

Trial Hearing
WITNESS: CAR-OTP-P-1524

(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 María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Friday, 1 March 2024
9 (The hearing starts in open session at 9.36 a.m.)
10 THE COURT USHER: [9:36:55] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:37:25] Good morning, everyone.
14 Madam Court Officer, can you please mention the case. Thank you.
15 THE COURT OFFICER: [9:37:31] Good morning, Madam President, your Honours.
16 This is the situation in the Central African Republic II, in the case of the Prosecutor
17 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SAMBA: [9:37:48] Thank you very much, Madam Court
20 Officer.
21 Can I have representation, starting with the Prosecution, please. Ms Makwaia.
22 MS MAKWAIA: [9:37:56] Good morning, Madam President, your Honours.
23 For the Prosecution this morning, Ms Alessia Vitiello, analysis assistant;
24 Mr Thomas Bifwoli, trial lawyer; and myself, Ms Holo Makwaia, senior trial lawyer.
25 PRESIDING JUDGE SAMBA: [9:38:08] Thank you very much, Ms Makwaia.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [9:38:14](Interpretation) Thank you, your Honour. The victims are
3 represented today by Caroline Walter and myself, Sarah Pellet, counsel for
4 the Office of Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [9:38:29] Thank you very much.

6 Ms Naouri for the Defence, please.

7 MS NAOURI: [9:38:34](Interpretation) Thank you very much. Good morning,
8 *your Honours. Next to me, Mr François-Jacquemin. Next to him, Elina Legat Then,
9 behind me, I have Dov Jacobs. And I am lead counsel, Jennifer Naouri, counsel for
10 the accused.

11 PRESIDING JUDGE SAMBA: [9:38:54] Thank you very much, Ms Naouri.

12 And for the record, I see Mr Said seated in court on the far end today.

13 Good morning, Mr Said, I hope I see you well.

14 MR SAID: [9:39:11](Interpretation) Yes, good morning, madam.

15 PRESIDING JUDGE SAMBA: [9:39:20] Mr Witness, a very good morning to you. I
16 hope you had a restful night.

17 WITNESS: CAR-OTP-P-1524 (On former oath)

18 (The witness speaks Sango)

19 (The witness gives evidence via video link)

20 THE WITNESS: [9:39:37](Interpretation) Yes, I'm well rested. Thank you very
21 much. And good morning.

22 PRESIDING JUDGE SAMBA: [9:39:41] Thank you.

23 So, Mr Witness, we are going to continue with your cross-examination by counsel for
24 the Defence, Mr François-Jacquemin. I want to remind you that you are still on oath
25 to say the truth to this Court, the whole truth and nothing but the truth.

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1 Mr Jacquemin, if you are ready, we are in open session. If you can keep it as much
2 as possible in open session, if you may. If not, you know, we will have to go into
3 private session to protect the identify of the witness, of course. Thank you.

4 MR FRANÇOIS-JACQUEMIN: [9:40:27](Interpretation) Good morning. Thank you
5 very much, your Honour.

6 QUESTIONED BY MR FRANÇOIS-JACQUEMIN:(Continuing) (Interpretation)

7 Q. [9:40:34] Good morning, Mr Witness.

8 Well, I'll do my utmost, sometimes it's tricky to avoid the witness referring to himself
9 in open session.

10 To start with, I would like to start in private session and then I'll make an attempt,
11 you know, to revert back into open session.

12 PRESIDING JUDGE SAMBA: [9:40:51] That's okay. Thank you very much.

13 Madam Court Officer, can we go briefly in private session, please.

14 (Private session at 9.41 a.m.)

15 THE COURT OFFICER: [9:41:10] Were in private session, Madam President.

16 PRESIDING JUDGE SAMBA: [9:41:13] Thank you.

17 Mr Jacquemin, your witness, please.

18 MR FRANÇOIS-JACQUEMIN: [9:41:18](Interpretation) Thanks very much,
19 your Honour.

20 Q. [9:41:24] Mr Witness, let me start by jogging your memory somewhat by
21 rereading to you what was said yesterday morning at the end of our morning session.

22 This is the edited French transcript of yesterday, 29 February 2024, T-56, page 52,
23 lines 3 through to 11.

24 So let me read. I read. Here you say:

25 "Earlier on I said that the pitch or the land that he'd bought beforehand, well, he'd

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 that has given him the documents and attributed him the plot of land, that would also

6 (Redacted). But if the document doesn't attest to this, (Redacted)

7 (Redacted)." End of quote.

8 All right, so we understand from this, Mr Witness, (Redacted). Did

9 you actually produce a piece of paper (Redacted)?

10 THE INTERPRETER: [9:43:16] The Sango interpreter cannot hear the witness speak.

11 PRESIDING JUDGE SAMBA: [9:43:25] Mr Witness, can you speak into

12 the microphone, please. Can you say what you just said again, please, in answer to

13 Mr Jacquemin's question.

14 THE WITNESS: [9:43:48](Interpretation) Yes.

15 THE INTERPRETER: [9:43:54] The Sango interpreter confirms hearing the witness.

16 And the witness says:

17 THE WITNESS: [9:44:00](Interpretation) Yes, I can hear you clearly.

18 PRESIDING JUDGE SAMBA: [9:44:03] Can you put the question again,

19 Mr Jacquemin, please.

20 MR FRANÇOIS-JACQUEMIN: [9:44:10](Interpretation) Yes, I will.

21 Q. [9:44:12] Mr Witness, in order to (Redacted)

22 (Redacted)?

23 A. [9:44:33] Thank you for your question. I'll just reiterate what I said yesterday.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [9:45:13] Yes, I've understood. Thank you, Mr Witness.

3 But my question is (Redacted)

4 (Redacted)

5 A. [9:45:32] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Counsel confers)

9 MR FRANÇOIS-JACQUEMIN: [9:46:06](Interpretation)

10 Q. [9:46:07] Thank you, Mr Witness.

11 Now, (Redacted)

12 (Redacted)

13 (Redacted); how does that work exactly, Mr Witness ?

14 A. [9:46:34] Thank you. We are not entitled to ask for any money whatsoever.

15 Custom dictates that we ask for a sum of money which is a flat rate, which must

16 (Redacted)

17 Q. [9:47:03] And this non-compulsory sum, how much does it amount to,

18 approximately?

19 A. [9:47:15] Thank you.

20 It's up to the person to remit us a sum of money. If that person gives us 5,000 CFA

21 francs, that's adequate. But it can vary.

22 Q. [9:47:35] Thank you very much, Mr Witness.

23 You also said that you (Redacted). So tell me,

24 the (Redacted)

25 (Redacted) complaints sent to the police and the Courts, so how do you

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1 apportion -- well, how it the work appportioned between these two sets of complaints?

2 A. [9:48:08] Thank you.

3 We have been trained. If the problem is one between -- well, within a family, or
4 between families, if it's a case of -- if it's a matter of violence in the district, these are
5 (Redacted). If youngsters are fighting amongst themselves, (Redacted)
6 (Redacted). But everything that is incumbent upon criminal matters
7 (Redacted) the matter to the police or
8 the tribunal because (Redacted).

9 Q. [9:48:59] Thank you, Mr Witness. If there are acts of violence within the family
10 or fights between two people, does this come under the criminal purview or does it
11 (Redacted)?

12 A. [9:49:17] Could you please put your question again. When you're thinking
13 about conjugal matters -- well, in fact what matters are you referring to, please?

14 Q. [9:49:31] Well, a husband who's beating his wife or a fight within
15 the community, (Redacted)
16 (Redacted)?

17 A. [9:49:49] Thank you very much.
18 (Redacted)

19 a couple, a marital couple, if the husband has cheated on his wife and that produces
20 a disagreement, (Redacted). But if there's
21 another problem altogether, it falls under the authority of a judge, (Redacted)
22 the matter to the judicial authorities to let them arbitrate.

23 Q. [9:50:36] Very well. Thank you very much, Mr Witness.

24 And I will put the last question (Redacted) then I
25 will ask you a question in open session.

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1 So here it is: You tell us -- you said this in your oral evidence and you also said it in
2 your written statement by way of information. I refer you to tab 1 -- well, 2 for
3 the English version, in my list of materials. CAR-OTP-2130-1902, page 1905,
4 paragraph 14.

5 And here (Redacted) within the local community to a higher
6 authority. So what type of (Redacted) upwards to a higher
7 authority?

8 A. [9:51:38] Thank you.

9 There is (Redacted) within our district. (Redacted)
10 Now, if an event were to occur within the district, then (Redacted) to
11 lay out the type (Redacted) has arisen and then (Redacted)
12 (Redacted). Sometimes (Redacted) in conjunction
13 (Redacted)
14 (Redacted). And if he feels that he is unable to do so, well, then he will refer to
15 (Redacted) whether he needs to refer
16 the matter to the tribunals, to the courts.

