

Trial Hearing
WITNESS: CAR-OTP-P-1762

(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 Tuesday, 11 June 2024
9 (The hearing starts in open session at 9.37 a.m.)
10 THE COURT USHER: [9:37:06] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:37:31] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:37:40] Good morning, Madam President, your Honours.
16 Situation in the Central African Republic II, in the case of the Prosecutor versus
17 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: [9:37:56] Thank you very much.
20 Can I ask for representation, beginning with the Prosecution, please.
21 MS MAKWAIA: [9:38:01] Good morning, your Honours. For the Prosecution this
22 morning, myself, Ms Makwaia and Mr Thomas Bifwoli. Thank you.
23 PRESIDING JUDGE SAMBA: [9:38:09] Thank you very much, Ms Makwaia.
24 Ms Pellet, for the victims, your representation, please.
25 MS PELLET: [9:38:18](Interpretation) Thank you, Madam President. The victims

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 are represented by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at the
2 OPCV.

3 PRESIDING JUDGE SAMBA: [9:38:27] Thank you very much, Ms Pellet.

4 Ms Naouri for the Defence, please.

5 MS NAOURI: [9:38:36](Interpretation) Thank you, Madam President. Good

6 morning. Next to me, Mr Jacobs; next to him, Fiana Gantheret; and I am

7 Jennifer Naouri, lead counsel for Mr Said.

8 PRESIDING JUDGE SAMBA: [9:38:49] Thank you very much, Ms Naouri, a very

9 good morning to you all.

10 And, for the record, I note that Mr Said is here in court with us.

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

12 MR SAID: [9:39:04](Interpretation) Yes, good morning, Madam President.

13 PRESIDING JUDGE SAMBA: [9:39:09] A very good morning.

14 Now, the Prosecution is calling P-1762 as its 35th witness. The Chamber previously

15 granted an application by the Prosecution to introduce P-1762's prior recorded

16 testimony pursuant to Rule 68(3) in decision numbered 519.

17 It is the Chamber's understanding that this witness will be testifying in Sango via

18 video link.

19 I remind everyone of the importance of the need to speak slowly and to observe

20 the five-second rule between questions and answers.

21 The Chamber also notes that the Common Legal Representatives of Victims made

22 a request to examine P-1762 for 30 minutes in relation to the topics: The harm he

23 allegedly suffered as a result the events falling within the scope of the witness's

24 expected testimony, and reparations.

25 The parties did not object to the Common Legal Representatives' request.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 The Chamber agrees that the proposed topics relate to P-1762's interest and
2 accordingly authorises the Common Legal Representatives to question this witness
3 for no more than 30 minutes.

4 Now, before commencing, the Chamber notes briefly that protective measures are
5 confirmed for this witness by virtue of decision numbered 481.

6 The Chamber also highlights that the VWU has noted that the witness should not be
7 asked to read or write anything in the courtroom and should be provided with
8 reading assistance. The Chamber therefore asks the parties to be mindful of this
9 during their questioning of this witness.

10 Madam Court Officer, can we please be connected to the witness.

11 THE COURT OFFICER: [9:41:39] Madam President, the witness is connected.

12 PRESIDING JUDGE SAMBA: [9:41:43] Thank you very much.

13 Good morning, Mr Witness. Can you -- I don't see his -- well, can you hear me?

14 Can you see me? I don't see any --

15 WITNESS: CAR-OTP-P-1762

16 (The witness speaks Sango)

17 (The witness gives evidence via video link)

18 PRESIDING JUDGE SAMBA: [9:41:58] Good.

19 THE WITNESS: [9:41:59](Interpretation) Good morning. Yes, I can see and hear
20 you clearly.

21 PRESIDING JUDGE SAMBA: [9:42:04] Thank you very much for that confirmation.

22 So, Mr Witness, you are going to testify before the International Criminal Court. On
23 behalf of the Chamber I'd like to welcome you to this courtroom.

24 THE WITNESS: [9:42:26](Interpretation) Thank you.

25 PRESIDING JUDGE SAMBA: [9:42:28] Mr Witness, you should have in front of you

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 the solemn undertaking to tell the truth that every witness who testifies before this
2 Court must agree to. I'm going to read it out to you now.

3 I solemnly declare that I will speak the truth - excuse me - the whole truth and
4 nothing but the truth.

5 THE WITNESS: [9:43:05](Overlapping speakers)

6 PRESIDING JUDGE SAMBA: [9:43:07] Mr Witness, I'll go over that again.

7 I solemnly declare that I will speak the truth, the whole truth and nothing but
8 the truth.

9 Do you understand and agree to what I have just read out to you?

10 THE WITNESS: [9:43:31](Interpretation) Yes, I agree.

11 PRESIDING JUDGE SAMBA: [9:43:35] Thank you very much.

12 So let me now explain to you, Mr Witness, the protective measures that we have in
13 place for you for your testimony.

14 We have in place for you voice and face distortion for the duration of your testimony.

15 This means that no one outside the courtroom can see your face or hear your real
16 voice during your testimony.

17 We also have in place for you the use of pseudonym. In accordance with that, we
18 will all refer to you only as "Mr Witness" so that the public does not know your name.

19 When you answer questions that will not give away who you are, we will do so in
20 open session, which means that the public can hear what is being said in
21 the courtroom.

22 Additionally, when you are asked to describe anything that would -- that relates
23 specifically to you, or you are asked to mention facts that might reveal your identity,
24 we will do so in private session.

25 Lastly, Mr Witness, I have a few practical matters that you should have in mind when

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 giving your testimony.

2 Everything we say here is written down and interpreted. It is therefore important to
3 speak clearly and slowly. Please speak into the microphone that you have before
4 you and only start speaking when the person asking the question is finished. To
5 allow for the interpretation, everyone has to wait a few seconds before starting to
6 speak.

7 If you have questions or if you need a break, raise your hand so we know that you
8 want to say something.

9 We hope, Mr Witness, that nothing -- or, there will be no issues with the video link.

10 However, if there are any issues with the technology, be rest assured that we will do
11 our very best to sort things out as quickly as possible.

12 Do you understand all that I have said, Mr Witness?

13 THE WITNESS: [9:46:43](Interpretation) Yes, I have understood.

14 PRESIDING JUDGE SAMBA: [9:46:48] Thank you very much.

15 So now we are going to start taking your testimony and I'm going to invite
16 the Prosecution to put questions to you in chief.

17 Madam Prosecutor, your witness, please.

18 MS MAKWAIA: [9:47:03] Mr Bifwoli will be leading the witness, your Honours.

19 PRESIDING JUDGE SAMBA: [9:47:09] Thank you.

20 Mr Bifwoli, your witness, please.

21 MR BIFWOLI: [9:47:22] Good morning, your Honours.

22 QUESTIONED BY MR BIFWOLI:

23 Q. [9:47:25] Good morning, Mr Witness.

24 A. [9:47:37] (Overlapping speakers)

25 Q. [9:47:38] Now, my name --

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [9:47:41] Good morning.

2 Q. [9:47:43] -- Thomas Bifwoli, I am a trial lawyer from the Office of the Prosecutor,
3 and today I will be leading your examination-in-chief.

4 Madam President, may we go into private session so that I can ask the witness
5 questions relating to his identity.

6 PRESIDING JUDGE SAMBA: [9:48:00] Madam Court Officer, can we go briefly into
7 private session, please.

8 (Private session at 9.48 a.m.)

9 THE COURT OFFICER: [9:48:18] We are in private session, Madam President.

10 MR BIFWOLI: [9:48:27]

11 Q. [9:48:28] Mr Witness, we are now in private session, and I will now ask you
12 questions about your identity and occupation.

13 What are your full names?

14 A. [9:48:49] My names are (Redacted).

15 MR BIFWOLI: [9:49:15] Sorry, I seem not to get any translation.

16 PRESIDING JUDGE SAMBA: [9:49:19] Really? He did mention in his name. Can
17 you raise maybe your volume on your --

18 MR BIFWOLI: [9:49:26] I can hear you.

19 PRESIDING JUDGE SAMBA: [9:49:28] So you can hear me?

20 MR BIFWOLI: Yes.

21 PRESIDING JUDGE SAMBA: [9:49:25] Well, put the question again to him and see
22 whether he answers.

23 THE INTERPRETER: [9:49:30] English booth testing. Can you hear me? English
24 booth.

25 MR BIFWOLI: [9:49:35]

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 Q. [9:49:36] Mr Witness, I'll repeat my question.

