

Trial Hearing
Procedural Matters

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera
6 and Judge Sergio Gerardo Ugalde Godinez
7 Trial Hearing - Courtroom 3
8 Thursday, 10 November 2022
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:34:02] All rise. The International Criminal Court is now in
11 session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:34:23] Good morning, everyone.
13 Madam Court Officer, can you please mention the case.
14 THE COURT OFFICER: [9:34:33] Good morning, Madam President, your Honours.
15 The situation in the Central African Republic II, in the case of The Prosecutor versus
16 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21, and we're in open session.
17 PRESIDING JUDGE SAMBA: [9:34:48] Thank you very much.
18 May I ask the parties to introduce themselves, please.
19 MS MAKWAIA: [9:34:53] Good morning Madam President, your Honours. For the
20 Office of the Prosecutor this morning, Mr Yuichiro Omori, Ms Leonie von Braun, and
21 myself, Ms Makwaia.
22 PRESIDING JUDGE SAMBA: [9:35:17] Thank you, Ms Makwaia.
23 Ms Pellet, for the victims, please.
24 MS PELLET: [9:35:21](Interpretation) Thank you, your Honour. The victims are
25 represented today by myself, Sarah Pellet, counsel at the Office of Public Counsel for

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- 1 Victims.
- 2 PRESIDING JUDGE SAMBA: [9:35:27] Thank you very much.
- 3 Defence, Ms Naouri, please.
- 4 MS NAOURI: [9:35:32](Interpretation) Thank you, your Honour. Beside me is Mr
- 5 Jacobs, and with me is also Mr Simon Appriou and Capucine Banet, and I am Jennifer
- 6 Naouri, lead counsel.
- 7 PRESIDING JUDGE SAMBA: [9:35:46] Rule 74 counsel, please.
- 8 MS BURUMA: [9:35:48] Thank you, your Honour. As Rule 74 counsel to the witness,
- 9 Ms Tamara Buruma.
- 10 PRESIDING JUDGE SAMBA: [9:35:55] Thank you very much.
- 11 And for the record, I note that Mr Said is present in court.
- 12 Mr Said, a very good morning to you.
- 13 MR SAID: [9:36:06](Interpretation) Good morning, your Honour. Thank you.
- 14 PRESIDING JUDGE SAMBA: [9:36:11] Good.
- 15 Good morning, Mr Witness. I hope you rested well last night.
- 16 THE WITNESS: [9:36:23](Interpretation) Good morning, your Honour. I am, indeed,
- 17 well rested.
- 18 PRESIDING JUDGE SAMBA: [9:36:31] Good. Well, we're going to continue with your
- 19 testimony today, and I wish to remind you that you are still under oath to tell the truth.
- 20 WITNESS: CAR-OTP-P-1167 (On former oath)
- 21 (The witness speaks Sango)
- 22 PRESIDING JUDGE SAMBA: [9:36:45] I'm going to invite Defence counsel to continue
- 23 with her cross-examination of you. Thanks for your cooperation. And I remind you to
- 24 talk slowly so that we help the interpreters in the booth. Thank you.
- 25 Ms Naouri, we're in open session, please.

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- 1 MS NAOURI: [9:37:07](Interpretation) Thank you, your Honour. And I would like to
- 2 ask you if we could move into private session for the upcoming questions. Thank you.
- 3 PRESIDING JUDGE SAMBA: [9:37:17] Certainly.
- 4 Madam Court Officer, can we go into private session, please.
- 5 (Private session at 9.37 a.m.)
- 6 THE COURT OFFICER: [9:37:31] We're in private session, your Honours.
- 7 PRESIDING JUDGE SAMBA: [9:37:33] Thank you very much.
- 8 Ms Naouri, please, carry on.
- 9 MS NAOURI: [9:37:40](Interpretation) Thank you, your Honour.
- 10 QUESTIONED BY MS NAOURI: (Interpretation)(Continuing)
- 11 Q. [9:37:43] Good morning, Witness.
- 12 A. [9:37:45] Good morning.
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
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1 Q. [9:48:19] Thank you, Witness. I'd now like to turn to the DDR procedure, so the
2 Disarmament, Demobilisation, and Reintegration process. Now, there were many DDR
3 processes in the CAR; isn't that right, Witness?

4 A. [9:48:40] Yes, there were many disarmament processes, and that continues on
5 today -- to this day.

6 Q. [9:49:09] Thank you. I'd now like to read out a passage of yesterday's transcript,
7 T35, page 74, lines 18 to *23. You said:

8 "I didn't hand in a weapon because I had already been disarmed. They asked those
9 who had already been disarmed, and because we were still at the OCRB we had
10 already been disarmed. Those that had been disarmed were in Camp Beal, which held
11 the weapons."

12 So if I understand correctly, in 2013 you handed in your weapon as part of the DDR
13 process that took place at the directorate-general of police; is that correct?

14 A. [9:49:58] Thank you. Yes, I was indeed in that disarmament wave.

15 Q. [9:50:13] Now, what weapon did you hand in under that DDR process, the 2013
16 DDR process?

17 A. [9:50:22] Thank you. As I said, the disarmament took place at the OCRB, the
18 president was present, and it was on that occasion that we were disarmed. I think I
19 already told you that.

20 Q. [9:50:50] Yes, indeed, you did already tell us that there was a disarmament
21 process. I just want to understand in greater detail how that disarmament process took
22 place. For instance, where were you identified as part of that DDR process in 2013?

23 A. [9:51:09] Thank you. I will repeat. Minister Binoua, before we handed in our
24 weapons, he said to us that, first, there would be disarmament. Then we would be
25 quartered in Beal camp, and then we would have to choose between the army and

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1 training. (Redacted)

2 (Redacted)

3 (Redacted)

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8 (Redacted)

9 (Redacted)

10 Q. [9:53:37] Okay. And if we could return to the disarmament ceremony, if I could
11 say, back in 2013. On that day, where were the weapons stored?

12 A. [9:53:44] Thank you. Well, after Binoua's speech or sermon, everyone had to lay
13 down his weapon. We were all standing in columns. I think the media were present,
14 and I believe there are video recordings of that disarmament. So you could check that.
15 So we laid down our weapons in a pile.

16 Q. [9:54:28] Okay. Thank you, Witness. And once you had all laid down your
17 weapons after Binoua's speech, did you see what happened to your weapons after
18 everyone had laid down his weapon -- his or her weapon?

19 A. [9:54:47] We were disarmed. Then President Djotodia handed a sum of 5 million
20 to the colonel so that sum could be distributed. We then went to Beal camp, and each
21 of us was given 15.000 francs. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [9:56:13] That's not a problem, Witness. Now, one of the people who was present

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1 at the ceremony told us -- or said the following to us, and I'm going to quote from a
2 transcript, and that is transcript 24, page 76, lines 4 to 22. Now, that person said
3 regarding that ceremony:

4 "The president had invited everybody to the police compound. All police officers, all
5 Seleka soldiers, all those who were working for the police and all authorised police.