17 Q. [9:52:54] Thank you, Mr Witness.

18 Now, in just a moment I'll be asking the Presiding Judge if we can move back into
19 open session, but beforehand, can I say this, I'm going to be putting questions to you
20 (Redacted)
21 (Redacted). And we've talked of this at length, (Redacted),
22 (Redacted) so please do not refer what you say to your personal experience. Please
23 don't (Redacted) ; is that
24 absolutely clear, Mr Witness?

25 A. [9:53:40] Yes, it's clear.

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1 Q. [9:53:41] Thank you.

2 MR FRANÇOIS-JACQUEMIN: [9:53:42](Interpretation) Madam President, could we
3 now move back into open session.

4 PRESIDING JUDGE SAMBA: [9:53:45] Madam Court Officer, can we go into open
5 session, please. Thank you.

6 (Open session at 9.54 a.m.)

7 THE COURT OFFICER: [9:54:06] We're back in open session, Madam President.

8 PRESIDING JUDGE SAMBA: [9:54:08] Thank you very much.

9 Mr Jacquemin, your witness, please.

10 MR FRANÇOIS-JACQUEMIN: [9:54:18](Interpretation) Thank you, your Honour.

11 Q. [9:54:19] Mr Witness, I'd like to understand exactly what Boy-Rabe consists in.

12 For example, the districts that make up Boy-Rabe, can you tell me about them, please.

13 A. [9:54:40] Thank you.

14 Boy-Rabe is the name of an individual. It's that particular name that was attributed
15 to this district, Boy-Rabe.

16 Q. [9:55:00] Thank you, Mr Witness.

17 Now what I'm trying to establish is this: Which Bangui districts are part of Boy-Rabe?

18 Which districts or group of districts make up Boy-Rabe? I want to understand what

19 it is. Where is it? Can you tell me, just like there is Lando 1 or Lando 2, what

20 district of Bangui makes up Boy-Rabe, please?

21 A. [9:55:38] Thank you.

22 Boy-Rabe is made up of 29 districts, *quartiers*. And so Boy-Rabe has 29 district chiefs
23 or *chefs de quartiers*.

24 Q. [9:56:00] And Boy-Rabe, does that encompass the entirety of Bangui's

25 4th arrondissement, or not?

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1 A. [9:56:16] No. No. The 4th arrondissement is made up of a number of districts
2 or *quartiers*. It's subdivided into five *groupements*. There is the 1st, the 2nd, the 3rd,
3 the 4th and the 5th *groupement* or grouping.

4 Q. [9:56:43] Thank you, Mr Witness.

5 Can you tell us which grouping or *groupement* in the 4th district does Boy-Rabe
6 belong to, or tell us which one within the 29 Boy-Rabe *quartiers* or districts?

7 A. [9:57:09] In the 1st *groupement*, grouping, we have Lando 1, Lando 2, Votongbo,
8 Votongbo 2, Nguito. Those are the districts that make up the first *groupement*. Now,
9 with the other *groupements*, we have Cité Jean XXIII and other *quartiers* or districts.

10 If you like, I can retrieve the map of the various *groupements* so I can give you
11 more -- I can give you more information on this point.

12 Q. [9:58:05] Thank you, Mr Witness.

13 And all the *quartiers* in the first *groupement* that you've just mentioned, they are part of
14 Boy-Rabe; is that right?

15 A. [9:58:19] That's right. All the *quartiers* or districts of the first grouping or
16 *groupement* are part of Boy-Rabe.

17 Q. [9:58:30] Thank you.

18 And in the second grouping or *groupement*, those *quartiers*, or those districts are part
19 of Boy-Rabe as well?

20 A. [9:58:42] Yes, they are. All the districts in the second group -- grouping are
21 part of Boy-Rabe.

22 Q. [9:58:52] Thank you, Mr Witness.

23 What about the third grouping or *groupement*, are they also part of Boy-Rabe?

24 A. [9:59:03] Yes, they are. It's still within the scope of the 4th arrondissement.

25 Q. [9:59:13] And, lastly, are there districts that are in the 4th arrondissement but are

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1 not part of Boy-Rabe, Mr Witness?

2 A. [9:59:30] There are groupings and zones. In the district called Cité there is
3 a *groupement*. Towards ENERCA there is another *groupement*. Towards the 8th
4 district -- or *arrondissement*, rather, there is another *groupement*. So in various
5 districts or *quartiers* there are different *groupement* or groupings.

6 Q. [10:00:01] I'll leave it at that for the topography of Boy-Rabe for the time being,
7 Mr Witness.

8 I'd just like to refer you back to your written statement.

9 Tab 1, or tab 2 for the English version, CAR-OTP-2130-1902, page 1911 and I will be
10 reading out an excerpt from paragraph 31.

11 THE COURT OFFICER: [10:00:41] Would counsel like to have the item displayed to
12 the witness?

13 MR FRANÇOIS-JACQUEMIN: [10:00:48](Interpretation) This is his statement so
14 there's no difficulty, Court Officer.

15 THE COURT OFFICER: [10:00:59] And the public?

16 MR FRANÇOIS-JACQUEMIN: [10:01:03](Interpretation) Please do not display
17 the statement to the public. However, what I will read out will not be problematic.
18 Thank you.

19 Q. [10:01:22] Witness, I'm going to read an extract to you: "They stole any vehicle
20 they got their hands on and took away people's belongings on their pick[up] trucks,
21 including fridges and mattresses. These are very costly items for Boy-Rabe residents
22 to lose, as I for example don't own a fridge since I can't afford to buy one." End of
23 quotation.

24 Approximately how much did a fridge cost in Bangui in 2013, Witness?

25 A. [10:02:18] Thank you.

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1 Q. [10:02:36] Witness, about how much did a fridge cost in Bangui in 2013?

2 A. [10:02:44] The cost of a fridge would vary. You could find one -- well, it
3 depended on the volume the fridge could hold. Some fridges would cost 400,000,
4 500,000, there were different prices. Sometimes I would pass by, see the prices, this
5 was the type of price I would see.

6 Q. [10:03:19] Thank you, Witness.

7 Have you an idea how much a mattress cost back then, in 2013?

8 A. [10:03:35] I'm sorry, I can't hear you that well because the microphone here, it's
9 failing per times, so could you repeat your question.

10 Q. [10:03:50] Yes, of course. How much did a mattress cost back then in Bangui,
11 back in 2013?

12 A. [10:04:03] Mattresses, there are single mattresses, there are double mattresses,
13 and the prices would vary accordingly.

14 PRESIDING JUDGE SAMBA: [10:04:25] Mr Jacquemin, may I ask the relevance of
15 those questions in respect of cost for the refrigerator and the cost of the mattress to
16 this witness.

17 MR FRANÇOIS-JACQUEMIN: [10:04:40](Interpretation) I'm attempting to ascertain
18 the -- the cost of items in Bangui at that time to have a basis for comparison.

19 PRESIDING JUDGE SAMBA: [10:04:55] For comparing what? Comparison as in
20 what? Especially that the witness has said that he could not afford even a fridge at
21 that time, what do you want to compare those costs with? What's the relevance,
22 actually?

23 MR FRANÇOIS-JACQUEMIN: [10:05:24](Interpretation) Allegedly the goods were
24 robbed and we would like to ascertain what section of society was affected by that
25 and what the cost to them was, what the scale of the loot was, the value of the loot.

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1 PRESIDING JUDGE SAMBA: [10:05:50] Carry on, but I'd want for you to, you know,
2 to tailor it down because we are here for a specific purpose as per the charges in
3 the Document Containing the Charges against your client. Things to do with costs
4 of properties that were looted, I'm afraid I really don't see the relevance. So, you
5 know, watch the line of questioning and let's move on. Let's move on, Mr Jacquemin,
6 let's move on. Thank you.

7 MS NAOURI: [10:06:32](Interpretation) Your Honour, perhaps I could add
8 something to the explanation which was given by Mr François-Jacquemin, because
9 this is very important for us. We're talking about a crime against humanity where
10 the Prosecution claims that people in Boy-Rabe were targeted because of their
11 ethnicity or because they were members of FACA. Now, listening to this witness,
12 we hear that certain people were targeted by -- with looting, particularly in Boy-Rabe.
13 *And we would like to ascertain through witnesses whether people were victims of
14 pillaging not because they were members of FACA or lived in Boy-Rabe but because
15 they had valuable goods. This witness can tell us what kind of goods, valuable
16 goods these people may have had. He refers to these matters in his written
17 statement and that's why we would like to return to it. He refers to Ngaïssona, who
18 is very rich with pickup trucks, and it is likely that *that person was probably
19 targeted because he had items of value and not for ethnical reasons.

20 So we would like to ascertain on the record that these people, as we believe, were
21 targeted because they had valuable goods and not because they were members of
22 the FACA or because of their ethnicity. This is our reasoning, your Honour.

