29] And then you seem to have listed another source, though, if I'm not
12 mistaken. At least it looks like it here?

13 A. [15:54:41] Yes, the same number was attributed to the same name. When I say
14 "same name", to be clear, it could be a variation of that name but similar and
15 attributable to the same person. The source reference is to a Panel of Experts list where
16 they have collated the phone numbers of persons interest to their inquiries.

17 Q. [15:55:31] And I would ask, relevant to this portion of your testimony just now, to
18 have displayed the item on tab 17, which is CAR-OTP-2023-0882, in the version R01.
19 And I would request that the court officer please go to page 0962.

20 And once it is displayed, Madam Witness, please let us know whether you recognise --
21 THE COURT OFFICER: [15:56:38] Evidence channel 1.

22 THE WITNESS: [15:57:00] Yes, this is the diary entry citing the attribution to
23 Nouradine, and it is the -- it's the fifth line from the top.

24 MS VON BRAUN: [15:57:29]

25 Q. [15:57:29] And to your memory, is this a document contemporaneous to the

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- 1 relevant timeframe?
- 2 A. [15:57:40] Yes.
- 3 Q. [15:57:44] And why do you say that? And please, when answering the question,
- 4 be mindful that we're in open session.
- 5 A. [15:57:58] The -- the role of the witness was contemporaneous to the 2013 period.
- 6 Q. [15:58:16] One moment.
- 7 MS VON BRAUN: [15:58:18] I'm being told, Madam President, that the English
- 8 transcript may have halted. At least here on one of our computers. Is that correct?
- 9 THE COURT OFFICER: [15:59:03] Yeah, I'm informed that the English transcript is
- 10 currently frozen and a technician is currently on his way. I apologise for the
- 11 inconvenience. I'm going to try to get an estimation on how long it will take and will
- 12 as soon as possible inform the Chamber (indiscernible).
- 13 PRESIDING JUDGE SAMBA: [15:59:32] I think so that we'll give enough time to the
- 14 technician to deal with it, we might as well just end today's session here and come back
- 15 tomorrow.
- 16 Madam Witness, we'll end today's session here and come back tomorrow. I'm going to
- 17 ask that you do not discuss your testimony with anybody outside this courtroom,
- 18 including your colleagues from the Office of the Prosecutor.
- 19 So I rise the Court and ask that you come tomorrow at 9.30, please. Thank you.
- 20 THE COURT USHER: [16:00:08] All rise.
- 21 (The hearing adjourned in open session at 4.00 p.m.)