6 And on that occasion, Djotodia asked the police to leave all police premises that they
7 had been using as their residence, that they free up those offices so that the police could
8 return to work. At the same time, he asked the Seleka heads or chiefs to send some of
9 their soldiers into the police stations to support the police, and that the police should
10 then train the Seleka soldiers so that they could become police auxiliaries."

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [9:58:36] Thank you, Witness, for that detail. Now, I'm going to continue on
19 telling you what that other person who was at the ceremony told us. So the same
20 transcript, page 77, transcript 27, page 77, line 4, the person said that:

21 "There were two ceremonies at the directorate-general of police. At the first one, only
22 President Djotodia and the Seleka police were present. So the Seleka were to work
23 with the police at the directorate-general. So that was the first ceremony, and it was
24 attended by President Djotodia.

25 "Then there was a second ceremony which involved the minister of interior and

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1 authorised police officers. And at that ceremony, it was said that the Seleka should
2 leave those police premises that they had been using as residences so that the police
3 could occupy them anew, and also that the Seleka should go to the police stations to be
4 trained as auxiliary police.

5 "And so to make it possible for Selekas to rent homes, a sum of money was given. The
6 idea was that after the ceremony, the colonels who were working under the police
7 would provide a sum to each soldier to enable that person to have a home in one of the
8 neighbourhoods. That was the second meeting. So if they had a home in the
9 neighbourhood, they could free up the place where they had been staying."

10 Now, Witness, I have a question for you. To your knowledge, were there in fact two
11 meetings? And if there were, which is the one that you attended? Because this person
12 said that, in fact, it was at the second meeting or ceremony that that person received
13 money.

14 A. [10:00:56] Thank you. As far as I know, and I'm talking about what I know, that
15 ceremony, which was held at the OCRB, * at the central directorate, it is true that there
16 was a request for an amount of money so we could rent housing in the area. After that,
17 Binoua suggested that it was not good news and that we needed to be billeted at Camp
18 Beal. At Camp Beal, Colonel Said was present. The other officers were there. So each
19 person was called up, each person was given money, and each person had to make a
20 decision, a choice, either to opt for the DDR process, either the army or take training to
21 learn a trade. That's what I know.

22 Q. [10:02:25] Very well. Thank you. So that was when you went to Camp Beal; isn't
23 that so?

24 A. [10:02:34] Thank you. That is when we were all gathered together at Camp Beal
25 after the disarmament.

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1 Q. [10:02:59] Very well. Tell us what life was like at Camp Beal at first when you got
2 there. Were you free to move about? Were you registered? Could you tell us about
3 your arrival at Camp Beal. What was life like there?

4 A. [10:03:17] Thank you. At Camp Beal, we were set up close to the place where the
5 weapons were * stored. We received rations from the colonel. Cows were slaughtered,
6 and the meat was distributed by section. Those who worked in the kitchen would get
7 supplies there and prepare food for us. Sometimes, we would also be served fish.

8 Q. [10:04:10] Thank you, Mr Witness. Did you have to become a member of a group,
9 for example, a political party or another kind of group, a veterans group? How was
10 that organised?

11 A. [10:04:34] Thank you. There were many officers at Camp Beal and each one had
12 his own group. (Redacted)

13 (Redacted) There were some FACA groups from -- also groups
14 from the police, the gendarmerie, and also from the waters and forestry service.

15 Q. [10:05:31] Thank you, Mr Witness. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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7 (Redacted)

8 (Redacted)

9 MS NAOURI: [11:02:31](Interpretation) I see the time. I think this might be the right
10 time to have the break, your Honour.

11 PRESIDING JUDGE SAMBA: [11:02:35] Yes, that's the reminder I wanted to give,
12 actually.

13 Mr Witness, we're going to break off for a little bit, for some 30 minutes, and return at
14 about 11.30.

15 So I'll rise the Court and ask that we meet again at 11.30, please.

16 THE COURT USHER: [11:02:51] All rise.

17 (Recess taken at 11.02 a.m.)

18 (Upon resuming in open session at 11.35 a.m.)

19 THE COURT USHER: [11:35:20] All rise. Please be seated.

20 PRESIDING JUDGE SAMBA: [11:35:42] Good morning.

21 Mr Witness, we're going to continue with your testimony.

22 Ms Naouri, I invite you to continue with your questioning, please. Thank you.

23 MS NAOURI: [11:36:00](Interpretation) Thank you, your Honour.

24 Just for your information -- just for our information, are we in open session or private
25 session? Could we go --

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1 PRESIDING JUDGE SAMBA: [11:36:13] We are in open session, I'll ask the court
2 officer to get us into private session. Thank you.

3 (Private session at 11.36 a.m.)

4 THE COURT OFFICER: [11:36:41] We are in private session, your Honours.

5 PRESIDING JUDGE SAMBA: [11:36:42] Thank you very much.

6 And, Ms Naouri, if you think you're comfortable enough as we go on to go into open
7 session, please let us know so that we can get some of the records for the public. Thank
8 you.

9 Carry on, please.

10 MS NAOURI: [11:36:59](Interpretation) Thank you, your Honour.

11 Q. [11:37:02] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted).

16 On the basis of these affirmations, you, Mr Witness, say that you were in Sibut when
17 the Libreville agreements were signed on 11 January 2013; isn't that so?

18 A. [11:38:14] That is correct.

19 Q. [11:38:27] Very well. And the Libreville agreements, the representatives of
20 François Bozizé, the majorité présidentielle, were signatories to the agreement. Did the
21 democratic opposition -- since you were in Sibut at the time, was the democratic
22 opposition also a signatory to the Libreville agreements?

23 A. [11:39:01] Thank you. You know, I was never close to those agreements. I have
24 no idea what the content of those agreements are, so I really can't speak about them.

25 Q. [11:39:39] Very well. And this meeting in Sibut that you attended -- well, you

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1 didn't attend. Let me start again. The meeting that you were told was held in Sibut
2 with senior officials. You were in Sibut and the meeting had to do with the
3 implementation of the Libreville agreements; isn't that so?

4 A. [11:40:06] Thank you. As I've just told you, in my earlier statement, in relation to
5 the Brazzaville agreements, the president went to Sibut to visit the elements, President
6 Djotodia, and he was retained there. He said that Bozizé had not respected the terms of
7 these agreements, and that he was not in agreement with that. That is what he said.
8 And I am telling you that I am not familiar with the content of those agreements.