23 PRESIDING JUDGE SAMBA: [10:08:04] Yes. And your explanation and as per
24 the witness's statement, those do not follow the questions put by Mr Jacquemin. I
25 mean, if he wants to question the witness on targeting, as alleged by this witness in

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1 his testimony at this very paragraph 31 that he has referred to, you know, the witness
2 says like FACAs and their families were hunted, he could question him along those
3 lines and allow the witness to say no, as he would want that kind of an answer that
4 the FACAs were not the people who were targeted or hunted or their properties were
5 not looted, as we see in paragraph 31, that he is alleging that properties were looted.

6 But these questions are to deal with costs of property, and that is my concern.

7 The cost of property, the cost of a fridge, the cost of mattresses, how really can you
8 link that to the allegations in the documents containing the charges as to targeting of
9 the FACA or their families or to hunting of the FACA and the families as is stated in
10 the paragraph 31 that the witness said in his statement.

11 Thank you very much.

12 Mr Jacquemin, your witness. Please let's move on.

13 MR FRANÇOIS-JACQUEMIN: [10:09:42](Interpretation) I am going to read
14 a paragraph from the written statement of the witness in tab 1 for the French version,
15 tab 2 for the English. CAR-OTP-2130-1902 at page 1907, paragraph 21. And I'd like
16 to read that out.

17 Q. [10:10:13] Witness, I'm going to read this to you.

18 "Ngaïssona's house was in the Ngoumboutou neighbourhood, located next to
19 the Lando 2 and the Nguito neighbourhoods. His depot was located in Lando 2 and
20 it contained brand new motorcycles, fridges, air conditioners and many other
21 expensive items which he imported in bulk for sale in the market. He also had large
22 trucks which he used for transporting this merchandise. As a result, his depot was
23 the most targeted location for looting in Boy-Rabe."

24 End of quotation.

25 Now, Witness, you specify that it was because of this that his depot was

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1 the -- the most targeted location in Boy-Rabe and, as I understand it, that is because of
2 the valuable goods located there; is that correct, located in the depot?

3 A. [10:11:31] Thank you. Yes, that is correct.

4 Q. [10:11:40] And at the time was it only rich people who had that type of -- or
5 those types of goods?

6 A. [10:11:56] I've understood your question well.

7 If it had not been for Mr Ngaïssona's depot, we would have resisted {ICR: (Redacted)
8 (Redacted)}

9 (Counsel confers)

10 MR FRANÇOIS-JACQUEMIN: [10:12:34](Interpretation)

11 Q. [10:12:37] Witness, I'm going to refer to your written statement, so tab 1 for
12 the French version, tab 2 for the English version. CAR-OTP-2130-1902, page 1912
13 and now I shall rely on paragraph 40*.

14 In this paragraph, which I'm not going to read out, Witness, for identification reasons,
15 but we understand from it that in particular goats were stolen. Do you recall, indeed,
16 the theft of cattle?

17 A. [10:13:36] {ICR: (Redacted)}

18 -- (Overlapping speakers)

19 Q. (Overlapping speakers)

20 THE INTERPRETER: [10:13:55] Inaudible.

21 PRESIDING JUDGE SAMBA: [10:13:56] Yes, Mr Jacquemin, you have to put
22 the question again because the witness was still talking when you spoke, so
23 the interpreters didn't get your question, please.

24 MR FRANÇOIS-JACQUEMIN: [10:14:13](Interpretation) My apologies. Thank you,
25 your Honour.

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1 Q. [10:14:19] Witness, were there thefts of livestock in Boy-Rabe, specifically?

2 PRESIDING JUDGE SAMBA: [10:14:35] I think, sorry, that question has been
3 answered. He said he saw that himself. He said he saw that himself. But maybe
4 let the witness himself say it again.

5 Mr Witness, can you answer the question.

6 THE WITNESS: [10:15:02](Interpretation) {ICR: (Redacted)
7 (Redacted)} (Redacted)
8 (Redacted)

9 MR FRANÇOIS-JACQUEMIN: [10:15:27](Interpretation) I had understood that I
10 needed to repeat my question. That's why I repeated it.
11 We need now to move into private session, please.

12 PRESIDING JUDGE SAMBA: [10:15:36] Okay.
13 Thank you very much, Mr Jacquemin.
14 Before we do that I am going to ask the witness.

15 Mr Witness, would you want a break or do you want us to continue?

16 THE WITNESS: [10:15:57](Interpretation) We can continue. When I tire I'll let you
17 know.

18 PRESIDING JUDGE SAMBA: [10:16:04] Yes, when you need a break, just raise your
19 hand, as I told you yesterday, and we'll know that you want us to listen to you.
20 Mr Jacquemin, if you may, please continue with your line of questioning -- or you
21 want us to go into private session.

22 Madam Court Officer, can we go into private session quickly, please.
23 (Private session at 10.16 a.m.)

24 THE COURT OFFICER: [10:16:34] We are in private session, Madam President.

25 PRESIDING JUDGE SAMBA: [10:16:37] Thank you very much.

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1 Mr Jacquemin, your witness, please.

2 MR FRANÇOIS-JACQUEMIN: [10:16:44](Interpretation) Thank you very much,
3 your Honour.

4 Thank you, Court Officer.

5 Q. [10:16:52] Witness, I'm going to read an excerpt from your written statement.

6 Tab 1, tab 2 for the English version. CAR-OTP-2130-1902, page 1911, paragraph 59.

7 And I will read this to you, I shall quote it:

8 "After the first Seleka operation in (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 as it was too dangerous to go to see him. (Redacted) relay it to the authorities,

13 but I'm not sure who he passed it on to." End of quotation.

14 Do you recall when that meeting took place, Witness?

15 A. [10:18:39] Thank you for your question.

16 (Redacted), I

17 no longer remember the dates. I can tell you an account, but I don't recall

18 the specific dates. I don't know them anymore.

19 Q. [10:19:00] Thank you, Witness.

20 Do you recall if there was any follow-up to (Redacted)? Did you ever

21 enquire with him whether there had been follow-up, whether he had any feedback to
22 give you?

23 A. [10:19:32] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted).

2 Q. [10:20:03] Thank you, Witness.

3 I'd like to move on to a different meeting now with the authorities.

4 And that is at paragraph 60 and 61 of your written statement, tab 1, and tab 2 for
5 the English version. CAR-OTP-2130-1962, page 1915 and 1916, paragraph 60 and 61.

6 I'm going to read these to you:

7 "Subsequent to that first Seleka operation, President Djotodia (Redacted)

8 (Redacted)

9 with him at the presidential palace, also known as the *Palais de Renaissance*.

10 (Redacted) complaints to him about similar

11 crimes to what I have mentioned above that Seleka were committing in their

12 neighbourhoods, these included murders, assaults and thefts.

13 (Redacted)

14 (Redacted)

15 (Redacted) Djotodia said that he would look into it." End of

16 quotation.

17 Witness, do you recall on which radio station you heard that radio announcement?

18 A. [10:22:06] Thank you for your question.

19 Back then an official announcement was made on Central African radio. It was an
20 announcement to -- (Redacted)

21 a meeting. That meeting was to take place at the *Palais de Renaissance*. And that's
22 how it was (Redacted) the meeting at the *Palais de Renaissance*.

23 Q. [10:22:43] Thank you, Witness.

24 You said that you all (Redacted). Were there a lot of people
25 present at that meeting?

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1 A. [10:22:59] Thank you for your question.

2 (Redacted)

3 (Redacted)

4 Q. [10:23:21] Thank you, Witness.

5 Were there other representatives of the state present with President Djotodia?

6 A. [10:23:47] The call to attend was issued by a state authority. I wasn't in

7 a position to (Redacted) and I also don't know all members of

8 the office, the bureau.

9 Q. [10:24:14] Thank you, Witness.

10 Do you recall whether the prime minister or the minister for security or any other

11 ministers were present?

12 A. [10:24:33] Thank you for that question.

13 They were all present. That being said, I don't know the identity to give you. It

14 was later that I came to know them. Those who I didn't recognise, I can't report on

15 them here to the Court.

16 Q. [10:25:08] Thank you, Witness.

17 I'm going to continue reading your written statement on this matter. I'm at

18 paragraph 61 of the same document. The reference details of which I've already

19 provided. And you say:

20 "Djotodia's chief of protocol, whose name I don't know, (Redacted)

21 (Redacted). The latter then gave the (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)." End of quotation.

2 Witness, how was the money distributed (Redacted)

3 (Redacted)

4 A. [10:26:36] Once again, I would thank you for that question. Well, it falls to me
5 to describe the situation to you.

6 I have told you that (Redacted). The money

7 was (Redacted). They then

8 went back to their area and proceeded to distribute the funds. Notably, the victims

9 were located in medical clinics and hospitals, and there were some victims who were

10 still out in the neighbourhoods. Those who were in their neighbourhoods didn't

11 receive funds, but, rather, received a kind of alimony payment. That is what was

12 distributed to them.

13 Q. [10:27:49] Thank you very much, Witness.

14 Was there a committee to distribute the funds?

15 A. [10:28:10] Yes, committees were set up. First of all, a committee was set up per
16 arrondissement. And then in each arrondissement, units or cells were set up to
17 oversee the distribution of the funds.