2 What are your full names?

3 A. [9:49:47] My names are (Redacted).

4 PRESIDING JUDGE SAMBA: [9:50:00] Did you get that, counsel?

5 MR BIFWOLI: [9:50:03] Yes.

6 Q. [9:50:03] What is your nationality?

7 A. [9:50:15] I am Gbaya, of Gbaya ethnicity.

8 MR BIFWOLI: [9:50:26] Madam President, I can hear the witness, but I can't hear
9 the translation.

10 PRESIDING JUDGE SAMBA: [9:50:33] Okay, we'll get some help from the court
11 clerk.

12 THE INTERPRETER: [9:50:42] English booth testing. Mr Bifwoli, can you hear me?

13 PRESIDING JUDGE SAMBA: [9:50:48] Do you want to change your, maybe, seat?
14 Do you want to ...

15 THE INTERPRETER: [9:51:20] Testing, English channel, can you hear me now?

16 MR BIFWOLI: [9:51:26] Yes, I can get the translation now.

17 Q. [9:51:40] So, Mr Witness, sorry for some slight interruption, but I will continue.
18 So, what is your current occupation?

19 A. [9:51:57] I am a soldier.

20 Q. [9:52:06] You are a soldier with which organisation or which military?

21 A. [9:52:23] I am a soldier with the Central African Armed Forces.

22 Q. [9:52:30] And what was your occupation in the year 2013?

23 A. [9:52:46] In 2013 I was part of the presidential guard. Later on I continued to
24 serve in the army after the events and I was wearing what is referred to as the red
25 beret.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

- 1 Q. [9:53:10] Thank you.
- 2 Madam President, we can go back into open session.
- 3 PRESIDING JUDGE SAMBA: [9:53:14] Thank you.
- 4 Madam Court Officer, can we go back into open session, please.
- 5 (Open session at 9.53 a.m.)
- 6 THE COURT OFFICER: [9:53:33] We are back in open session, Madam President.
- 7 PRESIDING JUDGE SAMBA: [9:53:37] Thank you.
- 8 Carry on, Mr Prosecutor.
- 9 MR BIFWOLI: [9:53:40] Thank you.
- 10 Q. [9:53:41] Mr Witness, I will now ask you questions about your witness
- 11 statement.
- 12 Do you recall being interviewed by investigators from the Office of the Prosecutor in
- 13 relation to what happened in the Central African Republic during the 2013 conflict?
- 14 PRESIDING JUDGE SAMBA: [9:54:33] Can you put your question again.
- 15 MR BIFWOLI: [9:54:37]
- 16 Q. [9:54:37] Mr Witness, did you get my question? I'll repeat again.
- 17 Do you recall being interviewed by investigators from the Office of the Prosecutor in
- 18 relation to what happened in the Central African Republic during the 2013 conflict?
- 19 A. [9:55:07] Yes, I do remember. That's correct.
- 20 Q. [9:55:12] Were your answers recorded down in a document during your
- 21 interview?
- 22 A. [9:55:32] Yes, everything was written down.
- 23 Q. [9:55:37] And at the end of that interview was the document which contained
- 24 your answers read back to you by the said investigators?
- 25 A. [9:55:58] Yes, my entire statement was read back to me.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 Q. [9:56:06] And was that statement read back to you in a language that you
2 understand?

3 A. [9:56:26] Yes, the statement was first read in French and then interpreted into
4 Sango.

5 Q. [9:56:36] Did you sign your witness statement?

6 A. [9:56:49] Yes, I signed it.

7 MR BIFWOLI: [9:56:54] Madam Court Officer, I kindly request that you display
8 tab 1, which is CAR-OTP-2073-0568. The document is classified as confidential, it
9 should not be displayed in the gallery.

10 I kindly request that you display the bottom part with the signatures.

11 Q. [9:57:48] Mr Witness, can you see the document displayed on your screen?

12 A. [9:58:00] Yes, I can see it.

13 Q. [9:58:03] Now, there are some signatures appearing on that document. Are
14 you able to see them?

15 A. [9:58:17] Yes, I can see the signatures and I recognise my signature.

16 MR BIFWOLI: [9:58:28] Madam Court Officer, I request that we go to page 18 of
17 the same document.

18 Q. [9:58:50] Mr Witness, can you see the document displayed on your screen now?

19 A. [9:59:02] Yes, I can see it.

20 Q. [9:59:06] Now, there is a signature which appears on that document, can you see
21 it?

22 A. [9:59:18] Yes, I can see it.

23 Q. [9:59:21] Whose signature is that?

24 A. [9:59:32] It is my signature.

25 Q. [9:59:35] And when is it dated?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 A. [9:59:54] The 12th of the third month 2008. I corrected the date that I indicated.

2 We're not talking about 2008, but, however, 2018.

3 Q. [10:00:14] Thank you, Mr Witness.

4 Mr Witness, I will now move on to the recent meeting you held with members
5 of the Prosecutor -- Prosecution team.

6 Do you recall meeting with members of the Prosecution team last week?

7 A. [10:00:48] Yes, I do remember having met with them.

8 Q. [10:00:53] On that occasion did you have an opportunity to go through your
9 witness statement and annexes?

10 A. [10:01:14] Yes.

11 Q. [10:01:18] Did you make any clarifications or corrections to your witness
12 statement during that occasion?

13 A. [10:01:39] Yes, I did make a few corrections which have a bearing on a number
14 of words that I requested that they amend.

15 Q. [10:01:53] Were the said corrections and clarifications noted down in
16 a document?

17 A. [10:02:22] Yes, I was just given the document like that.

18 Q. [10:02:33] Was the document containing your clarifications and corrections read
19 back to you in a language that you understand?

20 A. [10:02:54] Yes, it was read back to me in Sango.

21 Q. [10:03:00] And did you sign that document?

22 A. [10:03:14] Yes, I did append my signature to that document.

23 MR BIFWOLI: [10:03:23] Madam Court Officer, I request to kindly display tab 9,
24 which is CAR-OTP-00036537.

25 I kindly request that you display page 3 of that document.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 Q. [10:04:10] Mr Witness, can you see the document displayed on your screen now?

2 A. [10:04:24] Yes, I can see it.

3 Q. [10:04:28] And can you see the signature appearing on that document?

4 A. [10:04:41] Yes, it is my signature.

5 Q. [10:05:01] Now, Mr Witness, do you agree to the Judges using your witness
6 statement and annexes in this case?

7 A. [10:05:25] Yes, I do agree.

8 Q. [10:05:37] Now, Mr Witness, I have a further clarification that I would like you
9 to make. Do you recall that on 16 March 2018, when your statement was being taken,
10 you told an investigator that you wanted to correct a name in your statement after
11 recently passing through a military camp, because you had given a wrong name.
12 Did you make that correction?

13 A. [10:06:34] What name are you speaking about where there's a mistake? I can
14 see my name and { ICR: my nickname, (Redacted)}. That's my nickname. I didn't
15 amend anything.

16 PRESIDING JUDGE SAMBA: [10:06:47] Thank you very much.

17 Yes, Mr Jacobs.

18 MR JACOBS: [10:06:50](Interpretation) Yes, good morning, Madam President. Just
19 for the clarity of discussions, could we have a reference for this. We don't really
20 understand what the representative of the OTP is referring to. Could we have
21 a reference for the prior statement. What precisely is the Prosecutor referring to here?
22 Thank you, Madam President.

23 PRESIDING JUDGE SAMBA: [10:07:11] And I agree with you, the question is quite
24 vague. That's warranted the answer that the witness himself gave you.

25 MR BIFWOLI: [10:07:20] Thank you, your Honours.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 I think I'll rephrase my question to -- to make it a little bit clearer for the witnesses.

2 Q. [10:07:35] Mr Witness, you recall that you gave a statement to the investigators
3 of the Prosecutor, the statement that you've just seen. You recall giving a statement
4 to the investigators, correct?