9 THE INTERPRETER: [11:41:03] Correction from the Sango interpreter: The Libreville
10 agreements.

11 MS NAOURI: [11:41:11](Interpretation)

12 Q. [11:41:14] Thank you. So a person who was in Sibut at the same time as you when
13 the meeting of the senior officials was held said the following, transcript 23, page 35,
14 lines 11 to 16. The person said that:

15 "An important event in Sibut was that after the Libreville discussions, first, in Sibut,
16 each colonel had to identify his elements to go from 2000 to -- to have 2 to 3.000 go into
17 the army. Identification was carried out, and a bonus was given to each element who
18 had been identified in Sibut."

19 So my question to you is this: When you were in Sibut, did you take part in any such
20 identification process, and, if so, did you receive a bonus or award?

21 A. [11:42:25] Thank you. That's what I forgot. I wasn't asked about that. What
22 happened in Sibut, it was a matter of sending some elements out to get training. After
23 the appointment of Djotodia as minister of defence, we were supposed to recruit a
24 number of --

25 THE INTERPRETER: [11:42:57] Correction.

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1 THE WITNESS: [11:42:59](Interpretation) A number of elements were supposed to be
2 recruited to be sent out for training. The officers and the elements swore an oath on the
3 Bible and the Quran, and that had to do with the preparations for the raid on Bangui.
4 It was a matter of avoiding looting and any other acts of violence -- or violence.
5 Unfortunately, the elements did not respect the agreement -- or their oath, rather, and
6 many of them died, because they began to rape, to loot, and commit other acts of
7 violence and abuse. And so that is how it came to be that they died.

8 MS NAOURI: [11:43:52](Interpretation)

9 Q. [11:43:53] Thank you for that additional information, Mr Witness. I'd like to move
10 on to another topic now, namely, the Yalo brothers and how they got away, escaped.
11 You mentioned that during examination-in-chief, transcript 35, page 35, line 3, * to
12 page 38, line 7. To your knowledge, did the Yalo brothers provide money to members
13 of the OCRB? Sani and Danzoumi Yalo, did they give money to members of the
14 OCRB?

15 A. [11:44:57] Thank you. To my knowledge, (Redacted)
16 (Redacted) they had given money to the colonel for food
17 for the elements. They didn't give money to just anyone. No one could go up to them
18 freely. You could take them out of the cells to get some air. * And if Djotodia or
19 Nouradine were visiting there, they would be put back in the cells. That is what I
20 know.

21 Q. [11:45:41] Thank you for that information. I'd like to read something out to you.
22 This is from a transcript, and you can give additional information if possible.

23 MS NAOURI: [11:45:53](Interpretation) 9 November, page 35, lines 16 to 22.

24 Q. [11:46:04] And mention is made of these two brothers, Sani and Danzoumi Yalo.
25 And line 16 reads as follows:

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1 "They were still there. Sometimes they would give money for food so that food could
2 be prepared for the other elements."

3 And the sentence that interests me is this:

4 "Sometimes the visitors -- sometimes their visitors ... at one point it was a matter of
5 taking them to the tribunal, and it was Commander Yaya who took care of that. One
6 day they came back, they had crossed over to go to Zaire and after that they were
7 arrested."

8 So what interests me is the visitors, "sometimes the visitors -- their visitors". (Redacted)
9 (Redacted), and what can you tell us about these visitors who
10 came to see the Yalo brothers? What can you tell us, if you know, if you remember?

11 A. [11:47:24] Thank you. What I saw was his wife brought food twice.

12 Q. [11:47:44] Very well. To your knowledge, were they allowed to keep their
13 telephones with them?

14 A. [11:47:52] Thank you. That was not allowed. Nouradine had forbidden that. But
15 from time to time, the colonel would give them their telephones so that they could
16 communicate with them.

17 Q. [11:48:27] Very well. And do you know what Sani Yalo does today, Mr Witness?

18 A. [11:48:40] Thank you. He is in charge of the BARC.

19 THE INTERPRETER: [11:48:54] Correction: The BAC (phon).

20 MS NAOURI: [11:49:05](Interpretation)

21 Q. [11:49:06] And the other brother, do you know what he is doing these days,
22 Danzoumi?

23 A. [11:49:19] Thank you. According to the information that I received, he is not in
24 Bangui. And as for the rebellion CPC, he had to leave the country, but I don't know
25 where he is now.

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1 Q. [11:49:37] Very well. Thank you, Mr Witness. I'd now like the move on to another
2 topic; namely, your dealings with the representatives of the OTP. So when you were
3 contacted the first time by the representatives of the OTP, how did they reach you? By
4 what means?

5 A. [11:50:02] What I know is that they called me on the phone and we had a
6 discussion, but I don't know who gave them my telephone number.

7 Q. [11:50:42] And during that first telephone discussion, did they explain to you why
8 they wanted to meet with you?

9 A. [11:50:47] Thank you. They called me. They introduced themselves. They said
10 they were from the ICC. I asked them why they wanted to see me, and they said they
11 really wanted to meet with me. And I said, "Well, no, no, there's no link between you
12 and I." I hung up the phone. Later on, they called again and they said to me that
13 (Redacted), I was in his office, and so on and so forth. So they gave all
14 kinds of information about my movements, and I was afraid. So they insisted on
15 meeting with me.

16 I told them to be patient and to wait a while. Two days later, they called and I said to
17 wait until the afternoon. And I said to them -- well, I gave them my agreement, and
18 they gave me the place where we had to meet for the conversation. Then we met there
19 and we were able to have the discussion.

20 Q. [11:52:16] Very well. And how long did this interview in person last, and how
21 much time was it after the initial phone calls?

22 A. [11:52:31] I haven't understood your question.

23 Q. [11:52:41] I'll rephrase, Mr Witness. You just told us that you had a number of
24 discussions over the phone, and my question is this: How long was it after those calls
25 did you actually meet with them? Was it a few days, months, weeks?

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1 A. [11:52:52] It was in 2018. That is when we met.

2 Q. [11:53:09] Very well. And the phone calls were also in 2018?

3 A. [11:53:13] In 2018.

4 Q. [11:53:26] Very well. So on your previous statement, tab 2 for the French version,
5 tab 1 for the English version, CAR-OTP-2127-7671. On the first page, it indicates that
6 you had an initial discussion with the OTP on (Redacted).

7 So this interview didn't take very long. Could you tell us more about this? What kind
8 of interview was it, or discussion? What happened during that first discussion?

9 A. [11:54:37] When I got there, they asked me about a few things and I refused to
10 answer. But I did demand that they give me a guarantee, a safety guarantee, because
11 our country was going through some very difficult times. So I refused to answer the
12 questions. I also asked them to let me think about it for a while, to give me some time,
13 and then I went back home.

14 Q. [11:55:33] Very well. Who was present during this first interview? Was it just
15 men? Was there a lady and a gentleman? Could you tell us a bit more about the
16 people who were present?