18 Q. [10:28:38] Thank you very much, Witness.

19 Do you recall how much the mayor of your arrondissement received on this occasion?

20 A. [10:28:56] Well, as I told you, the amount was distributed out amongst all of
21 the *quartiers* of the arrondissements of Bangui.

22 Q. [10:29:22] Thank you, Witness.

23 I'm now going to move on to another document.

24 Court Officer, I would ask you not to display this document to the witness and I shall
25 read it in such a way that no identities are revealed.

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1 Now, this is an extract from CAR-OTP-2068-0318-R02, page 0320, paragraphs 14 to
2 16 -- by the way, this is tab 11, and tab 12 for the English version. Thank you very
3 much, Court Officer.

4 So, Mr Witness, I shall proceed. I'll read out a slightly amended document to avoid
5 any identification:

6 "Shortly after the arrival of the Seleka in Bangui, (Redacted)
7 (Redacted)
8 (Redacted)
9 Bangui and most attended that meeting.

10 Everybody was searched before going into the place where the meeting was held.

11 President Djotodia was present with his armed bodyguards. He explained that he
12 had taken power because of the poor management of the Bozizé regime and because
13 a part of the country, such as the cities of Ndele and Birao, had been left by
14 the wayside and neglected too long by preceding governments.

15 There were members of President Djotodia's cabinet also present at that meeting, but
16 the ministers were not introduced and they didn't take the floor. I believe that
17 Nourredine Adam was among them as well as the Prime Minister Tiangaye. There
18 was no exchange between the president and the *chefs de quartier*. The meeting was
19 calm [and] the meeting lasted less than an hour." End of quote.

20 So, Mr Witness, were you informed of that meeting?

21 A. [10:32:54] I didn't understand your question very well. I can only answer if your
22 question is clear.

23 Q. [10:33:03] I will clarify.

24 Based on this information, there was a meeting to present President Djotodia and his
25 team after he had taken over power.

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1 PRESIDING JUDGE SAMBA: [10:33:23] Yes. To be fair with the witness, could you
2 let him know that the document you're referring to is a statement of another person
3 and not necessarily his own document. Let him know that it's somebody else who
4 said this and then you put the question as to the meeting, whether or not he knows,
5 yes.

6 MR FRANÇOIS-JACQUEMIN: [10:33:51](Interpretation) Very well, your Honour.
7 If there is any ambiguity, I will lift that ambiguity.

8 Q. [10:33:59] Mr Witness, this is not your statement that I'm reading out. I'm
9 being careful here because I don't wish to reveal the identity of the person speaking,
10 but it is indeed another person who is speaking and who is relating or giving an
11 account of this meeting designed to present President Djotodia and his team; is that
12 clear, Mr Witness?

13 A. [10:34:29] Thank you.

14 Q. [10:34:34] And in this particular statement that I have just read out, mention is
15 made of a huge number of (Redacted), hence
16 my question: Do you recall this meeting designed to present Djotodia and his team?
17 Do you remember this meeting, Mr Witness?

18 A. [10:35:05] Thank you.

19 Counsel, can you tell me where that meeting took place, that will enable me to give
20 you an answer?

21 Q. [10:35:24] Of course. At the *Palais de Renaissance*?

22 A. [10:35:43] Thank you. I said in my evidence before this Court that when
23 the president (Redacted)
24 (Redacted). But if there was another
25 meeting, well, I have no idea of that.

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- 1 Q. [10:36:26] Very well. I'll move on to another area to try and jog your memory.
- 2 We're staying with this same document, not to be displayed to the witness. Tab 11 in
- 3 French, 12 in the English version. So this time 0324 is the page I'm interested in,
- 4 paragraph 34 and 36.
- 5 Let me read. So, again, this is the statement of another individual, Mr Witness.
- 6 MS MAKWAIA: [10:37:06] Objection, your Honour.
- 7 Sorry to scare you, Counsel.
- 8 The Prosecution is objecting in the manner counsel is proceeding. He is
- 9 cross-examining this witness on the basis of the statement of another individual, so
- 10 there's an objection to this. If he wants to cross-examine the witness on his own
- 11 statement, he can do that, but the witness is not aware of what this person has stated
- 12 in his statement.
- 13 PRESIDING JUDGE SAMBA: [10:37:31] Ms Makwaia, I take note of that, but that is
- 14 why he prefaced his questioning, so that the witness knows, so that the witness is not
- 15 confused in any way that this is the document and statement of another person.
- 16 But if you look at paragraph 14 of that statement - I don't have the paragraph before
- 17 me now because I've gone on to paragraph 34 that counsel just referred to - he did
- 18 mention that, you know, immediately after the arrival of the Seleka, the then
- 19 President Djotodia called for this meeting (Redacted)
- 20 (Redacted)
- 21 session, aren't we? Yes. People like himself who were present at that meeting. So
- 22 it's a proper question to actually put to him.
- 23 And I appreciate that he said he does not know about it, he only attended one,
- 24 the others he would not know. So if he actually does not know any question that
- 25 counsel will put to him, he is a fit and proper person to say so.

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1 Let's allow the question, please. You're overruled. Thank you.

2 Mr Jacquemin, please continue with your question.

3 MR FRANÇOIS-JACQUEMIN: [10:38:59](Interpretation) Thank you very much,
4 your Honour.

5 Q. [10:39:04] All right. Then, so I'm going to be reading out an excerpt from
6 a statement given by another individual, Mr Witness.

7 I read:

8 "[...] one day between April and August 2013, President Djotodia once again brought
9 together (Redacted).

10 There was no set specific agenda. The president wanted to know what was going on
11 (Redacted)

12 (Redacted).

13 They said to the president that the Seleka were brutalising people and committing
14 acts of violence and abuses, looting and searches.

15 Djotodia listened to the complaints, but he only answered that the population had to
16 be calmed down and asked them not to be hostile towards the Seleka. He also said
17 that it was important to remain vigilant. He explained nothing and he gave no
18 instruction whatsoever. He probably wasn't in control of things nor the elements.

19 The impression was that each Seleka did as he saw fit. [...]

20 The Prime Minister Tiangaye and Nourredine were present in the room, but they said
21 nothing. Both were dressed in civvies, in civilian dress."

22 This the end of the excerpt I can read out without disclosing your identity.

23 So, Mr Witness, does this jog somewhat your memory? Based on what I've just read
24 out, do you think this is the meeting that you did indeed attend or is it another
25 meeting altogether?

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1 A. [10:41:31] Thank you, Counsel.

2 Please put questions to me on my statement. I cannot comment upon a statement
3 which is not mine. I recognise and acknowledge what I said and what was written
4 down, but I cannot comment on something which doesn't emanate from me. And I
5 would also not wish to lie before your court.

6 Q. [10:42:18] Thank you, Mr Witness.

7 I'm going to show you a photo to see whether this is indeed the meeting that you
8 attended, because to be absolutely clear you're saying that you only attended one
9 meeting with President Djotodia; is that right?

10 A. [10:42:47] Please, would you mind putting your question again.

11 Q. [10:42:52] Yes, of course. Just to round off on this point, you only attended one
12 single meeting with President Djotodia (Redacted); is that
13 right?

14 A. [10:43:06] Thank you. I told you that when we were asked to attend at *Palais*
15 *de Renaissance*, to attend a meeting subsequent to which a sum of money was given to
16 us.

17 I didn't attend other meetings.

18 Q. [10:43:35] That's very clear.

19 So, Court Officer, please, would you mind displaying document CAR-OTP -- this is
20 tab 13 in our list of materials, I point out. So it's CAR-OTP-2068-0550. If we can
21 have that displayed also for the witness, please.

22 THE INTERPRETER: [10:44:08] Interpreter correction: If this can be displayed for
23 the witness, please.

24 MR FRANÇOIS-JACQUEMIN: [10:44:24](Interpretation)

25 Q. [10:44:26] So, Mr Witness, I spoke of a statement made by somebody else that

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1 mentions a number of meetings. And this individual we know -- well, this photo
2 allegedly was taken to the extent that it links in with that meeting.

3 So, can you look at this photo and tell me whether this jogs your memory or not?

4 THE INTERPRETER: [10:45:00] Correction from the interpreter: The extent that it
5 links with these meetings, in the plural.

6 THE WITNESS: [10:45:08](Interpretation) This photo reminds me what happened in
7 the 4th arrondissement.

8 MR FRANÇOIS-JACQUEMIN: [10:45:22](Interpretation)

9 Q. [10:45:22] Meaning what, Mr Witness? What exactly happened in
10 the 4th arrondissement?

11 A. [10:45:31] (Redacted). This is what I can see on
12 this photo.

13 Q. [10:45:47] Linguissara, do you see him on this photo, Mr Witness?

14 A. [10:45:58] I can see the gendarmerie officer on the photo. There's somebody
15 who works with Djotodia. There is the 4th arrondissement mayor. There is
16 the pastor of the church, he has a Bible under his arm.

17 Q. [10:46:25] Can you describe how the mayor of the 4th arrondissement is -- what
18 he's wearing. Can you describe his attire.