5 A. [10:07:59] Yes, that is correct.

6 Q. [10:08:02] Yes. Then, subsequent to that, later on you informed
7 the investigators that after you passed through the military camp --

8 PRESIDING JUDGE SAMBA: [10:08:14] Where did he say that? Are you referring
9 to any part of the statement?

10 MR BIFWOLI: [10:08:18] Yes.

11 PRESIDING JUDGE SAMBA: [10:08:19] That's what Mr Jacobs is asking and that's
12 why the witness is confused.

13 MR BIFWOLI: [10:08:26] Yes.

14 PRESIDING JUDGE SAMBA: [10:08:26] Can you make a reference to which section
15 you are talking about, or paragraph.

16 MR BIFWOLI: [10:08:30] I'm referring to paragraphs 28 of the witness statement.
17 And paragraph 25 as well.

18 PRESIDING JUDGE SAMBA: [10:08:56] Yes, but it's not before the witness. I mean,
19 it will still be a question in vacuum. The statement is not before him or anything.
20 Do you have --

21 MR BIFWOLI: [10:09:09] Yes.

22 PRESIDING JUDGE SAMBA: [10:09:10] -- the reference number for
23 CAR-OTP-2073-0589?

24 (Counsel confers)

25 MR BIFWOLI: [10:09:29] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 (Counsel confers)

2 MR BIFWOLI: [10:09:47] Yes. Your Honours, I am making reference to an
3 investigators note, that is CAR-OTP-2073-0589.

4 PRESIDING JUDGE SAMBA: [10:10:01] We don't know which tab that is, if at all it's
5 in your binder. The Defence has to see it.

6 MR BIFWOLI: [10:10:15] No, it's not on our list of materials.

7 MS MAKWAIA: [10:10:25] Your Honours, it was brought to our attention that we
8 could clarify this name during the process. I will --

9 PRESIDING JUDGE SAMBA: [10:10:32] You certainly can, but if this is not there -- I
10 mean, go back to your statement. It's there, the references you want
11 to -- the paragraphs you wanted to touch on. Let's be quick with time, if you may.

12 (Counsel confers)

13 MR BIFWOLI: [10:10:59]

14 Q. [10:11:08] So, Mr Witness, in your witness statement at paragraph 25 -- are we in
15 open session?

16 PRESIDING JUDGE SAMBA: [10:11:21] Private session?

17 MR BIFWOLI: [10:11:19] I ask that we go into private session.

18 PRESIDING JUDGE SAMBA: [10:11:24] Can we go into private session briefly,
19 please.

20 (Private session at 10.11 a.m.)

21 THE COURT OFFICER: [10:11:45] We are in private session, Madam President.

22 PRESIDING JUDGE SAMBA: [10:11:47] Thank you very much.

23 Mr Prosecutor.

24 MR BIFWOLI: [10:11:49]

25 Q. [10:11:50] Mr Witness, during your interview at paragraph 25 and 28, you

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 mention to the investigators a name --

2 PRESIDING JUDGE SAMBA: [10:12:03] You're not going to testify from the bar,
3 Mr Bifwoli. Can you ask that the document be brought up.

4 MR BIFWOLI: [10:12:13] Madam Court Officer, we request tab 1 to be displayed.
5 And paragraph 25.

6 Madam President, since the witness in -- the recommendations from VWS were that --

7 PRESIDING JUDGE SAMBA: [10:12:45] Can you read the paragraphs you want and
8 put your question, Mr Prosecutor, please. Thank you.

9 MR BIFWOLI: [10:12:50] yes.

10 Q. [10:12:51] Mr Witness, at paragraph 25 of your statement you told
11 the investigators the following, and I quote:

12 "I was kept in that base for about one hour. I saw in that base General Abdoulaye
13 Hissene whom I knew and who knew me since we had worked together in Bozizé's
14 Presidential Guard. At that time, Abdoulaye Hissene was a caporal and he became
15 General under the Seleka regime. I also saw in this Seleka base Colonel Feista
16 (a former FACA who might now be in Bandoro with the Seleka), and caporal Moussa
17 Zakaria, also a former FACA. There were also other Seleka elements in that
18 courtyard whom I did not know. I did not see any prisoners there."

19 Mr Witness, do -- have you heard the content of that paragraph?

20 A. [10:14:20] Yes, that is what I said. That is correct.

21 Q. [10:14:25] So do you have any correction or clarification to make with regard to
22 anything in that paragraph?

23 A. [10:14:42] Yes, that is what I said and that is what was noted down and that is
24 what you read back to me. I am waiting for a question from you on this subject.

25 Q. [10:15:03] Thank you, Mr Witness.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 So, you -- your Honours, the Prosecution requests that tabs 1 to 9 on
2 the Prosecution -- on the Prosecution list of materials for the examination of P-1762 be
3 formally submitted into evidence. And, finally, the Prosecution requests that
4 Witness P-1762's prior recorded testimony be formally submitted into evidence since
5 the requirements of Rule 68(3) are met.

6 I have no further questions for this witness.

7 PRESIDING JUDGE SAMBA: [10:15:57] Thank you very much, Mr Prosecutor.

8 So, the witness being present before -- are we in -- can we go back into open session,
9 Madam Court Officer.

10 (Open session at 10.16 a.m.)

11 THE COURT OFFICER: [10:16:32] We are back in open session, Madam President.

12 PRESIDING JUDGE SAMBA: [10:16:35] Thank you very much.

13 The witness, being present before this Trial Chamber, the witness having consented to
14 submission of his prior recorded testimony and associated materials, the Prosecutor,
15 Defence and the Chamber being given an opportunity to examine this witness during
16 these proceedings, the prior recorded testimony and associated materials of this
17 witness is allowed into evidence.

18 May I ask Ms Pellet to put questions to this witness, please. Thank you.

19 MS PELLET: [10:17:32](Interpretation) Thank you, Madam President.

20 Madam President, I would like to pursue my request on -- that you granted this
21 morning during this morning's session. And since my colleague has just satisfied
22 the requirements of the Rule 68(3), my questions will be limited to the harm suffered
23 by the witness during the events of 2013 and the impact of these events upon his life
24 and the lives of his family members.

25 QUESTIONED BY MS PELLET: (Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 Q. [10:18:09] Good morning, Mr Witness.

2 A. [10:18:15] Good morning.

3 Q. [10:18:18] We do know each other, but, for the purposes of the record, I would
4 like to confirm that I am your legal representative, as you have been admitted to take
5 part in the procedure on 8 November 2023 on the basis of a form that we filled out
6 together on 24 March 2022 and to which we brought corrections subsequently.

7 Now, Madam President, concerning the modalities associated with the filling in of
8 this form, I would like to refer you to paragraph 30 and 31 of our filings,
9 ICC-01/14-01/21-518.

10 Mr Witness, as Madam President reminded you this morning, if any of my questions
11 might be identifying, I will request that we move into private session. However, if
12 you believe that you will be providing an answer to one of my questions that might
13 be identifying, then I would request that you interrupt your flow and then we will
14 request that we move into private session.

15 Do you understand what I'm saying?

16 A. [10:19:48] Yes, I have understood you.

17 Q. [10:19:51] Very well. Thank you, Mr Witness.

18 Madam President, for my first line of questions I would like to move into private
19 session, please.

20 PRESIDING JUDGE SAMBA: [10:20:02] Madam Court Officer, can we go into
21 private session briefly, please.

22 (Private session at 10.20 a.m.)

23 THE COURT OFFICER: [10:20:18] We are in private session, Madam President.

24 PRESIDING JUDGE SAMBA: [10:20:21] Thank you.

25 Ms Pellet, please continue.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 MS PELLET: [10:20:29](Interpretation) Thank you, Madam President.

2 Q. [10:20:31] Mr Witness, in your statement that has just been admitted into
3 evidence you indicate that you were tied up, according to the arbatachar technique
4 and that you were beaten up. You also indicate that during your detention in
5 the underground cell, * (Redacted)
6 (Redacted)

7 Now, did you receive any treatment from the prison warders at the OCRB?

8 A. [10:21:16] No, I did not receive any medical treatment.

9 Q. [10:21:27] Mr Witness, do you have any physical scars subsequent to
10 the treatment that you endured during your detention at the OCRB in August and
11 September 2013?

12 A. [10:21:49] Yes, of course. Every now and then I have pain.

13 Q. [10:21:54] Could you provide us any further information with regard to these
14 physical scars and these pains. How do they manifest themselves?

15 A. [10:22:12] Every now and then, you know, * (Redacted)
16 (Redacted)

17 Q. [10:22:38] Yes.

18 Madam President, I wanted to go back into open session but I think it would be safer
19 for us to remain in private session and my subsequent line of questions will be
20 conducted in open session. I do apologise.