17 A. [11:55:45] Thank you. This question you've just asked me seems a bit of a delicate
18 one. I'd like you to ask your question of the investigators themselves, because I don't
19 know any of them.

20 Q. [11:56:27] Well, Mr Witness, I'm not asking you to give the names of the people,
21 but it's important for us to understand how it came to be that you are now a witness
22 here today, and how your interviews were conducted. All right? So I'm just asking
23 you - just asking you - what you remember. Okay? If you don't remember, just say
24 that you don't remember. There's no problem.

25 So I'll put the question to you differently. During this first interview on (Redacted)

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1 (Redacted), which appears to be your first meeting, was there an interpreter present?

2 A. [11:57:19] Thank you. There was no interpreter during the entire interview.

3 Q. [11:57:41] Very well. How many investigators were there, as best as you can
4 remember?

5 A. [11:57:52] Thank you. There were three people during that interview.

6 Q. [11:58:12] Very well. And you've told us that during the first in-person interview,
7 your statement was not taken, so you did not sign any document and you contacted the
8 investigators again later on; is that correct?

9 A. [11:58:35] As I've already said, I refused and I went back home. And when they
10 called me back, I agreed and I went to the meeting, and it was possible to have the
11 interview or discussion.

12 Q. [11:59:07] Very well. Now, this second interview, how did it unfold? Tell us.

13 A. [11:59:13] Thank you. It was exactly what we read here. They asked me about my
14 motivation for joining the group. I gave all the information just as you can read in the
15 document, in the statement. They asked me about the origin of the Seleka, my
16 motivations.

17 Q. [11:59:55] And why did you change your mind? Why did you agree to meet with
18 them, ultimately?

19 A. [12:00:00] Because I was not part of the Seleka group, but, unfortunately, I was a
20 victim. You see? I had a lot of problems. Unfortunately, that's not part of the
21 discussions.

22 Q. [12:00:33] Very well. Thank you, Witness. Thank you for specifying that. Now,
23 during this second interview, did somebody take notes? How did that work? And did
24 you sign a document?

25 A. [12:00:53] My full statement was recorded on a computer. It was taken down on a

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1 computer.

2 Q. [12:01:23] Very well. And did the investigators tell you what topic they were most
3 interested in?

4 A. [12:01:32] No, they didn't indicate that.

5 Q. [12:01:59] All right. And when you were questioned, did they put a lot of
6 questions to which you only answered "yes" and "no" -- "yes" or "no"?

7 A. [12:02:12] Thank you. They put questions to me, and I could confirm, I could say
8 "yes" or "no", and whether I had seen something or heard about something.

9 Q. [12:02:48] Okay. Thank you for that answer, Witness. Now, in your statement --

10 MS NAOURI: [12:03:09](Interpretation) Which is tab 2 for the English version, and tab
11 1 for the French version. Of course, I should have said tab 2 for the French version and
12 1 for the English version. I'm sorry about that. *CAR-OTP-2127-7672.

13 Q. [12:03:45] Now, at page 7672, there are the details of three different interviews. So
14 we have one on (Redacted)

15 (Redacted)

16 (Redacted). So

17 what I'd like to ask, Witness, is whether you signed a document at the end of each
18 interview or only one at the very end?

19 A. [12:04:16] Thank you. I recall that was right at the end that my statement was
20 given to me. I then re-read it and signed it.

21 Q. [12:04:44] Very well. Well, I'd like to show you now your statement.

22 MS NAOURI: [12:04:54](Interpretation) The English version thereof, so at tab 1, CAR-
23 OTP-2094-0002, at that self-same page, 0002.

24 Q. [12:05:23] Now, on this page, Witness, we're going to go to the end of that page
25 where it says "signatures".

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- 1 MS NAOURI: [12:05:36](Interpretation) Thank you, Court Clerk.
- 2 Q. [12:05:38] Now, Witness, do you see your name here and your signature?
- 3 A. [12:05:41] Yes, I see it.
- 4 Q. [12:06:01] So if I've understood well, you've signed the English version of your
5 statement; is that right?
- 6 A. [12:06:10] Yes, that's my signature.
- 7 Q. [12:06:21] And what language was the version that you re-read in?
- 8 A. [12:06:25] I'm afraid I didn't understand your question.
- 9 Q. [12:06:38] Now, you've just told us, page 42 of the French transcript:
10 "I recall that it was at the very end that my statement was given to me. I then re-read it
11 and signed it."
- 12 Now, my question is, in what language was the statement that you re-read?
- 13 A. [12:07:07] Thank you. It was the French version.
- 14 Q. [12:07:14] All right. Did you ask to sign the French version, the one that you
15 understood and the one that you had re-read rather than sign the English version
16 which, if I understand correctly, you don't or didn't understand?
- 17 A. [12:07:42] Thank you. I don't speak English.
- 18 Q. [12:07:56] Okay. And just to be sure, except for the first day, there was no
19 interpreter present; is that right?
- 20 A. [12:08:08] Thank you. I told you that the interview -- that throughout the
21 interview, there was no interpreter.
- 22 Q. [12:08:30] Okay. And now my final question regarding this document. What
23 language did you speak to the investigators?
- 24 A. [12:08:38] I spoke to them in French and in Sango. I understand Arabic, but I don't
25 speak it fluently, and I have no English at all.

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1 Q. [12:09:07] Thank you, Witness.

2 MS NAOURI: [12:09:12](Interpretation) I've now finished with this document. Thank
3 you.

4 Q. [12:09:20] Now, we've just been talking about the interviews which you attended
5 so that your statement could be taken. Now, after your statement was taken, you
6 continued to have contact with the representatives of the -- or the investigators, rather,
7 of the Office of the Prosecutor; is that correct?

8 A. [12:09:43] Thank you. Yes. They would call me to inquire about my health.

9 Q. [12:10:01] Okay. Now, Witness, we have an investigator's report produced by the
10 Office of the Prosecutor.

11 MS NAOURI: [12:10:13](Interpretation) And it is tab 100 on our list of evidence, CAR-
12 OTP-2130-7999.

13 Q. [12:10:27] And it is stated on page 7999 that on (Redacted) an investigator,
14 (Redacted), rang you to ask for additional information regarding (Redacted).
15 Now, do you recall that conversation, Witness?

16 A. [12:11:05] Yes, I recall the conversation.

17 Q. [12:11:11] Very good. And aside from speaking about (Redacted), did you discuss
18 anything else on that occasion, if you recall?

19 A. [12:11:23] We talked about (Redacted) and General Al Khatim at the BSS and
20 about the arrival of the Anti-Balaka. We also talked about what I had -- or about the
21 shock that I had been subjected to.