19 A. [10:46:38] If you give me an opportunity to do so, I can pick him out with my
20 finger. He is dressed in something next to the pastor who's wearing white.
21 The second person next to the pastor.

22 Q. [10:46:59] All right. The pastor is in the front row; is that right?

23 A. [10:47:07] The pastor, he's wearing glasses and he's on the end, in front of
24 the woman dressed with a wrap.

25 Q. [10:47:25] I think I've located that person. He is right in the front with

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1 something under his arm and possibly a hat in his hand; is that the person?

2 Something of that nature in his hand?

3 A. [10:47:42] The person who's got a dark-coloured jacket at the end, he is a pastor
4 and he lives in the 4th arrondissement.

5 Q. [10:47:57] What's his name, please, Mr Witness?

6 A. [10:48:04] His name, it's slipped my mind. I've forgotten his name. After my
7 accident, as I said, my memory fails me.

8 Q. [10:48:16] Mr Witness, can you tell me, moving away from the pastor, who are
9 these people, if you recognise these people? Moving to the right.

10 A. [10:48:37] We have the man with the Bible. Next to him is the mayor of
11 the 4th arrondissement, *Mr Oscar Mobeala. That's the mayor of
12 the 4th arrondissement.

13 Q. [10:48:53] Thank you, Mr Witness.

14 And next door to him with a stick in his hands and his red or pink shirt, who is he?

15 A. [10:49:13] He was called during the investiture. He is general -- I can't
16 remember his name anymore, but he lived behind the Boy-Rabe market. He was
17 a businessman and then actually later on he left the district. But I -- I know him very
18 well.

19 Q. [10:49:34] Thank you, Mr Witness.

20 And then the person wearing a uniform next door to him, who is he, please?

21 A. [10:49:51] I know that person, he is a part of the gendarmerie. I know him.
22 Narkoyo. That's who he is. It's a lady.

23 Q. [10:50:10] So just physically, Linguissara, can you tell me, can you describe that
24 person?

25 A. [10:50:25] At the time, he was responsible for the gendarmerie. He's wearing

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1 a midnight blue or black colour clothes with a gendarmerie beret on his head.

2 Q. [10:50:48] Thank you, Mr Witness.

3 Is there somebody else on this photo that you recognise?

4 A. [10:50:58] On the photo, well, the people behind, I can't really pick them out
5 clearly. I can't identify them. Those who are in -- in the front row, I can identify
6 them. But those behind, I can't identify them, so I don't want to lie. If I do
7 recognise them, I'll tell you and I'll say, "Yes, I recognise such-and-such a person."

8 Q. [10:51:33] Obviously I'm not asking you to invent anything, nobody is asking
9 you to do that.

10 The court officer has zoomed in on the photo now. Do you recognise other
11 individuals, now that the photo is bigger.

12 Thank you, Court Officer.

13 A. [10:51:52] I told you that I can't really see their faces clearly. I don't want to lie
14 before your court. I spoke of four individuals that I was able to identify. Those
15 behind, I can't see their faces clearly, because I've -- I have got sight problems,
16 eyesight problems.

17 Q. [10:52:15] Very well. Thank you very much, Mr Witness.

18 Court Officer, could we just scroll down ever so slightly on this photo, please. All
19 the way to the bottom, in fact. Thank you very much.

20 So, Mr Witness, this photo dates from 11 June 2013. Do you remember having
21 attended the meeting when this photo was taken?

22 A. [10:52:50] I told you that after my -- my accident, I can't remember everything.
23 And when I look at that photo it makes me remember a meeting -- well, an invitation
24 that was sent out for attending a meeting. And so, when looking at this photo, it
25 brings back some memories.

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1 Q. [10:53:20] Thank you, Mr Witness.

2 So, do you have any other memories welling up about that meeting, the meeting for
3 which -- to which you were summoned?

4 A. [10:53:41] I said earlier on that -- that I no longer remember. That's why I don't
5 want to lie before you -- your court. I don't want to lie before your court.

6 Q. [10:54:03] Thank you very much, Mr Witness.

7 Madam President, could we revert back into open session, please.

8 PRESIDING JUDGE SAMBA: [10:54:10] Certainly.

9 Madam Court Officer, can we go back into open session, please. Thank you.

10 (Open session at 10.54 a.m.)

11 THE COURT OFFICER: [10:54:27] We're back in open session, Madam President.

12 PRESIDING JUDGE SAMBA: [10:54:36] Thank you very much.

13 Mr Jacquemin, your witness, please. We have, like, six or seven minutes more,
14 please. Thank you.

15 MR FRANÇOIS-JACQUEMIN: [10:54:46](Interpretation) Thank you very much,
16 your Honour.

17 Q. [10:54:50] Mr Witness, I'm not going to put any questions about you or what
18 you did, because we're in open session, but do you remember whether any
19 belongings were given back, goods that had initially been looted in 2013?

20 A. [10:55:20] Stolen goods? Well, after an announcement, I was shown -- or it was
21 asked, following this announcement -- sorry, I don't really understand. Could you
22 detail what you want to say.

23 Q. [10:55:43] Were goods given back to their owners, a session for restoring stolen
24 goods to their rightful owners organised at the *Sapeurs Pompiers* barracks on
25 the *Avenue de l'Indépendance*?

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1 A. [10:56:06] Thank you. Well, if you put things that way, yes, I am able to
2 answer.

3 On that day, I was returning from work and I heard there was an announcement and
4 that the *Sapeurs Pompiers* base, at the firemans' base, there were various belongings
5 that had been stolen in Boy-Rabe and that were stored at the firemans' base,
6 the *Sapeurs Pompiers*, and for all those who knew that they had been looted, well, they
7 could go and retrieve their belongings. Now, this announcement went out on
8 the radio waves. So I went off as well and I went to the firemans' base, but I couldn't
9 find anything, so I went back home.

10 Q. [10:57:07] Do you know -- well, right, so this meeting -- not meeting, but giving
11 back the belongings, that event occurred; is that right, Mr Witness?

12 A. [10:57:24] Thank you. What I told you, and perhaps I can reiterate,
13 the announcement that I heard, which prompted me to go off and retrieve
14 the belongings, I went on site, I found nothing, and so I went back home. Some
15 elements were saying that there were people that had retrieved their goods. But for
16 my part, I went and I found nothing. And I said to myself, "I'm not going to waste
17 my time at the base" so I went back home.

18 Q. [10:58:00] Thank you very much, Mr Witness. Do you remember if there were
19 any officials at that event, prosecutors, policemen, representatives of the state?

20 A. [10:58:21] Thank you.
21 I cannot lie before your court and I said that I saw no representative of the authorities.
22 It was the Seleka representative sitting behind a table on site just as I am sitting here
23 before you. He was a person responsible for the Seleka camp.

24 Q. [10:58:51] To the best of your knowledge, were there other events designed to
25 hand back stolen goods to their rightful owners in addition to this one?

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- 1 PRESIDING JUDGE SAMBA: [10:59:24] Well, we have just like a minute more. So
2 maybe it's time for to us take a break. But we are still in -- we're in open session.
3 I was going to ask, the exhibit we just dealt with, I think it's tab 13, if the field staff
4 could have a copy printed so that the witness can mark the names of those persons he
5 said he identified for our record.
6 So on that note I am going to ask that we adjourn and come back in 30 minutes, please.
7 Thank you very much.
8 THE COURT USHER: [11:00:04] All rise.
9 (Recess taken at 11.00 a.m.)
10 (Upon resuming in open session at 11.34 a.m.)
11 THE COURT USHER: [11:34:31] All rise.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [11:35:00] Good morning, everyone, again.
14 Mr Witness, we are going to continue with your cross-examination.
15 We are in open session, are we?
16 We are going to continue with your cross-examination.
17 And I'm going to ask Mr Jacquemin, if you may, to get the witness to identify persons
18 in tab 13, the five persons that he referred to that he said he could identify. I'll ask
19 the field officer in the field office to assist the witness so that the witness can mark
20 that and after which the field officer would hold on to the marked document for us to
21 see in chambers so that we can have a scanned copy of it.
22 So, Mr Jacquemin, your witness, please.
23 MR FRANÇOIS-JACQUEMIN: [11:35:59](Interpretation) Could we move into
24 private session, please.
25 PRESIDING JUDGE SAMBA: [11:36:14] Yes.

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

2 MR FRANÇOIS-JACQUEMIN: [11:36:25](Interpretation) In fact, I'm told that we can
3 do this in public, this identification.

4 PRESIDING JUDGE SAMBA: [11:36:32] Okay, let's have it in public, yes. There is
5 to problem with that.

6 Carry on, Mr Jacquemin, please.

7 MR FRANÇOIS-JACQUEMIN: [11:36:44](Interpretation) Thank you, your Honour.

8 Q. [11:36:49] Good morning, Witness, once again.

9 Do you have the photo that we were looking at previously in front of you?

10 A. [11:37:01] Yes, I can see the photograph. I can see the people on
11 the photograph and I'm ready to identify them.