21 Mr Witness, now, do you still think today back to the events that led to your being
22 victimised in the year 2013?

23 A. [10:23:08] Yes, of course I do. You know, everything that you hand over to the
24 judicial system always has an advantage. * Everything that I lived through, I talked
25 about and that I didn't live through I did not talk about.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 Q. [10:23:28] And what do you feel when you think back to these events?

2 THE INTERPRETER: [10:23:34] Could counsel please be requested to observe
3 a pause between question and answer, thank you.

4 THE WITNESS: [10:23:41](Interpretation) On occasion, when I am in pain, I take
5 pills, in order to calm myself down. That's what I do, generally speaking, in order to
6 get through it.

7 MS PELLET: [10:23:59](Interpretation)

8 Q. [10:24:00] Mr Witness, since you were released from the OCRB, have you had
9 any psychological treatment?

10 A. [10:24:12] I have not received any medical treatment. And nobody has
11 provided me with any assistance, medically.

12 Q. [10:24:24] Thank you, Mr Witness.

13 Yes, indeed, Madam President, I will do so, thank you.

14 PRESIDING JUDGE SAMBA: [10:24:37] Do you want for us to go into open session?

15 MS PELLET: [10:24:47](Interpretation) Unfortunately, Madam President, my next
16 question could potentially be identifying, but I promise that my last two questions
17 will be put in open session.

18 Q. [10:25:07] Mr Witness, could you please explain to the Court the consequences
19 of your arrest and detention at the OCRB upon yourself and the members of your
20 family.

21 A. [10:25:43] You know, the consequences that I endure to date are as follows:

22 First of all, the fact that I spent some time in that container meant that I underwent
23 some kind of psychological trauma. Also, with regards to my family, we have really
24 been affected by this. On the day that I was questioned by the International
25 Criminal Court my family was in fact separated. * My son is (Redacted), myself in

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 (Redacted), other family members are elsewhere, we are scattered. What I want is
2 for my health and my well-being to be taken into account today.
3 Those with whom we worked, well, I'm still with them. I'm asking for the Court to
4 take into account my social situation and that of my family. I have nothing further
5 to add. Thank you.

6 Q. [10:27:00] Thank you, Mr Witness.

7 Now, after you were released from the OCRB in 2013, were you able to go back to
8 work?

9 A. [10:27:14] Yes, I did go back to work. And I am working currently.

10 Q. [10:27:25] Are you working full time?

11 A. [10:27:39] No, I was working in Bangui at the time, but -- but I was then seconded
12 to (Redacted) in the north -- north of Bangui. (Redacted) is to the north of Bangui.

13 Q. [10:28:01] Thank you, Mr Witness. Maybe I wasn't clear enough.

14 After you were released from the OCRB, you explained that you were able to go back
15 to work. Were you able to go back to work on a full-time basis?

16 A. [10:28:30] Yes, we start working in the morning and we stop at half past 1 in
17 the afternoon.

18 Q. [10:28:40] Thank you, Mr Witness.

19 Madam President, could we go back into open session, please.

20 PRESIDING JUDGE SAMBA: [10:28:46] Yeah, Madam Court Officer, can we go back
21 into open session, please. Thank you.

22 (Open session at 10.29 a.m.)

23 THE COURT OFFICER: [10:29:03] We are back in open session, Madam President.

24 PRESIDING JUDGE SAMBA: [10:29:07] Thank you very much.

25 Ms Pellet, please continue.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

1 MS PELLET: [10:29:12](Interpretation) Thank you, Madam President.

2 Q. [10:29:15] Mr Witness, why did you decide to testify and to participate as
3 a victim in this trial against Mr Said?

4 A. [10:29:47] The reasons stem from what I experienced. I undertook to testify
5 before the Court in order to narrate everything that I experienced.

6 Q. [10:30:05] What do you expect from this trial, Mr Witness?

7 A. [10:30:24] I am asking for and I would like the Court to take care of my security
8 and, where possible, that the Court should facilitate reunification -- the reunification
9 of my family.

10 Q. [10:30:42] Thank you, Mr Witness.

11 And, Madam President, that brings me to the end of my questioning.

12 PRESIDING JUDGE SAMBA: [10:30:47] Thank you very much, Ms Pellet, for those
13 questions.

14 Now, we have issues here.

15 The Defence should put questions to this witness, but we still do not have the -- we
16 still do not have the materials for the Defence. I don't know what the situation is
17 with the Registry, because it will be very difficult to do cross without the Defence's
18 binder.

19 Madam Court Officer, what's the position? Can you advise us?

20 THE COURT OFFICER: [10:31:54] Madam President, the eCourt team is working on
21 it, but at this moment I'm consulting and I need a few minutes to check if it can be
22 done right now or it would take more than 10 minutes.

23 PRESIDING JUDGE SAMBA: [10:32:11] I guess we'll have to -- I'll have to rise
24 the Court and ask that we come again. And we're very hopeful that the Registry
25 could do this as quickly as possible, because we are really managing the time.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Open Session)

ICC-01/14-01/21

- 1 Mr Witness, we are sorry about that.
- 2 And, Mr Said, we are sorry.
- 3 I'll rise the Court for some 10 minutes and come back again. Thank you.
- 4 THE COURT USHER: [10:32:36] All rise.
- 5 (Recess taken at 10.32 a.m.)
- 6 (Upon resuming in open session at 11.18 a.m.)
- 7 THE COURT USHER: [11:18:41] All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE SAMBA: [11:19:09] Good morning again, everyone.
- 10 Mr Witness, we're going to continue with your testimony and I'm going to ask the
- 11 Defence, Ms Naouri, or -- to put some questions to you. Thank you.
- 12 MS NAOURI: [11:19:28](Interpretation) The cross-examination of this witness will
- 13 be conducted by Mr Dov Jacobs, Madam President.
- 14 PRESIDING JUDGE SAMBA: [11:19:39] Okay. Thank you very much.
- 15 Mr Jacobs, your witness, please.
- 16 MR JACOBS: [11:20:02](Interpretation) That you, Madam President.
- 17 QUESTIONED BY MR JACOBS: (Interpretation)
- 18 Q. [11:20:08] Good morning, Mr Witness.
- 19 A. [11:20:09] Good morning.
- 20 PRESIDING JUDGE SAMBA: [11:20:12] Mr Jacobs, we are in open session, just so
- 21 you know, please.
- 22 MR JACOBS: [11:20:22](Interpretation) Thank you, Madam President.
- 23 Q. [11:20:25] Mr Witness, my name is Dov Jacobs and I'm going to be putting
- 24 questions to you on behalf of the Defence for Mr Said this morning.
- 25 As Madam President of the Chamber reminded you, we are being interpreted, which

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 means that everything that we are saying is being interpreted into French, into
2 English and transcribed so it is important for us to speak slowly, as I'm doing now.
3 So after my response -- after your response, after my question, everything
4 seem -- needs to be spoken clearly and slowly for everything to be clear in the record.
5 Do you agree, Mr Witness?

6 A. [11:21:09] Yes, I have understood.

7 Q. [11:21:24] Very well.

8 Madam President, can we go back to -- can we go to private session for my next
9 questions.

10 PRESIDING JUDGE SAMBA: [11:21:31] Yes.

11 Madam Court Officer, can we go into private session, please. Thank you.

12 (Private session at 11.21 a.m.)

13 THE COURT OFFICER: [11:21:49] We are in private session, Madam President.

14 PRESIDING JUDGE SAMBA: [11:21:52] Thank you.

15 Mr Jacobs, continue, please.

16 MR JACOBS: [11:22:03](Interpretation) Thank you very much.

17 Q. [11:22:04] Mr Witness, we are in private session, so I would like to come back to
18 your profile, particularly in the army, and I will start with something that you said
19 this morning on * page 21 on transcript T-80, line 24, that you are currently deployed
20 (Redacted); is that correct?