22 Q. [12:12:10] All right, Witness. So this was a telephone conversation, and you had
23 other telephone conversations. Now, my question is did at any point in time, did the
24 investigators of the Office of the Prosecutor give you a telephone number so that they
25 could communicate with you or so that you could communicate with them?

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1 A. [12:12:34] Well, (Redacted) gave me a number which I noted, and it was that
2 number which I used to contact him when it was necessary.

3 Q. [12:12:56] All right. So I understand that a telephone number was given to you,
4 but my question was actually not that but, rather, whether you were given a telephone,
5 a mobile telephone, so a device to actually facilitate your communication with the
6 Office of the Prosecutor.

7 A. [12:13:23] Thank you. No, I used my own telephone to contact them. At one point
8 in time, I no longer had any battery power, so I went to the appointment anyway but
9 told them that my battery was not charged up. And they said, oh, in that case I needed
10 another telephone, and they bought me a phone - that's true, actually - but I lost it.

11 Q. [12:14:12] And do you recall what type of telephone it was? Maybe you remember
12 the brand or the model?

13 A. [12:14:16] It was a smartphone. It was a smartphone that was on special offer.

14 Q. [12:14:51] And before you lost that telephone, did the investigators also give you
15 some credit for that phone?

16 A. [12:15:09] Thank you. If I recall correctly, they gave me some credit. I think it was
17 between 2.000 and 4.000 francs of credit that I was to use in the event of an emergency.
18 If I became ill, for instance.

19 Q. [12:15:38] Well, speaking about the possibility of you becoming ill, did the
20 investigators of the Office of the Prosecutor reimburse any expenses you had, for
21 instance, medical expenses?

22 A. [12:15:56] Yes, they did indeed pay medical expenses.

23 Q. [12:16:08] All right. And what kind of medical expenses were those, Witness?

24 A. [12:16:14] Thank you. I didn't keep any note of what particular treatment it was,
25 because this is going back quite some time. (Redacted)

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1 (Redacted).

2 Q. [12:16:48] All right. And if I understand correctly, you didn't keep the documents
3 regarding the type of treatment it was. But did you give documents to the
4 representatives of the Office of the Prosecutor at the time? Maybe prescriptions, for
5 example.

6 A. [12:17:13] Thank you. They asked me to go to the community hospital for
7 biological tests. I didn't pay it from my own pocket. There was someone who did that.
8 After the examination, (Redacted), and they
9 bought me the medicine and water, drinking water, but there was no document for all
10 that. At least, I don't have any document regarding that.

11 Q. [12:17:54] Okay. Thank you, Witness. And did your family, any members of your
12 family receive reimbursement for their medical care?

13 A. [12:18:10] I'm sorry. I didn't understand that question.

14 Q. [12:18:21] No problem. I'll put it in different terms. Aside from yourself, did any
15 members of your family receive medical attention that was reimbursed by or paid for
16 by the representatives of the Prosecution?

17 A. [12:18:41] Thank you. My parents and the members of my family had no contact
18 whatsoever with the investigators. I was the only one who spoke to them, so I don't see
19 any link with members of my family.

20 Q. [12:19:13] Very well. Thank you, Witness. And did you receive a daily allowance,
21 a per diem; that is to say, any reimbursement of your daily expenses? For example,
22 when you were being interviewed.

23 A. [12:19:41] Thank you. No. When I finished the interviews, they gave me 4.000 to
24 pay for the taxi. But I wasn't paid for my whole statement. I wasn't paid for the
25 statement.

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Q. [12:20:16] Thank you, Witness. Now, I'm going to read an extract of what was said by another person who was interviewed by the Prosecution.

MS NAOURI: [12:20:27](Interpretation) And this is transcript 32 of 4 November 2022, page 92, line 20, to page 93, line 6.

Q. [12:20:39] And that person said you sign a document -- sorry, rather, the question was:

"Did you sign a document at your first interview? Do you recall that?"

And the person answered:

"Yes, I think so. I think so. I don't know if it was at the end of the interviews that I signed, because we spent almost two days on it. But I think the first day, I signed a document of a general nature for what we call a per diem.

"Now, the next day, when we finished, I was given my statement, I read it, I re-read it, we then signed it, and they also countersigned it," and then there was a question.

"Now, that was the first -- at the first meeting you said that you received a per diem. You said that -- you called it a per diem. Do you recall how much the per diem was, Witness?"

And the answer was:

"2.000 or 2.500 or 4.000 francs, I believe, just for transport."

Did you sign a document to receive -- when you received that 4.000 francs for transport? Or, sorry, my question to you is, did you sign a document when you received your 4.000 francs for transport?

A. [12:22:20] I didn't really understand your question. What I know is that (Redacted) when I received the call to be interviewed. Then on the day of the interview, I received money for food, because I had left my work to come specially for the interview.

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1 Q. [12:22:50] Okay. Thank you, Witness. Thank you for those details. I'd like to
2 return to the contact which you had after you gave your statement.

3 MS NAOURI: [12:23:05](Interpretation) And I refer once again to the investigator's
4 report at tab 100 of our list of evidence, ERN CAR-OTP-2130-7999.

5 Q. [12:23:18] And there it was stated that on (Redacted), you were contacted by the
6 same investigator, (Redacted), to meet with him to provide additional information.

7 And it is stated that on this same day, so:

8 "(Redacted) and a security officer went to meet P-1167," that's you, "who was providing

9 -- who wanted to provide information on a certain number of persons, persons of

10 potential interest to the Office of the Prosecutor of whom he had not thought when he

11 had given his original written statement."

12 Now, if I understand correctly, between (Redacted) you

13 collected some information to provide to the Office of the Prosecutor; is that right?

14 A. [12:24:33] Thank you. The information that I provided to him was given over to

15 him and recorded by him. But as regards other information, I don't know what answer

16 to give at this stage.

17 Q. [12:25:06] But the information that you shared with him, the additional

18 information that you contacted him about, who had you collected that information

19 from, Witness?

20 A. [12:25:14] Thank you. I don't know what information you are referring to. Could

21 you be a lot more clear? Was that information provided by me? If it was, I could

22 confirm it.

23 Q. [12:25:45] Of course, Witness. Now, the investigator tells us that you contacted

24 him because you had additional information, and then you met with him on the same

25 day. And in his report, he also mentions various types of information. Let me give you

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- 1 a specific example. (Redacted)
- 2 (Redacted)
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12 (Redacted)

13 (Redacted)

14 Q. [12:36:08] Very well. Thank you for that, Mr Witness. Now, in your previous

15 statement --

16 MS NAOURI: [12:36:16](Interpretation) Tab 1 for the English version, tab 2 for the

17 French version, CAR-OTP-2127-7693, paragraph 122.

18 Q. [12:36:35] You said, at the end of the paragraph:

19 (Redacted)

20 (Redacted)

21 Paragraph 122:

22 "I recall one Seleka called (Redacted) who performed this role."