12 Q. [11:37:13] Thank you, Witness.

13 Could you encircle, draw a circle around the head of the pastor, the individual who
14 you identified as being a pastor, and also write the number "1" beside that person.

15 A. [11:37:36] Yes, thank you, I'll do that now.

16 Thank you, I've done it.

17 Q. [11:38:11] Thank you, Witness.

18 Can we now see what individual the witness has encircled so that I can then follow on
19 as comfortably as possible?

20 A. [11:38:31] Do I have to lift it up in front of the camera so you can see, or? Oh,
21 okay.

22 Q. [11:38:41] Thank you, Witness.

23 Could you now write a number "2" on the person who's standing beside the pastor
24 and is wearing white and put a circle around his head.

25 A. [11:39:11] Could you tell me the person's name so that I can then identify him?

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1 Q. [11:39:18] If you'd prefer that I do that, we can do that. Would you please put
2 a circle around the head and write the number "2" --

3 PRESIDING JUDGE SAMBA: [11:39:29] Sorry, sorry. Sorry, can the witness name
4 the person, then put a circle around the person's head. Let him name the person he
5 identifies on the document and put a circle around his head. Thank you.

6 THE WITNESS: [11:39:52](No interpretation)

7 MR FRANÇOIS-JACQUEMIN: [11:39:54](Interpretation) Thank you, your Honour.

8 Q. [11:40:00] Sir, a moment ago you spoke -- could you give us the name of
9 somebody you see on this photo and then put a circle around their head.

10 A. [11:40:19] The mayor of the 4th arrondissement, I'm going to identify him with
11 a little circle.

12 Q. [11:40:27] Thank you, Witness. Could you put a circle around his head and
13 mark him number "2", please.

14 A. [11:40:42] Noted.

15 It's done.

16 Q. [11:41:03] Thank you, Witness.

17 Now, on the transcript you mentioned Narkoyo; is that correct? Could you encircle
18 his head and put a number "3" beside him, please.

19 A. [11:41:30] Thank you. Which number did you say?

20 Q. [11:41:43] Number 3 for Narkoyo.

21 A. [11:41:51] Noted.

22 Q. [11:41:58] Thank you, sir.

23 Could you show us the document, please.

24 A. [11:42:10] Here it is.

25 Q. [11:42:22] For Linguissara, could you put a circle around that person's head and

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1 write the number "4".

2 A. [11:42:37] Sorry, I didn't get the question. I have four people in front of me on
3 the photo. The ones I can identify are the ones I'm identifying. Amongst those four
4 people, there's only one person left. Which person are you referring to?

5 Q. [11:43:17] I'm going to read the transcript to you, Witness, to refresh your
6 memory.

7 I'm looking at the French transcript of today, at page 29, and I'm going to read from
8 line 10 to line 16.

9 Now, I will put a question to you: "Can you physically describe how Linguissara is
10 dressed on this photo, Mr Witness?"

11 And you answer: "Back then, he was in charge of the gendarmerie. He was the one
12 with a -- wearing attire which is midnight blue or black and wearing a gendarmerie
13 beret." End of quotation.

14 So can you indicate to me where Linguissara is on that photo, Witness?

15 A. [11:44:31] The question put by the Defence counsel, he's asked me for
16 the nickname of the person. I didn't talk about Linguissara. I talk about Narkoyo.
17 It's Narkoyo who is wearing the midnight blue attire.

18 Q. [11:45:00] Okay. Thank you, Witness. I think that we might have had
19 a difficulty with translation and transcription. But, it's clearer now. Thank you.
20 Witness, is there anybody else that you can identify on this photograph?

21 A. [11:45:36] The people in the back of the photo, their faces are not sharp.
22 The people in the first row, those are the ones who I can identify. I can't lie to this
23 court. The four people are these ones, these are the ones who I can -- who I
24 recognise and can identify.

25 Q. [11:46:12] Thank you, Witness. I'm just going to ask you about the fourth

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1 person in the first row. It's a person who has a walking stick. Now, what's
2 the name of that person?

3 A. [11:46:32] Thank you.

4 I don't recall his name, but he has a Muslim name and lives in the 4th arrondissement.
5 He was a trader on the Boy-Rabe market. I recognise him very well. I can't
6 remember if his name is Khalil, but it was a Muslim name. But I also can't confirm if
7 that's truly his name, because I don't really remember.

8 Q. [11:47:12] Thank you, Witness.

9 If I said General Khalil, would that jog your memory?

10 A. [11:47:23] Thank you.

11 This gentleman, who's holding a walking stick, lives in the Boy-Rabe neighbourhood.
12 He lives behind Boy-Rabe.

13 MS MAKWAIA: [11:47:43](Overlapping speakers) Excuse me, your Honours, for the
14 clarity of the record, it's not quite clear which number this individual is that is being
15 described.

16 PRESIDING JUDGE SAMBA: [11:47:48] No, he's talking about the fourth individual
17 in front, the one who is not yet, at least, labelled, so to speak.

18 MS MAKWAIA: [11:48:00] Thank you. That's our question, actually.

19 MR FRANÇOIS-JACQUEMIN: [11:48:10](Interpretation)

20 Q. [11:48:14] Well, let's label him.

21 Witness, could you put a circle around the head of the individual with the walking
22 stick and label him number "4", please.

23 A. [11:48:37] Could you give me the name of the person?

24 Q. [11:48:46] I am not sure of his name, but you've just described that person as
25 being a Muslim from Boy-Rabe, who you know very well, who's holding a walking

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1 stick and you say he has a Muslim name which might be Khalil.

2 Could you put a circle around the head of that individual and label him number "4",
3 please, Witness.

4 A. [11:49:15] Thank you for the question.

5 I'm telling you he has a Muslim name and I'm going to put a circle around his head,
6 as you've requested.

7 Q. [11:49:33] Thank you, Witness. Please go ahead.

8 A. [11:49:41] Thank you.

9 Thank you, I've done it.

10 Q. [11:49:58] Thank you, Witness.

11 And can you write number "4", now that you have put a circle around his head?

12 A. [11:50:08] Yes, it's done.

13 Q. [11:50:14] Thank you, Witness.

14 Could you show us the document, please.

15 And, Court Officer, could you tell me how we should proceed to attribute a reference
16 number to this document, please.

17 A. [11:50:32] Thank you. I'm now showing the photograph on the screen.

18 Q. [11:50:40] Thank you, Witness.

19 PRESIDING JUDGE SAMBA: [11:50:47] Give an ERN number to that document,
20 please.

21 THE COURT OFFICER: [11:50:49] Thank you, Madam President.

22 The annotated document shall bear the reference CAR-REG-00020107. We will
23 upload it on eCourt shortly and inform the parties and the Chamber.

24 PRESIDING JUDGE SAMBA: [11:51:29] Counsel, please continue.

25 MR FRANÇOIS-JACQUEMIN: [11:51:39](Interpretation) Court Officer, could you

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1 display, but not to the public, could you display to the parties and to the witness tab 1
2 and 2, paragraph 39 of the written statement. So the document is
3 CAR-OTP-2130-1902 and please display paragraph 39.

4 Q. [11:52:25] Witness, I would remind you that we are in public session.
5 Now, in your written statement you refer to the French coming to disarm the Seleka
6 in two houses and at Pougoulou market. Now, was it a frequent occurrence that
7 the French would come to Boy-Rabe back then in 2013?
8 I'll put my question again. I haven't -- Witness, because I haven't heard your answer.
9 Did the French frequently come to Boy-Rabe in 2013?

10 A. [11:53:47] Thank you.
11 The French would come in their armoured vehicles to Boy-Rabe.

12 Q. [11:54:02] Thank you.
13 And how many tanks would they have with them when they would come?

14 A. [11:54:14] Thank you. When the mayor of the arrondissement asked them to
15 come, they came on three tanks.

16 Q. [11:54:37] Thank you, Witness.
17 And did they come to Boy-Rabe on other occasions in their tanks?

18 A. [11:54:56] I'm sorry, I'm afraid the question isn't clear enough to me. All I can
19 tell you is what I know.

20 The mayor of the 4th arrondissement asked the French to come, and that's what I saw
21 and I have nothing further to tell you about that.

22 Q. [11:55:21] So you only saw the French in Boy-Rabe once, that is to say that time,
23 or did you see them in Boy-Rabe on other occasions in 2013?

24 A. [11:55:36] Thank you.

25 I told you, when the mayor (Redacted) asked them to come, they informed

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1 us that they were near the hospital, more specifically at the *Institut Pasteur.

2 The French told us their location and they then came to assist us.

3 Q. [11:56:16] Thank you, Witness. To finish, your Honour, could we move into
4 private session.

5 PRESIDING JUDGE SAMBA: [11:56:23] Sure.

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

7 (Private session at 11.56 a.m.)