21 A. [11:22:25] Yes, that is correct.

22 Q. [11:22:31] And which service of the army?

23 A. [11:22:41] The FACA.

24 Q. [11:22:47] Very well. But more specifically, is it the ground forces, air force,
25 which unit of the FACA?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

- 1 A. [11:23:01] The infantry.
- 2 Q. [11:23:14] Which unit?
- 3 A. [11:23:19] I am (Redacted).
- 4 THE INTERPRETER: [11:23:22] Says the witness.
- 5 MR JACOBS: [11:23:39](Interpretation)
- 6 Q. [11:23:39] Very well. Just to be sure, maybe there is an interpretation issue.
- 7 Which unit are you in, because there are various units. You have battalions,
- 8 squadrons and also subunits.
- 9 A. [11:24:07] I am in the (Redacted).
- 10 Q. [11:24:30] Very well. Thank you, Mr Witness.
- 11 And before being deployed (Redacted), you were based in Bangui, as you told us this
- 12 morning. Which unit in Bangui specifically?
- 13 A. [11:24:53] In Bangui, I was still working in that same unit, that is the battalion
- 14 that I have mentioned, before being deployed to (Redacted).
- 15 Q. [11:25:07] In which year were you deployed (Redacted), if you remember,
- 16 Mr Witness?
- 17 A. [11:25:27] It was between 2019 and 2020 that I was deployed to (Redacted).
- 18 Q. [11:25:49] Thank you, Mr Witness.
- 19 And, so, sometime in 2019 and 2020 you were deployed to (Redacted). In Bangui,
- 20 when you gave your statement to the OTP, March 2018, you said you were a
- 21 *caporal-chef* in the FACA, 2018. Do you confirm that, Mr Witness?
- 22 A. [11:26:22] Yes, I confirm that. Right now I am no longer a chief *caporal*. I have
- 23 been promoted to (Redacted).
- 24 Q. [11:26:44] Very well, and when you were chief *caporal* in March '18, were you
- 25 (Redacted) at that time?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [11:26:57] Yes, that is correct.

2 Q. [11:27:06] Very well. And before 2018, when you met with the investigators,
3 you had been based in Bangui -- that is between 2013 and 2018; is that correct?

4 A. [11:27:26] That is correct.

5 Q. [11:27:39] And just to be clear, on the record, your testimony today is that
6 between 2013 and 2018 you were based in Bangui, and during that period were you
7 still (Redacted)?

8 A. [11:27:59] Yes, that is correct.

9 Q. [11:28:11] Very well. At any one point, did the investigators of the OTP ask
10 you to show them your military badge?

11 A. [11:28:28] Yes, they asked me.

12 Q. [11:28:31] Did they make a copy of that?

13 A. [11:28:37] Yes, they made a copy.

14 Q. [11:28:47] Unless we are mistaken, we don't have a copy of that document. Do
15 you have it with you and would you accept to make a copy for the Court,
16 Mr Witness?

17 A. [11:29:03] I do not have the card currently with me. It is at home.

18 Q. [11:29:24] Very well, Mr Witness. But you do have a military card, don't you?

19 A. [11:29:35] Yes, indeed. I have a military card, but I did not bring that card
20 along with me here. I have my civilian card with me right now.

21 Q. [11:29:51] Thank you, Mr Witness. Very well.

22 We will go back in time a little bit. So prior to 2013, page 8, line 25, you said -- line 5,
23 you said you were a member of the presidential guard and that after the events you
24 continued serving in the army and that you were wearing the red beret.

25 Do you remember telling us this this morning, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [11:30:29] Initially I was a member of the presidential guard. After the coup
2 d'état we were distributed to various units and as from that time on, I was wearing
3 the red beret. I don't know whether you understand. In 2013, when Bozizé was
4 overthrown, the presidential guard was dispersed. A part joined the FACA and
5 another part joined the BIT1 battalion, while another joined BIT2.

6 Q. [11:31:13] Now, when you say you were wearing a red brigade -- a red beret,
7 that was the beret of your battalion; is that correct?

8 A. [11:31:28] I joined a new battalion, that's why I was wearing the red beret.

9 Q. [11:31:42] Very well. That's very clear.

10 We understood that when Djotodia arrived the presidential guard soldiers were
11 distributed to various units, is that what happened?

12 A. [11:31:59] Yes, that is what happened.

13 (Counsel confers)

14 MR JACOBS: [11:32:14](Interpretation)

15 Q. [11:32:14] Thank you, Mr Witness. In which year did you join the FACA,
16 Mr Witness?

17 A. [11:32:32] I joined the army (Redacted).

18 THE INTERPRETER: [11:32:41] Repeats the witness.

19 MR JACOBS: [11:32:49](Interpretation)

20 Q. [11:32:51] Very well. And how old were you when you joined the army,
21 Mr Witness?

22 A. [11:33:09] As you know, if I were old I would not have joined the army, so this
23 means I was still young and fit. It is now that I have become a bit older, as you can
24 see, but I was young when I joined the army at that time.

25 Q. [11:33:37] But that was specifically my question, Mr Witness. You were born in

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 (Redacted), and if you joined the FACA (Redacted), it means you were (Redacted)

2 when you joined the FACA. Was there no age limit to join the army?

3 A. [11:34:04] No. It is now that that rule has been instituted. Sometimes when
4 you join the army you can reduce your age to join the army. But in my personal case,
5 I used my real age to join the army.

6 Q. [11:34:35] Very well. Did you start working in the presidential guard
7 immediately after enlisting in the FACA?

8 A. [11:34:53] Once I completed my training I was directly deployed to the
9 presidential guard.

10 Q. [11:35:09] Was that usual, for someone who had just joined the army to be
11 deployed to Bozizé's presidential guard immediately after completing their training?

12 A. [11:35:29] I will give you an example. At that time there were people following
13 military training in Berengo, and once the training was finished, the general staff will
14 take part of them to deploy to the FACA and the presidential guard will also take a
15 part of those trainees to integrate in their unit. That's what happened in our country.

16 Q. [11:36:01] Very well. That's very clear.

17 Now, to make progress on your profile, in your prior statement -- and that is tab 1 for
18 the English version and 1.2 for the French version, CAR-OTP-2130-2147. And I will
19 refer to page 2150, paragraph 11.

20 And in that paragraph, Mr Witness, it is stated that in (Redacted) you were appointed
21 *caporal* and you continued working in the presidential guard, and in (Redacted)
22 (Redacted). Do you remember having told
23 the investigators that?

24 A. [11:37:14] Yes, I remember very well.

25 Q. [11:37:30] When you said you were appointed, who actually appointed you,

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 Mr Witness?

2 A. [11:37:37] It was the commanders of the army. These were the army
3 commanders who transferred me. This was a decision of the general staff of the
4 presidential guard.

5 Q. [11:38:02] Very well. Now, can you give us the name of this person?

6 A. [11:38:11] Whose name are you talking about?

7 Q. [11:38:22] I'm sorry, maybe I misunderstood your last answer. I --

8 A. [11:38:32] Which name are you asking for, please?

9 Q. [11:38:42] I'm coming to that, Mr Witness.

10 When you speak, please observe a pause, because I'm also pausing before asking you
11 questions because of the interpretation. Do you understand, Mr Witness?

12 A. [11:39:00] Yes.

13 Q. [11:39:03] Now, very simply, who is the person who appointed you to be a
14 (Redacted), that is the person at the general staff of the presidential guard,
15 the person who appointed you as (Redacted)?

16 A. [11:39:24] I would like to inform you that there is a hierarchy in the army. If
17 the hierarchy transfers you to a particular location, you are bound to go there. It was
18 the chiefs who chose me and who issued a service note to send me there. That is the
19 law. So there were chiefs who transferred us to various duties.

20 Q. [11:40:01] Absolutely. That is understood.

21 Now, a simple question: Who was your superior, who was your commander, or
22 boss, when you were in the presidential guard?

23 A. [11:40:21] I suppose you know the rules of the army. At that time I was still a
24 member of the army. You have the general staff of the army. You have the director
25 general of the presidential security who works alongside certain officers. You have

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 colonels, captains, but as you know, if the commanders of the army say that
2 such-and-such an element should be deployed to such-and-such a mission, we had no
3 choice but to go. I cannot give you a precise name. It is the army that sent us.
4 I cannot give you a specific name. I was obeying the orders of the hierarchy of the
5 army.

6 Q. [11:41:12] Very well, Mr Witness. I will repeat my question. Please forget the
7 issue of transfers or deployment.

8 My question is: When you were a member of the presidential guard under Bozizé,
9 who was your immediate boss? If you don't remember, it is not serious. Who was
10 your commander when you were in the presidential guard?

11 A. [11:41:53] You know, a decree can be issued to appoint a leader and, after, the
12 leader can be changed. Bozizé was the chief of staff of the -- the chiefs -- the supreme
13 chief of the army at the same time of being president. He gave orders to the
14 hierarchy and the hierarchy would execute those orders on other elements. I cannot
15 give you the names the other elements in the hierarchy.