23 So you are placing (Redacted) as the head of post. Why didn't you mention (Redacted)

24 (Redacted)?

25 A. [12:37:14] Thank you. I can't answer just like that without any information. If I'm

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1 not asked a question about this person, I can't give an imaginary answer.

2 Q. [12:37:47] I understand, Mr Witness. When did you talk about this person?

3 MS VON BRAUN: [12:38:00] Which person, please? It's not clear from the question.

4 Which person?

5 MS NAOURI: [12:38:07](Interpretation)

6 Q. [12:38:11] (Redacted), the only person we've been talking about, when was the
7 first time that you discussed this person --

8 THE INTERPRETER: [12:38:24] Correction.

9 MS NAOURI: [12:38:25](Interpretation)

10 Q. [12:38:26] -- that someone talked to you about (Redacted)?

11 A. [12:38:28] It was during the question when I was asked about the person who was
12 registering people, and I gave the name of (Redacted)
13 (Redacted) Colonel Said.

14 Q. [12:39:07] Thank you, Mr Witness. You just said, page 53, line 26:

15 "Because I was asked questions about this person, so I answered. If I'm not asked
16 about this person, I can't give an imaginary answer."

17 I understand that you were asked questions about (Redacted). My question is, were
18 you asked questions about (Redacted)?

19 A. [12:39:58] I was questioned about the incident that occurred at the OCRB,
20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:40:29] Very well. If I've understood correctly, you're telling us that you were
24 asked questions about an incident that occurred at the OCRB. Were you asked

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [12:41:59] Very well. Thank you, Mr Witness. So I have one last question about
8 this topic.

9 MS NAOURI: [12:42:24](Interpretation) At tab 98, tab 98 of the French version, tab 97
10 of the English version, *CAR-OTP-0000-0545.

11 Q. [12:42:45] This is the preparation log when you met the OTP in November, a few
12 days ago, the preparation log when you met the investigators on 3 November. And at
13 page 3, paragraph 122, that's the initial paragraph, and you added something to this
14 paragraph. You added -- in addition to what we find in 122, you say:

15 "I add that (Redacted)

16 (Redacted)."

17 So my question is this: Why did you add this, namely, the name of (Redacted)
18 to this paragraph? How did you come to remember that?

19 A. [12:43:43] Thank you. If I hadn't had information about that, I couldn't have
20 provided it. I was asked a question about what happened at the OCRB, and I answered
21 them, saying that it was (Redacted)

22 (Redacted).

23 Q. [12:44:40] (Redacted)

24 (Redacted). But why did you

25 remember (Redacted), and why did you add him to paragraph 122? How did it

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1 happen that you suddenly remembered him and then added him to paragraph 122?

2 A. [12:45:12] Thank you. If I hadn't been asked about (Redacted), I

3 wouldn't have given that answer. A question was put to me about (Redacted)

4 (Redacted), and I answered. That's what I can tell you.

5 Q. [12:45:58] We've understood that perfectly. And thank you for that, Mr Witness.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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1 Q. [13:00:50] Thank you.

2 MS NAOURI: [13:00:52](Interpretation) Your Honour, I do see the time. I think I'll
3 need about a very short half an hour to continue, but I believe this is now time for our
4 lunch break.

5 PRESIDING JUDGE SAMBA: [13:01:10] Did you mean you'll need half an hour to
6 conclude?

7 MS NAOURI: [13:01:22](Interpretation) That's my estimate, your Honour. Yes.

8 PRESIDING JUDGE SAMBA: [13:01:23] All right. Thank you very much, Ms Naouri.

9 Mr Witness, we're going to stop here so that we can have lunch. We'll meet again at
10 2.30 this afternoon and, hopefully, we'll be done with your questions -- your testimony.
11 So I rise the Court and ask that we meet at 2.30, please. Thank you.

12 THE COURT USHER: [13:01:50] All rise.

13 (Recess taken at 1.01 p.m.)

14 (Upon resuming in open session at 2.30 p.m.)

15 THE COURT USHER: [14:30:41] All rise. Please be seated.

16 PRESIDING JUDGE SAMBA: [14:30:56] Good afternoon, everyone.

17 Mr Witness, we're going to continue with your cross-examination.

18 Ms Naouri, can you continue with your questioning, please. Thank you.

19 MS NAOURI: [14:31:22](Interpretation) Thank you, your Honour.

20 Q. [14:31:29] Good day again, Mr Witness.

21 A. [14:31:35] Thank you.

22 Q. [14:31:36] I'm going to read another extract from the same document which we
23 were talking about before the break.

24 I see that the lawyer has stood on her feet.

25 PRESIDING JUDGE SAMBA: [14:31:56] Yes. Just to inform counsel that we're in open

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- 1 session.
- 2 MS NAOURI: [14:32:07](Interpretation) Thank you very much, your Honour. May we
- 3 please go to private session, please.
- 4 PRESIDING JUDGE SAMBA: [14:32:18] Madam Court Officer, can you kindly get us
- 5 into private session.
- 6 And thanks, counsel for the witness.
- 7 (Private session at 2.32 p.m.)
- 8 THE COURT OFFICER: [14:32:36] We are in private session, your Honours.
- 9 PRESIDING JUDGE SAMBA: [14:32:37] Thank you.
- 10 Ms Naouri, you can continue, please. Thank you.
- 11 MS NAOURI: [14:32:50](Interpretation) Thank you, your Honour.
- 12 Q. [14:32:51] Mr Witness, on the document we were discussing just before the break
- 13 I'd like to ask you a further question, because we are interested in some of the
- 14 information in the document. And the question is whether you were contacted - you,
- 15 personally - (Redacted) who would have given you a contact number of (Redacted)
- 16 (Redacted).
- 17 A. [14:33:42] Thank you. I haven't understood the question.
- 18 Q. [14:33:45] So I'm going to ask you the question slowly. Did you give the contact
- 19 number, the contact number in particular to (Redacted) to OTP investigators?
- 20 A. [14:34:12] Thank you. Yes, because they gave it to me. I didn't do it voluntarily.
- 21 They asked me questions regarding a series of people and asked whether I can give
- 22 him his number. And so I did so.
- 23 Q. [14:34:32] And can you tell us who is (Redacted), the number which you gave to
- 24 the investigators?
- 25 A. [14:34:38] Thank you. I think that the investigators' role was to ask questions

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1 regarding any individual but, in particular, they wanted to know about individuals
2 who were in the Seleka group. And because he was in the Seleka group, they asked
3 some questions about him.