8 THE COURT OFFICER: [11:56:38] We're in private session, Madam President.

9 PRESIDING JUDGE SAMBA: [11:56:40] Thank you very much.

10 Counsel, your witness, please.

11 MR FRANÇOIS-JACQUEMIN: [11:56:49](Interpretation) Thank you, your Honour.

12 Thank you, Court Officer.

13 Q. [11:56:57] Witness, in your written statement you said that when it came to
14 the intervention of the French you said that complaints made to Mayor Carlos, that
15 *they were notified to the general in charge of the FACA, General Dolle Waya and it
16 was subsequent to that that the French came to assist you. Who did the French
17 assist?

18 A. [11:57:31] Your question is confusing. I told you that the mayor of
19 the 4th arrondissement asked or invited the French to come to our arrondissement.
20 Later, General Dolle-Waya also came to Boy-Rabe and the French went to disarm
21 the Seleka.

22 THE INTERPRETER: [11:58:15] But the witness has not indicated who is concerned.

23 MR FRANÇOIS-JACQUEMIN: [11:58:25](Interpretation)

24 Q. [11:58:27] Thank you. That's all -- that's clearer.

25 Witness, do you know Thierry Bienvenu Leppa?

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1 A. [11:58:49] I would ask you to put questions relating to the events which took
2 place. Please clarify your questions, that will help me to give you the right
3 information.

4 Q. [11:59:14] Witness, you're here to answer our questions, so we are the one who
5 choose the questions that we think are relevant, obviously under the direction of
6 the judge and as the case requires. So could you please answer my question,
7 Witness.

8 PRESIDING JUDGE SAMBA: [11:59:38] Can you put the question again, Counsel.
9 Can you put the question again, Counsel.

10 MR FRANÇOIS-JACQUEMIN: [11:59:47](Interpretation) Of course, your Honour.

11 Q. [11:59:50] Witness, do you know Mr Thierry Bienvenu Leppa?

12 A. [12:00:09] I can't confirm to you or I can't tell you whether I know Thierry Leppa
13 without knowing what event you are referring to or to what you are referring.
14 I'm -- I've told you that I have lost some of my capabilities and therefore I can't
15 answer without knowing to what you are referring.

16 Q. [12:00:34] Okay, Witness.

17 Do you know an association called the Organisation of Youth for Development and
18 Education?

19 A. [12:00:53] The association, perhaps you can tell me, it's all very blurred.
20 The name of the association, can you spell it out. I don't understand your question,
21 so I can't answer your question. Can you tell me so I can give you an answer.

22 Q. [12:01:15] All right. Well, I'll try and take this in short order, Mr Witness. If
23 I'm putting questions to you that elicit a "yes" or "no" answer, then you can do so.
24 My question is do you know the *OJED, the Organisation for Youth for Education
25 Development -- Youth Organisation for Education Development?

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1 A. [12:01:52] Please forgive me, please. I ask the indulgence of the Court. Tell
2 me exactly what you want.

3 When you showed me the photo earlier on, after I gave you answers and I gave you
4 names and I gave you information. But if I have to answer yes or no, I don't
5 understand. If these are traps that you are setting for me, then perhaps I can fall in
6 those traps. Please tell me exactly, fully and frankly what you want. I can't lie
7 before your Court. What I do know, I can answer to and speak to.

8 Q. [12:02:35] Very well, Mr Witness. Let me show you an item then.

9 Court Officer, tab 17, please, page 34 in my list of materials.

10 This is CAR-OTP-2135-0032-R01, page 34, for the witness, please.

11 Page 34, please.

12 THE COURT OFFICER: [12:03:17] And you want it shown to the witness, right?

13 MR FRANÇOIS-JACQUEMIN: [12:03:23](Interpretation) Yes, please, Court Officer.

14 Can you hold on a minute, let me see what's happening.

15 MS NAOURI: [12:03:30](Interpretation) Your Honour, I'm sorry, we're going to have
16 to refresh Mr Said's transcript because it's frozen. The French transcript. I don't
17 know whether ...

18 THE COURT OFFICER: [12:04:07] My colleagues are looking into the situation with
19 the French real-time and it might have to be restarted. We'll keep you updated.

20 PRESIDING JUDGE SAMBA: [12:04:29] Just a moment, Mr Said. We're trying to
21 have it fixed.

22 THE COURT OFFICER: [12:04:35] The French transcript is back.

23 PRESIDING JUDGE SAMBA: [12:04:39] All right.

24 Thank you, Madam Court Officer.

25 Mr Jacquemin, please, your witness.

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1 MR FRANÇOIS-JACQUEMIN: [12:04:48](Interpretation) Thank you very much,
2 your Honour, and thank you to all those who have managed to remedy the problem.

3 Q. [12:04:58] Mr Witness, before you, do you have a photograph, it's in fact the top
4 of the page?

5 Mr Witness, do you remember having given this document to the Prosecutor?

6 A. [12:06:04] This is a hospital document, the community hospital document. I
7 acknowledge having handed over such a document, but I don't recognise this one.
8 The one I handed over to the Court, I acknowledge, but this one ...

9 Q. [12:06:33] Thank you, Mr Witness.

10 Court Officer, could you bring up, please, tab 14 in my list of materials. This is
11 referenced CAR-OTP-2030-0838, page 0839, please. So it's the next page.

12 So, Mr Witness, *Here we have an arrest order and it's the prosecutor of
13 the High Court in Bangui that addresses itself to a number of people.

14 THE COURT OFFICER: Do you want it shown to the witness?

15 MR FRANÇOIS-JACQUEMIN: [12:07:27] Yes, please, Court Officer.

16 THE INTERPRETER: [12:07:36] Correction from the interpreter: This is an
17 apprehension order. An order to apprehend.

18 MR FRANÇOIS-JACQUEMIN: [12:07:46](Interpretation) Thank you very much,
19 Court Officer.

20 Can we scroll this down so that he sees what it involves. It's page 0840 that I'd like
21 to have more specifically shown to the witness. As I said, this is an order to
22 apprehend. Here we have a list of individuals that are cited for arrest, and let's look
23 at number 23 in this list, please.

24 Thank you very much.

25 Q. [12:08:28] Now, the person at 23 is "Carlos Mobeyala", this person was sought

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1 by the Central African justice system. Do you know that he was being sought by
2 the Central African justice system?

3 A. [12:08:52] I didn't hear the name. Who are you talking about? Could you
4 please shed light on that, please.

5 Q. [12:09:01] Yes, I'm talking about "Carlos Mobeyala", he's the mayor of
6 the 4th arrondissement in 2013, that we see on this document emanating from
7 the Central African justice system, an order to apprehend. We see him here and I
8 wanted to know whether you knew whether that person -- or you knew that that
9 person was being sought after by the Central African judicial authorities?

10 A. [12:09:36] Well, I'm learning it now from your very mouth. I can't lie before
11 your Court. It's you who are telling me about this.

12 Q. [12:09:47] Very well. Thank you very much. I've almost finished.

13 I now would like to put questions to you on the following: The linkage with
14 the OTP when your written statement was drafted and what happened after that,
15 the interaction with the OTP.

16 So when you had meetings with the Office of the Prosecutor, monies were given to
17 you per diem to indemnify you for your costs that you incurred.

18 Do you remember the sum of money involved, Mr Witness? Or the sums of money
19 involved?

20 A. [12:10:41] Forgive me. The office of which investigator? Could you tell me.
21 Could you take up your question again, please.

22 Q. [12:10:53] Yes, of course. I'm trying to go quickly. Perhaps I'm taking things
23 too quickly for you.

24 When the office of the investigators belonging to the Office of the Prosecutor of
25 the ICC, when they investigated, they met you on a number of occasions and I'm

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1 asking you the following: During these meetings with the investigators hailing from
2 the OTP, I'm asking whether per diems were paid to you, in other words, making
3 payments to you to defray your costs for coming to meet the representatives of
4 the OTP?

5 A. [12:11:48] This question is unclear for me. Please, tell me, tell me exactly what
6 you want to know. You are showing me things. I just don't understand.
7 I can't -- I'm losing my bearings. Among the names as well I'm losing my bearings.
8 This is the very first time that I am seeing these names.

9 Q. [12:12:14] I won't ask you any more questions on the per diems if your memory
10 is unclear to that effect.

11 I have a last line of questioning to put to you, Mr Witness.

12 Court Officer, could the document be taken down from his screen and have the tactile
13 device made available to him. Thank you very much.

14 I'm not talking about the document you have before you. Perhaps it will be easier
15 when I put questions to you when we see each other.

16 When you met the OTP investigators emanating from the ICC, the International
17 Criminal Court, at each meeting, tell me, were you given an indemnity to defray your
18 travel costs?

19 A. [12:13:24] Now, you're saying that when I was called up I was asked, therefore,
20 to meet -- well, people would call me on my telephone number and say that
21 such-and-such a person wants to meet me and so I was called by -- by telephone, and
22 then, then there would be the meeting.

23 Q. [12:13:47] Exactly so. And at these meetings, were you given indemnities,
24 per diems, compensation, for your travel costs?