16 Q. [11:42:35] So as to be clear, Mr Witness, you are telling us today that it is
17 impossible for you to tell us a single name of your chiefs between (Redacted) and 2013
18 when you were in the presidential guard? You don't remember any?

19 A. [11:43:01] Which name do you want me to give you specifically? I did not
20 mention any name at all in my prior statement. It was the hierarchy that decided.
21 I cannot imagine the name of the chief just to tell you about that. I think that's all
22 I can tell you.

23 Q. [11:43:29] Very well. Mr Witness, it's fine. You don't want to give a name.
24 That has been noted.

25 For how long were you (Redacted), Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [11:44:01] I started in 2009, right up to 2011.

2 Q. [11:44:19] Very well. So, just to be clear, in your prior statement it is stated that
3 you were appointed (Redacted) in 2011, so are you correcting that now to say that
4 were you appointed in 2009?

5 A. [11:44:40] From 2009 to 2011.

6 Q. [11:44:51] Very well. And how much was your salary while you were an
7 (Redacted), Mr Witness?

8 A. [11:45:09] At that time I was earning 65,000 CFA francs.

9 Q. [11:45:25] And if you recall, do you remember who was in charge of the FACA
10 (Redacted)? What was the person's name when you were
11 working there?

12 A. [11:45:44] Are you talking about my chief in (Redacted)? Is that your question
13 to me?

14 Q. [11:45:58] That is indeed my question, Mr Witness.

15 A. [11:46:15] Our chief was (Redacted). He is deceased.

16 THE INTERPRETER: [11:46:25] Correction: (Redacted).

17 MR JACOBS: [11:46:30](Interpretation)

18 Q. [11:46:31] Very well.

19 Could you tell us a little bit more about the missions and what the aim of the *garde*
20 *présidentielle*, the presidential guard, was under Bozizé, please, Mr Witness?

21 A. [11:47:06] As a presidential guard, our mission was to protect the president of
22 the republic. Secondly, it was to provide security for any of his movements
23 wherever he would travel to, and that is all.

24 Q. [11:47:37] Now, Mr Witness, in your prior statement -- so let me provide the
25 information again. So that's tab 1 for the English version and 1.2 for the French

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 version. CAR-OTP-2130-2147 -- CAR-OTP-2130-2147, at paragraph 14. So that's
2 page 2150.

3 You explain: "The presidential guard had as a mission to ensure the protection of
4 the president. Furthermore, when the FACA did not manage to resolve problems of
5 security within the country, the presidential guard was deployed in order to remedy
6 the situation. Under Bozizé, the presidential guard had as mission to protect the
7 Camp de Roux, the M'Poko airport, the National Radio and the banks of the
8 Oubangui River in Bangui." End of quote.

9 I'm going to stop there for now. Now, do you remember having explained this to
10 the investigators of the Office of the Prosecutor, Mr Witness?

11 A. [11:49:07] Yes, I do remember.

12 Q. [11:49:13] Very well. Now, when you say that the FACA did not manage to
13 resolve security issues in the country, then the presidential guard was deployed in
14 order to remedy the situation. Can you tell us a little bit more about that,
15 Mr Witness? When was the presidential guard deployed to solve issues in the
16 country?

17 A. [11:49:45] When a major event occurred.

18 THE INTERPRETER: [11:49:51] Says the witness.

19 MR JACOBS: [11:49:54](Interpretation)

20 Q. [11:49:55] Were you yourself deployed to solve major issues whilst in the
21 presidential guard in the country, Mr Witness?

22 A. [11:50:12] I only went to (Redacted) --

23 THE INTERPRETER: [11:50:18] Correction from the Sango booth:

24 THE WITNESS: [11:50:22](Interpretation) -- to (Redacted), as I explained in my
25 statement. And when I wanted to return to Bangui, I was involved in the accident

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 that I have already explained to you.

2 MR JACOBS: [11:50:45](Interpretation)

3 Q. [11:50:45] Very well. So no further missions that you are aware of during the
4 years 2006 to 2010, for example?

5 A. [11:50:57] No, I did not undertake any further missions with the exception of
6 that one. I was in (Redacted) and, upon my return, I was
7 involved in an accident when my mission came to an end.

8 Q. [11:51:17] Very well, Mr Witness. But I'm asking you a question of a more
9 general nature. You say that you were involved in one mission, but whilst you were
10 in the presidential guard between 2006 and 2009 were you aware of the existence of
11 any other missions undertaken by your colleagues of the presidential guard to
12 provide security in the country? Are you aware of any other missions out into the
13 field?

14 A. [11:51:46] No, I do not have an example to furnish you with. I do not recall any
15 mission undertaken by other colleagues. I can only talk to you about situations that
16 concern me, and I have taken an oath to tell you about situations that concern me
17 directly.

18 Q. [11:52:16] Very well, Mr Witness. Exactly. You are telling us what you are
19 aware of. So you are telling us that the presidential guard had as a mission to
20 protect certain places, like the national radio, M'Poko. Were there any other
21 locations in Bangui where the presidential guard was responsible for protecting those
22 areas?

23 A. [11:52:45] To date, the presidential guard provides the same services as it did
24 then. The mission of the presidential guard is to make secure the national radio, the
25 airport, the banks of the Oubangui River. These are the -- the general missions of the

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 presidential guard. And aside from these very missions, I do -- I'm not aware of any
2 further missions.

3 I do not know whether I am being clear.

4 Q. [11:53:24] That's very clear, Mr Witness.

5 Now, in the context of these missions to make secure said locations, to your
6 knowledge did the presidential guard work with international forces from the United
7 Nations or from France, for example?

8 A. [11:53:51] At the time, the presidential guard was not in a position to work with
9 the United Nations or the MISAB. Its mission was to provide security for the
10 president of the republic and the other locations I have just indicated to you.
11 MINUSCA, MISAB missions, these might have involved the other FACA who would
12 be in a position to tell you more about this, but the purpose of the presidential guard
13 was as I described to you.

14 Q. [11:54:44] Now, still at paragraph 14, which is up on the screen, you indicate
15 that the life of the president was placed in the group of a special FACA group within
16 the presidential guard called SPR, which means close presidential security.

17 A. [11:55:07] Yes, that is correct. There are those who are part of the close
18 presidential security detail.

19 Q. [11:55:19] And were you part of that close security detail, Mr Witness?

20 A. [11:55:34] Those who are part of the close security detail for the president are a
21 separate group entirely. There is the group *éclair* 1, and the group *éclair* 2.
22 I don't know whether you can hear me well.

23 Q. [11:56:01] Yes, I can hear you only too well, Mr Witness. It's very interesting
24 and we're trying to understand how everything works. Now I understand that
25 when you say that those who were part of the close presidential protection detail are a

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 separate group, I understand from that that (Redacted)?

2 A. [11:56:18] (Redacted)

3 (Redacted)

4 Q. [11:56:34] Very well. So I understand that the group *éclair* 1 is the close security
5 detail and the *éclair* 2 group is the other presidential group; is that correct?

6 A. [11:56:48] Yes, that is correct. The unit -- the *éclair* 2 unit provides security for
7 the town of Bangui. The unit 1, *éclair* 1 unit goes to the locations where the president
8 is intended to travel.

9 I don't know whether my explanations to you are clear.

10 Q. [11:57:25] Very well. Where was the *éclair* 1 section based in Bangui,
11 Mr Witness?

12 A. [11:57:36] It was at 124.

13 THE INTERPRETER: [11:57:40] Says the witness.

14 MR JACOBS: [11:58:04](Interpretation)

15 Q. [11:58:04] Very well.

16 Now, an individual who met with the Office of the Prosecutor -- and I am referring
17 here to CAR-OTP-2104-1053. I'm sorry, I should have given the tab first. That's
18 tab 11 for the English version and 11.1 for the French version. And it should not be
19 shown to the witness, please, for confidentiality reasons.

20 So it's CAR-OTP-2104-1053 at page 1056, paragraphs 15 to 17. And an individual is
21 talking about the presidential guard and describing -- and explaining that it's divided
22 into two sections.

23 The first is entitled the close security detail, and this is the one that escorts the
24 president whenever he travels and it was called the SPR, so that's the acronym for
25 close security detail and it is based at the Camp de Roux.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 The second section was called the presidential security, and it was the team that was
2 helping to protect the presidential *cortège* and providing security at the Camp de Roux
3 and other sites within the town. This section was based at the Camp de Roux on the
4 114 base, located behind *La Relais des Chasses* restaurant, which is currently an
5 abandoned building, and in the former residence of the Patassé residence in a zone
6 behind the military base which is located on the other side of the road opposite the
7 Ledger Hotel. This second unit was known under the name *éclair* section and it was
8 a rapid intervention unit. These sections and units existed for many a year and the
9 number 114 was painted on some of their vehicles.