4 Q. [14:35:23] Thank you, Mr Witness. I would now like to move on to the first
5 investigation report.

6 MS NAOURI: [14:35:32](Interpretation) It is tab 100 on our notification list, CAR-OTP-
7 2130-7999.

8 Q. [14:35:53] And my question relates what happened on 12 April 2021. On the
9 document, you said on 12 April 2021 an investigator of the OTP phoned you to inform
10 you that your previous statement would be disclosed in the Confirmation of Charges.
11 This was on page 8003. Do you recall that phone call?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:37:08] And when were you called, you were asked whether you agreed
19 whether your statement could be disclosed to the parties and to the Judges when there
20 was this Confirmation of Charges?

21 A. [14:37:27] I can confirm that.

22 Q. [14:37:37] So my question is, do you recall the moment when they asked you
23 whether you agreed to act as a witness here, personally, for this case?

24 A. [14:37:50] I think if I hadn't given my agreement, I wouldn't be here today. It's
25 because I gave my agreement to it that I appear before you today.

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1 Q. [14:38:16] No, my question is whether you agree, because I understand you're
2 here. But I'm trying to find out when it was. Was it before 12 April 2021? I would like
3 to know when you were contacted in order to ask you whether you would come and
4 give your testimony here. When? When? It's the very moment that I want to know.

5 A. [14:38:44] Thank you. As I already said, I do not recall the date, but it was during
6 January sometime. (Redacted). I got a phone call. (Redacted)
7 (Redacted), and then I received another call asking me if
8 would be a witness.

9 Q. [14:39:21] And when you said it was January, January of which year, Mr Witness?

10 A. [14:39:26] It was after the month of January, February -- January, February, 2021.
11 (Redacted)
12 (Redacted)

13 Q. [14:40:05] Fine. I've understood what you just told us right now, that in January
14 2021 (Redacted). And we have the investigator's report of the same year. In
15 April 2021, the fourth month, you were contacted for the Confirmation of Charges.
16 That was the first hearing. You didn't have to come here in person.
17 How much time after (Redacted) did you have before you were
18 contacted by the Prosecution to come and give your testimony here? Was it one --
19 several months after? One year afterwards? Roughly speaking, after 12 April 2021, the
20 fourth month of 2021, when after that were you contacted, if you recall?

21 A. [14:40:59] Thank you. I told you I haven't got the head. (Redacted)
22 (Redacted)
23 (Redacted) So you -- you -- I can't remember the precise date during that time.

24 Q. [14:41:34] Thank you. Don't worry. To give your testimony today, you had to
25 follow certain proceedings. So my question is to know, in order to travel, was it you in

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1 your passport or -- you did the request for the passport or did the investigators of the
2 OTP do your passport? Who made your passport?

3 A. [14:42:15] Thank you. I think that you have asked me a question -- or questions
4 regarding my passport, and I've given you the answer. I don't know what I can add to
5 what I've already said.

6 Q. [14:42:46] Very well. So a final question on this subject. You, in your testimony,
7 said no one assisted you in the steps to obtain your passport. You did everything
8 yourself. Am I correct in that?

9 A. [14:43:00] There were individuals who were responsible to help me for my travels.
10 They assisted me in getting my passport and paying for my ticket so that I could come
11 here today.

12 Q. [14:43:37] Thank you, Mr Witness. We saw that you gave a name and contacts to
13 the Prosecution. So my question: Did you sign a document with the representatives of
14 the Prosecution, because you gave them names of individuals or contact -- for example,
15 telephone names of individuals they were interested in?

16 A. [14:44:07] Thank you. I didn't understand your question.

17 Q. [14:44:23] I will tell you what you said to us, because it's in the transcripts. Just
18 one moment, please.

19 You say, page 64, line 11:

20 "It's because they asked me. I didn't do it on my own initiative. They asked me
21 questions about X persons and whether I could give the telephone numbers, and that's
22 what I did."

23 So you told us that you gave information, for example, the telephone numbers, on X
24 number of people at the request of the Prosecution. My question is simply to find out
25 whether within the framework of these exchanges you were asked for information

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1 about individuals that were of interest to them, whether you signed a piece of paper
2 within that context. If you can recall, Mr Witness.

3 A. [14:46:07] Thank you. Now I've understood your question. The answer I can give
4 you is that the investigators, they already had information, and they came towards me
5 to corroborate the information. If I knew X person, and then I said yes. If I had his
6 contact details of X or Y person, if I had that information, I would tell them. If I didn't
7 have it, I would tell them I didn't have their particular telephone number.

8 Q. [14:46:56] Thank you for that clarification. I'm going to show you a final
9 document.

10 MS NAOURI: [14:47:05](Interpretation) It's tab 103 of our list of materials. It's CAR-
11 D33-0014-0009, which is a redacted version of the evidence CAR-OTP-2027-2428.

12 Q. [14:47:47] This will be displayed on your screen, Mr Witness, if I'm not mistaken,
13 in evidence 1. Can you see the document, Mr Witness?

14 A. [14:48:15] Yes, I can see it.

15 Q. [14:48:25] This is a statement. It says:

16 "I, the undersigned, state that I met the employees of the OTP of the ICC and I received
17 on that occasion information as regards the roles and the obligations for an
18 intermediary of the OTP as well as their implications."

19 And then there are nine implications. My question to you is did you sign such a
20 document within the context of your cooperation and communication with the OTP? If
21 you can recall.

22 A. [14:49:19] * At the risk of repeating myself, I completed my interview with them, I
23 re-read my statement, and I signed it.

24 Q. [14:49:38] Thank you, Mr Witness. That is all my questions for the moment.

25 MS NAOURI: [14:49:42](Interpretation) Your Honour, I have no further questions.

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1 Thank you.

2 PRESIDING JUDGE SAMBA: [14:49:52] Thank you very much, Ms Naouri.

3 Ms von Braun, do you have any questions in re-examination for this witness?

4 MS VON BRAUN: [14:50:04] Just one very short one, Madam President, with your
5 indulgence.

6 PRESIDING JUDGE SAMBA: [14:50:07] Let's hear you, please.

7 MS VON BRAUN: [14:50:09] All right. Thank you.

8 For this purpose, I would like to have the witness's statement at tab 1 of the
9 Prosecution's list of materials displayed. It is CAR-OTP-2094-0002, and it's been shown
10 to the witness before, of course.

11 QUESTIONED BY MS VON BRAUN:

12 Q. [14:50:39] So, Mr Witness, on your screen you see again the first page of the
13 witness statement taken by investigators of the Office of the Prosecutor, which has been
14 shown to you before. Can you see it?

15 A. [14:50:54] Thank you. I'm just looking at the document, and it's my signature.

16 Q. [14:51:19] Right. Okay. And then I would like to go to the last page of this
17 statement, which has not been shown to you yet, which is 0047 of this document. And
18 since it is in English, I'm going to read so it's translated. It says in the middle:

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 So, Mr Witness, my question, when you look at this, was your statement interpreted to
6 you in the way it is captured here, signed and put forward here? Do you recall that
7 now when seeing this?