25 A. [12:14:11] Your question, I just don't understand it. Please tell me precisely.

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1 Can you expand on your question so I can properly understand it?

2 Q. [12:14:24] Well, I think I've expanded sufficiently. Let's leave that behind us.

3 Let's just move on.

4 So, Court Officer, could you bring up for the witness and for the parties, and

5 the Chamber -- no, not to the witness, I will offer the translation myself. This is

6 tab 21 in our list of materials, on the second page, if that would be okay.

7 I don't have an ERN, CAR-OTP number to give you, because it's a copy, it's a courtesy

8 see copy, so I don't have an ERN.

9 PRESIDING JUDGE SAMBA: [12:15:14] Maybe while we look around for that, I

10 understand, Mr Jacquemin, that, you know, you'd soon be done, but I want to offer

11 the witness an opportunity, in case he wants a little break. You see his hands are up.

12 Yes, Mr Witness? Yes, Mr Witness, I'm listening?

13 THE WITNESS: [12:15:44](Interpretation) Thank you, your Honour.

14 I feel -- I don't feel very well, so can I request a comfort break, please, with your leave.

15 PRESIDING JUDGE SAMBA: [12:16:03] Certainly.

16 I'm going to rise the Court for 10 minutes and we'll come back in 10 minutes.

17 Mr Witness, please, 10 minutes' break.

18 THE COURT USHER: [12:16:13] All rise.

19 (Recess taken at 12.16 p.m.)

20 (Upon resuming in private session at 12.27 p.m.)

21 THE COURT USHER: [12:27:39] All rise.

22 Please be seated.

23 PRESIDING JUDGE SAMBA: [12:28:06] Good morning again, everyone.

24 Good morning, Mr Witness, again. We are going to continue with your

25 cross-examination questions.

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1 Yes, we're going to continue with your cross-examination questions and I'm going to
2 ask Mr Jacquemin to continue putting his questions, and, after him, we'll give
3 the Prosecution an opportunity to ask questions, and questions from the bench.

4 So be guided, Mr Jacquemin. Your Witness, please.

5 MR FRANÇOIS-JACQUEMIN: [12:28:52](Interpretation) Thank you very much,
6 your Honour.

7 Q. [12:28:54] Mr Witness, I'm finishing up with my line of questioning.

8 The courtesy copy that was given to the Chamber, I don't think you have it, in actual
9 fact, but the Prosecutor is kind enough to tell me that the ERN is CAR-OTP-00036106.

10 Mr Witness, this document is an investigator's report which offers details of your
11 interactions with the Office of the Prosecutor. You had in 2020 a motorcycle accident;
12 right?

13 A. [12:29:54] Yes, I did have a traffic accident involving my motorcycle.

14 Q. [12:30:02] Thank you, Mr Witness.

15 You asked of the Office of the Prosecutor to help you financially to heal
16 your -- receive treatment for your leg; is that right?

17 A. [12:30:26] The question put by counsel, I have never requested assistance from
18 the Prosecution team in the way that the -- that counsel has indicated.

19 Q. [12:30:51] Witness, this document states that on 3 November 2021 you informed
20 the investigators that you still had problems with your leg and that you requested
21 200,000 francs to assist you with your medical costs. Does that jog your memory?

22 A. [12:31:22] No, never. I never requested such a sum. Never. I never did that.

23 Q. [12:31:36] Thank you, Witness.

24 Now I have a final document to show to you.

25 Or, rather, it's not a document to be displayed to the witness. It's the document at

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1 tab 16. It is the screening note at CAR-OTP-2050-0389.

2 Witness, this is your screening note and it describes your first meeting with

3 investigators of the Office of the Prosecutor on 21 March 2017. Now, on the day of

4 that first meeting did you bring an identity document along with you?

5 THE INTERPRETER: [12:32:39] The interpreter corrects: 23 March 2017.

6 THE WITNESS: [12:32:47](Interpretation) Could you rephrase your question.

7 MR FRANÇOIS-JACQUEMIN: [12:32:53](Interpretation)

8 Q. [12:32:56] On the day of your first meeting with the Office of the Prosecutor, did

9 you have an ID document with you, Witness?

10 A. [12:33:18] Back then my national identity card had expired and so I had a new

11 one issued. The one that was expired, if you showed it here, I'm not identifiable.

12 Q. [12:33:56] Thank you, Witness.

13 And did you provide an identity document to the Office of the Prosecutor at your first

14 meeting, or at another meeting?

15 A. [12:34:24] The copy of my ID document? What document are you talking

16 about? To which or what document are you referring?

17 Q. [12:34:35] I don't have the answers, sir. I only have questions. Did you

18 provide an ID document to the Office of the Prosecutor, to the investigators; "yes" or

19 "no"?

20 A. [12:34:56] I told you, I don't remember everything due to the accident I had. If

21 you show me pictures, that can help me remember and then I can tell you more.

22 Q. [12:35:21] Thank you, Witness.

23 Your Honour, I have no further questions for this witness.

24 PRESIDING JUDGE SAMBA: [12:35:28] Well, thank you very much, Mr Jacquemin.

25 Re-examination, any?

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1 (Counsel confers)

2 MR BIFWOLI: [12:35:48] Thank you, Madam President. No re-examination.

3 PRESIDING JUDGE SAMBA: [12:35:54] Thank you very much.

4 Mr Witness, we are almost at the end of your testimony. I just want to take this

5 opportunity and follow up on a question asked you by counsel for the Defence.

6 Now, you met the investigators of the Office of the Prosecutor in 2017; correct?

7 THE WITNESS: [12:36:38](Interpretation) Your Honour, please be mindful of

8 the fact that, as I've said a number of times, owing to my accident I don't have my full

9 mental capabilities available to me. I did meet with the investigators of the Office of

10 the Prosecutor. I recognise that fact.

11 PRESIDING JUDGE SAMBA: [12:37:05] Okay. Thank you very much. I

12 appreciate that. I know you've told us that you don't recall everything very well

13 because of your -- mainly because of your accident. And with the passage of time

14 we understand if you do not understand -- or, remember, everything.

15 Now, but when you met the investigators in the field office in Bangui, when you

16 made your statement and they, you know, wrote it down, the document that you

17 identified and saw your signature, you went -- you met them somewhere, you went

18 to where they were at for them to take your statement; correct?

19 THE WITNESS: [12:38:05](Interpretation) Yes, that's right. Each time

20 the investigators contacted me, I went and met with them.

21 PRESIDING JUDGE SAMBA: [12:38:12] How did you get to where they were at, for

22 them to take your statement?

23 THE WITNESS: [12:38:35](Interpretation) (Redacted). I received a call and

24 the person on the phone asked if I was indeed (Redacted),

25 such-and-such a name. I then told them that I didn't have the means, I didn't have

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1 the money to travel to them because I lived at quite some distance. Then they told
2 me, if I wasn't able to pay for the transport, I could make the journey and then they
3 would reimburse me the cost.

4 And so I would go to them, I would travel to them in a vehicle and when
5 the interview with the investigators of the Office of the Prosecutor was finished, they
6 would then provide me with the money to pay for my transport.

7 PRESIDING JUDGE SAMBA: [12:40:18] Thank you very much.

8 We don't have any further questions for you, Mr Witness.

9 Mr Jacquemin, you have your answer there for the reimbursement of transport costs.

10 So, Mr Witness, we want to, on behalf of the Chamber, I thank you very much for
11 your help to the Court, and to this Chamber in particular, in our finding of the truth
12 of what happened in the Central African Republic. We wish you well in all
13 your -- oh, yeah, sorry. I'm going to ask that we go to public session.

14 Open session, please.

15 (Open session at 12.41 p.m.)

16 THE COURT OFFICER: [12:41:23] We're back in open session, Madam President.

17 PRESIDING JUDGE SAMBA: [12:41:27] Yes, thank you very much.

18 We've come to the end of your testimony, Mr Witness.

19 And as I said just before now, Mr Jacquemin, you have your answer for your
20 questions in respect of reimbursement for transport costs for the witness.

21 So, Mr Witness, on behalf of the Chamber, I wish to thank you very much for your
22 help in our finding of the truth of what happened in the Central African Republic.
23 We wish you well in all of your endeavours and I'm going to advise and ask that
24 when you leave here you do not discuss your testimony before this Court with other
25 people. That is particularly so for your own safety and security. Otherwise, we

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- 1 thank you very much and we wish you well in all that you do.
- 2 (The witness is excused)
- 3 PRESIDING JUDGE SAMBA: [12:42:28] So, Counsel, Prosecution, Victims'
- 4 Representatives and Defence, we are going to adjourn the matter now and we'll come
- 5 back on Monday with the Prosecution's next witness. So that I don't make a mistake,
- 6 I'm not going to say witness number 23.
- 7 So, but we'll come back on Monday at 9.30. So I rise the Court and wish you all well.
- 8 Happy weekend. Bye-bye.
- 9 THE COURT USHER: [12:43:04] All rise.
- 10 (The hearing ends in open session at 12.43 p.m.)