10 Can you confirm what I've just read out to you, Mr Witness, namely where the
11 various sections of the presidential guard were based?

12 A. [12:00:55] Yes, indeed, I can confirm that.

13 Q. [12:01:05] And if I understand correctly, base 114 is a base within Camp de Roux;
14 is that correct, Mr Witness?

15 A. [12:01:20] No, it was not located within Camp de Roux camp. As I said, you
16 take the road toward Telecel and the Chinese restaurant, not the *Relais des Chasses*
17 restaurant. This is the current headquarters of the ANE, the national association for
18 elections, at the -- under Patassé, that was the prime minister's office. And
19 afterwards, this was given over to an army base. Whilst I'm talking to you it has
20 become the headquarters of the ANE. It was not located behind the *Relais des Chasses*
21 restaurant. It was next to the Telecel. But *éclair* was opposite the Ledger Hotel,
22 near the former residence of Ange-Félix Patassé. I hope I have made myself
23 understood clearly.

24 Q. [12:02:31] Yes, Mr Witness. Thank you very much. That's very clear indeed.
25 This is the information that we did indeed have.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 So these two sections -- no, let me start again with my question.

2 And can you also confirm that number 114 was painted on some of the vehicles of the
3 rapid intervention section?

4 A. [12:03:06] Yes, the number 114 had indeed been painted on these vehicles.
5 That was their telephone number.

6 Q. [12:03:29] Very well. So at an earlier stage you told us that you conducted a
7 mission to (Redacted), and if I understand you correctly you were deployed in
8 (Redacted) directly (Redacted); is that correct?

9 A. [12:03:51] From (Redacted) we went to Bangui, and it was from Bangui that we
10 accompanied the FACA in order to go back to (Redacted).

11 Q. [12:04:15] Very well. And you explained to us at an earlier stage that it was
12 upon your return from your mission (Redacted);
13 is that correct, Mr Witness?

14 A. [12:04:28] Yes, that is correct.

15 Q. [12:04:36] Very well. Now, I'm not going to come back to the accident itself,
16 Mr Witness. Where did you receive treatment after your accident?

17 A. [12:04:53] I was taken to hospital at (Redacted).

18 Q. [12:05:12] Very well. And do you have any medical documents for that from
19 that period of time?

20 A. [12:05:23] Yes. After the (Redacted).

21 And my medical certificates are in the file and you can request for them to be shown
22 to you.

23 Q. [12:05:45] Indeed, Mr Witness. We did indeed get hold of your medical
24 certificate (Redacted). My question to you is whether you have medical documents
25 related to your (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [12:06:07] Yes, I believe there is a copy of that document in the file. You can
2 ask for it to be shown to you.

3 (Counsel confers)

4 MR JACOBS: [12:06:24](Interpretation)

5 Q. [12:06:26] Now, Mr Witness, we do not have that document for the time being.
6 And if you do have it in your possession and are in a position to be able to disclose it
7 to the Court, that would be a good thing.

8 A. [12:06:41] Very well. Well noted.

9 Q. [12:06:52] How long did it take for you to be (Redacted)
10 (Redacted)?

11 A. [12:07:08] I didn't really understand your question, please.

12 Q. [12:07:16] I'm going to put my question to you again.
13 You say that you were (Redacted), and how
14 long did you spend (Redacted) before you were sent to
15 (Redacted)?

16 A. [12:07:36] I spent (Redacted). I believe
17 a (Redacted)
18 (Redacted).

19 Q. [12:08:01] I'm sorry, I forgot to put the question to you to locate things in time.
20 Do you remember the month and the year of your accident, Mr Witness?

21 A. [12:08:19] I was involved in that accident -- I don't remember exactly when and
22 I'm not going to say something off the top of my head. You know, it's a long time
23 ago now and I would need to look at my hospital file to remember.

24 Q. [12:08:46] Very well. But could you at least tell us the year, Mr Witness?

25 A. [12:08:53] I can't imagine the year, as I just said to you. I can't pick it out of thin

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 air. I would have to look at my medical file. You know, this is a matter associated
2 with my health so I'd rather not invent things and consult the medical file.

3 Q. [12:09:18] Very well. And you explain in your prior statement that - and I'm
4 just going to be reading a sentence - I'm going to provide the reference.

5 So that's tab 1 for the English version, and 1.2.

6 You say that: "The FACA took measures so I could get (Redacted)
7 (Redacted)." End of quote.

8 Do you remember having said that, Mr Witness?

9 A. [12:10:01] Well, I don't really know whether you have been grasping what I've
10 been explaining to you. I was (Redacted), but in Bangui they didn't have
11 (Redacted), that's why the staff headquarters of the
12 army organised for me to be (Redacted)
13 (Redacted) and then I was sent back to my country. Then I spent some time for
14 them to take out (Redacted) had been placed. But unfortunately there were
15 disturbances in the country and I wasn't able (Redacted). You know that
16 the military law provides that when one undergoes something during a mission, then
17 if one cannot (Redacted) in the country itself, then the law provides that one
18 can be evacuated to another (Redacted).

19 Q. [12:11:19] Thank you, Mr Witness.

20 Now, there's a great deal of information in what you've just told us. Now, a few
21 follow-up questions. I'm going to start off with the end of what you said.

22 So you say to us that all the injured soldiers (Redacted) to be taken
23 to (Redacted); is that right?

24 A. [12:11:48] You know, it's not every soldier who is injured during a mission, but
25 if you are injured (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 not have the means to provide (Redacted).

2 Had I not been (Redacted) I would have had -- probably (Redacted) and I might not
3 be before you today.

4 Q. [12:12:28] Very well, Mr Witness. I have noted that. But my question was
5 more general in nature. Was it current practice to issue a (Redacted)
6 injured soldiers who (Redacted)?

7 A. [12:12:53] You know, the (Redacted) states that if the need arises and if
8 there is an agreement between the two states, then the states will provide assistance to
9 injured soldiers. The (Redacted) issued to you for the purposes of
10 (Redacted) and the country to which you are evacuated will become aware that you
11 have a certain level of protection throughout your stay in that country. But as soon
12 as you come home, (Redacted) is taken away from you.

13 You know, (Redacted) were not distributed willy-nilly in the streets, but they were
14 distributed or issued to those who -- soldiers who were injured and who -- so that
15 they could benefit from certain protection whilst being evacuated abroad.

16 Q. [12:14:04] Thank you, Mr Witness.

17 Now, Madam Courtroom Officer, could you please bring up CAR-OTP-2073-0733.

18 That is tab 6 on our list of materials. And I believe that this document has already
19 been submitted under Rule 68(3) and it can be shown to the witness.

20 I don't know whether you can see a document before you on the screen, Mr Witness.

21 A. [12:15:00] Yes, I can see the document on the screen. And we can see here the
22 13th of the fourth month of 2011. Could we please scroll down on the document for
23 me to be able to see it.

24 Q. [12:15:20] Yes, I was going to ask you whether you recognised said document
25 and we can indeed scroll down.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [12:15:25] Yes, I can see the document.

2 Yes, that is the telephone number of the hospital in which I was hospitalised. These
3 are the medical certificates that were issued to (Redacted).

4 Q. [12:15:58] Very well.

5 Can we scroll back up a little bit, please, court officer. Please, I was not talking to
6 you, Mr Witness.

7 If you can scroll back up to the beginning of the certificate. That's too far up.

8 Perfect.

9 Now, Mr Witness, you can see "medical certificate". I will read it for the record
10 and then asks you a question, is that okay?

11 "I the undersigned certify that the state of health (Redacted)

12 (Redacted)

13 (Redacted)

14 Now, this medical certificate said that you (Redacted)

15 (Redacted). Did they explain to you what that means, Mr Witness?

16 A. [12:18:03] Yes, I understood that my -- I had had (Redacted).

17 THE INTERPRETER: [12:18:20] And that (Redacted)

18 (Redacted).

19 MR JACOBS: (Interpretation)

20 Q. [12:18:21] Very well. Now the word (Redacted), was it explained to you what
21 type of disease this is? Do you know what it means?