8 A. [14:53:28] Thank you. Yes, indeed. The last paragraph was read out to me. I
9 understood it and I signed it. That is correct.

10 MS VON BRAUN: [14:53:55] I have no further questions, Madam President. Thank
11 you.

12 PRESIDING JUDGE SAMBA: [14:54:03] Thank you very much, Madam Prosecutor.
13 Mr Witness, we have just a few questions for you from the Bench. And we thank you
14 very much for your cooperation thus far.

15 I have two questions for you. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SAMBA: [15:05:44] Thank you very much.

14 I'll ask my colleagues to ask you their own questions. Thank you.

15 Yes, Judge Ugalde, please.

16 JUDGE UGALDE GODINEZ: [15:05:58] Thank you, Madam Presiding Judge.

17 Mr Witness, concerning this very same incident that you've just been speaking about,

18 and this is at T035. For counsel, this is the English transcript at page 20, line 18.

19 Yesterday, when you were describing that these two persons were tied up, you said,

20 and I read:

21 "The two people were tied up with the arbatachar method and placed in the back of the
22 vehicle."

23 Then counsel asked you:

24 "Can you describe the method, please? How were they tied up?"

25 And then you responded:

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1 "The two hands and the two feet were tied together and placed towards the back, and
2 the two hands and the two -- the two arms and the two legs were tied together. So all
3 four limbs were together to the back."

4 So this is how you describe the arbatachar method. My question to you is, how do you
5 know that this method of tying up these individuals is called arbatachar? How do you
6 know this is called arbatachar?

7 A. [15:07:56] Thank you. That's what the colonel told Didou. He told them to tie
8 them up using the arbatachar method. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted).

12 JUDGE UGALDE GODINEZ: [15:08:59] Thank you, Mr Witness.

13 Mr Witness, I have a follow-up question. Besides these two persons who were tied in
14 this way at the OCRB, do you remember if any -- or if you saw any other persons being
15 tied up with this method, arbatachar, at the OCRB? And if you saw any other persons
16 being tied up in this method, do you recall how many? Thank you.

17 THE WITNESS: [15:09:52](Interpretation) Thank you. That's what I experienced, I saw,
18 and I testified to it. When you're arrested -- when the Seleka arrest you, the first thing
19 to do is to tie you up with the arbatachar method. They can't put you in a vehicle until
20 they've first tied you up. And all those people were tied up using the arbatachar
21 method.

22 JUDGE UGALDE GODINEZ: [15:10:28] Thank you, Mr Witness. Perhaps I was not
23 clear enough. The question for you is how many -- if you saw any other people and
24 how many did you see being tied up at the OCRB with this method.

25 THE WITNESS: [15:10:54](Interpretation) Thank you. I saw it with my own eyes.

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1 That's what Colonel Mahamat Saleh ordered. Sometimes when the elements disobeyed
2 orders, they too would be tied up in this way and they would be sprayed with water
3 before they were released.

4 JUDGE UGALDE GODINEZ: [15:11:32] Thank you, Mr Witness.

5 PRESIDING JUDGE SAMBA: [15:11:34] Thank you very much, Mr Witness.

6 I'll ask Judge Flores. Okay, my colleague says she has no questions for you.

7 So, Mr Witness, on behalf of the Chamber, I thank you very much -- yes. I thank you
8 very much. Ms Naouri informs me that she's got no follow-up questions after the
9 questions from the Bench.

10 So I want to thank you very much for your participation in this trial and for testifying
11 before us. I wish you luck on behalf of my colleagues here seated in your future
12 endeavours, and I wish you a safe travelling method back home. Thank you very
13 much.

14 As the witness is led out, I note that we have our next witness tomorrow, who will be
15 P-0787. Can the Prosecution confirm for us whether we'll meet here tomorrow to start
16 this witness's testimony?

17 MS MAKWAIA: [15:12:48] Thank you, Madam President. Indeed, the next scheduled
18 witness is 0787. We have to make, effect disclosure of our witness prep log under Rule
19 68(3), and we are mindful of your recent instructions on the timeframe this needs to be
20 served. We shall serve that today. And I'm in your hands, your Honours, whether you
21 would then like us to proceed with the witness.

22 And if my friends across the bar have any objections, they could take the cross-
23 examination on Monday, but I'm entirely in your hands.

24 PRESIDING JUDGE SAMBA: [15:13:36] I take it it's a 68(3) witness?

25 MS MAKWAIA: [15:13:39] Correct, Madam President.

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- 1 PRESIDING JUDGE SAMBA: [15:13:40] I'm going to turn over to Defence counsel,
2 tomorrow being Friday. If you are served those documents today -- I mean, tomorrow,
3 you're not going to start your cross-examination anyway. Would you accept service
4 today and allow the proceedings to go on tomorrow with testimony of this witness?
- 5 MS NAOURI: [15:14:07](Interpretation) Thank you, your Honour. If I've understood
6 correctly, tomorrow we would have the 68(3) formalities but no cross-examination, and
7 the cross-examination would be on Monday. If this is what you're telling us, there is no
8 problem, because we have not yet received the log.
- 9 So if it's the formalities tomorrow and cross-examination would begin on Monday,
10 under those conditions we have no objection because we have the time to work on the
11 log, which, obviously -- which probably submitted -- so this will give us the time to
12 make the necessary cross-checks and compare information in the log once it's disclosed
13 to us, if I've correctly understood, this afternoon, I believe. But I'm not entirely sure
14 what time this afternoon.
- 15 PRESIDING JUDGE SAMBA: [15:15:15] You're certainly right in what I was thinking,
16 because, I mean, if you have not received the documents, it's but fair that you receive it
17 and look at it. Much as we would have loved to carry on with the entire testimony
18 tomorrow, but it's not -- it wouldn't be fair on the Defence.
- 19 You see you've been very generous today with time, so we have finished today's
20 proceedings early. So I think that will be the position. Tomorrow we will do the 68(3)
21 formalities, and I think it's but fair that we adjourn thereafter so that on Monday you
22 can come and do the cross-examination, having looked at the documents that you will
23 be served today.
- 24 I hope I'm clear on that, counsel for the Prosecution?
- 25 MS MAKWAIA: [15:16:12] You're absolutely clear, Madam President.

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1 (Trial Chamber confers)

2 PRESIDING JUDGE SAMBA: [15:17:16] Okay. Well, we'll meet tomorrow at the usual
3 time in the morning, at 9.30, and hear the Prosecution on the 68(3) formalities and then
4 we'll adjourn.

5 So I rise the Court and ask that we meet tomorrow at 9.30, please. Thank you.

6 THE COURT USHER: [15:17:33] All rise.

7 (The hearing adjourned in private session at 3.17 p.m.)