22 A. [12:18:46] The expressions that you are using, they're words that are being used
23 that I do not know. Maybe you can explain them to me. I really do not understand
24 what you are saying right now.

25 Q. [12:19:05] Very well, Mr Witness. I simply wanted to know whether you knew,

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 whether you could explain what is (Redacted). But to clarify, you said that
2 (Redacted); is that correct?

3 A. [12:19:29] It was the (Redacted).

4 Q. [12:19:39] Very well. Thank you for clarifying. We were well aware that it
5 (Redacted).

6 And here it is written that you (Redacted)
7 (Redacted). You said that you stayed (Redacted)

8 (Redacted). Did you stay for a further two months in (Redacted), Mr Witness?

9 A. [12:20:22] During my stay I did not receive that re-education. I had left for
10 Bangui.

11 Q. [12:20:39] Mr Witness, this medical certificate talks about (Redacted), but it does
12 not mention the (Redacted).

13 A. [12:21:02] They did not talk about the (Redacted). There was a mission and it
14 was during that mission that I had the (Redacted). I have talked about it. How did
15 (Redacted)? It was because of that (Redacted) that these documents were issued.
16 I really do not know where all the documents on the basis of which these questions
17 are being asked to me.

18 Q. [12:21:40] I'm waiting for the end of the interpretation.

19 Now, we are asking you questions specifically because we do not have any
20 documents. We have this document (Redacted) and we do not have other
21 documents. We do not have any document indicating your (Redacted), nor your
22 (Redacted). That is why I'm asking you questions because you are here to clarify us
23 because we do not have the documents that you are talking about.

24 Mr Witness, I'm going to move on.

25 In your prior statement you explained -- I'm looking for the reference, paragraph 12,

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 the same references for the prior reference -- tab 1 for English, tab 1.2 for French.

2 I don't know whether I need to give this all the time.

3 And you said you were on (Redacted) for 2011 to 2013 and you stayed in Bangui

4 without having any deployment. Do you remember saying that to the investigators,

5 Mr Witness?

6 A. [12:23:26] Yes, I remember. That is correct.

7 Q. [12:23:35] Very well. The medical certificate that we saw a short while ago

8 mentions (Redacted). Did you undergo that re-education in

9 Bangui?

10 A. [12:23:56] I did (Redacted). But

11 then they had all those events that took place, so right now I did not do that

12 re-education. I am unable (Redacted). (Redacted), I can barely (Redacted), so that

13 is what the situation is.

14 If you have any further questions you can put them to me.

15 Q. [12:24:43] Very well. And so you were on sick leave. Who placed you on sick

16 leave, Mr Witness? Who issued the sick leave certificate for you?

17 A. [12:25:01] It was (Redacted) who issued the document to me. And upon

18 arrival in Bangui, (Redacted) also authorised that sick leave so that I should return

19 (Redacted). But after the events that happened, there was no longer anyone to take

20 care of me, so up to this date I am still with (Redacted).

21 Q. [12:25:43] Very well. Mr Witness, just for the record, you gave the name of a

22 person who authorised the sick leave upon your arrival in Bangui. Can you please

23 repeat the name of this person and perhaps spell it for us?

24 A. [12:26:06] It was a long time ago. Regarding the health post, maybe I have

25 forgotten certain names. I was given leave and it was sick leave. I could not stay at

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 home just like that. But to give you a name, I cannot imagine it.

2 Q. [12:26:42] Mr Witness, as I told you, everything that you are saying in Sango is
3 translated into French and then transcribed. That is why I'm looking at the screen
4 and in this screen -- and on the screen there is a name (Redacted) authorised that sick
5 leave. Once again, now, who is that person?

6 A. [12:27:13] I said (Redacted). He is now deceased.

7 Q. [12:27:34] Very well. Thank you for that clarification, Mr Witness. We
8 needed to know what we were talking about.

9 Now, this person who was a colonel doctor in your -- in the army, he was in your unit.
10 Where was he based?

11 A. [12:28:01] He's a military doctor.

12 Q. [12:28:10] Very well. And so you were on sick leave (Redacted), if I understand
13 you correctly. Did you consult doctors regularly, including this particular doctor, to
14 confirm that you were still on sick leave?

15 A. [12:28:42] Yes, from time to time, right up to about (Redacted). Each month
16 I had to have that leave renewed. After that, I was able to start (Redacted) and
17 thereafter I was able to resume my work.

18 Q. [12:29:11] Very well, Mr Witness. And during those (Redacted) you continued
19 earning your salary from the army; is that correct?

20 A. [12:29:22] Yes, I was being paid.

21 Q. [12:29:43] Just one question: You said you were not able to do your
22 re-education because of the events. We're talking about April 2011. That is what is
23 written there. What events are you referring to in April 2011, Mr Witness?

24 A. [12:30:08] You know, I had financial difficulties. In 2011, 2012, 2013, if I had
25 had the financial resources, I would have returned. And then in 2013, the

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 government lost power, if you understand what I'm saying. 2012, I was supposed to
2 go back to the re-education centre and in 2013 we lost power, so who was going to
3 evacuate me in 2013? That is how I stayed that way until today.

4 I don't know whether you have understood what I'm saying.

5 Q. [12:31:07] It's very clear, Mr Witness. Thank you for having clarified that time
6 frame.

7 Now, earlier on, you stated that you were on sick leave and then in 2013 you resumed
8 work; is that correct, Mr Witness?

9 A. [12:31:41] In 2013, we had already lost power. The elements had already seized
10 power, so who were we going to -- uncontrolled elements had already taken power,
11 so where -- who was going to help me? So in 2013 I was in (Redacted) and it was
12 during that year, 2013, that we were brought back to the country. Despite
13 everything, we were in the country. And it was when I was supposed to resume
14 service that I was kidnapped, imprisoned, and tortured. And today I am here before
15 you in the court today. That is what I can tell you.

16 Q. [12:32:45] Thank you, Mr Witness. You said that you went to (Redacted), and
17 I will put a few questions to you about that. Now, when did you travel to
18 (Redacted), Mr Witness?

19 A. [12:33:07] You know, there is a medical certificate amongst the others which was
20 issued (Redacted). A certificate was issued in those
21 localities. It is mentioned there, (Redacted). There are all the contacts and
22 details at the bottom of the page.

23 Q. [12:33:44] Very well. My question is when did you leave Bangui? You
24 mentioned a medical certificate, so am I to understand that you left Bangui to go and
25 (Redacted)?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [12:34:02] First of all, we lost power and we were driven out of the country.

2 I went by -- (Redacted). Are you understanding me?

3 Q. [12:34:28] What is the distance between Bangui (Redacted), Mr Witness?

4 A. [12:34:47] I cannot invent a figure to tell you just like that. I cannot lie.

5 Q. [12:34:51] Very well. Just to have an idea, Mr Witness, how long did it take
6 you to travel from Bangui (Redacted)? One day, two days, one week? How long?

7 A. [12:35:11] To try would mean lying, but the journey took one day.

8 Q. [12:35:26] Very well. And then after that, (Redacted), how much time did that
9 take, Mr Witness?

10 A. [12:35:41] The same day I passed through (Redacted), and
11 arrived in (Redacted) at precisely 5.30 a.m. And around 9 -- 11 o'clock, I crossed the
12 river into (Redacted).

13 Q. [12:36:13] Very well. Just to be clear, you crossed the river into (Redacted) and
14 that was after (Redacted). That is, to go to (Redacted) we have to be clear regarding
15 what has been written on the record.

16 A. [12:36:38] The border between the CAR and (Redacted).
17 (Redacted) the border town. Once you cross (Redacted), then you arrive (Redacted).
18 Am I having myself understood?

19 Q. [12:37:16] Yes. Very well, Mr Witness. So it was in (Redacted) that you went
20 to (Redacted).

21 A. [12:37:24] That is correct.

22 Q. [12:37:31] Very well. And why did you go to see a doctor (Redacted)?

23 A. [12:37:44] But, you see, I had (Redacted). I had -- I had been (Redacted). I was
24 suffering. I had pain all the time. I had to go to the hospital. It was painful. So
25 where -- when I have the possibility of going to hospital, I would go. You have

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 your -- you have the evidence in your hands, Mr Counsel.

2 Q. [12:38:16] So you arrive in (Redacted) and simply went into a medical centre.

3 So this was 2013, (Redacted) after your accident, and you still needed medical
4 treatment; is that correct?

5 A. [12:38:33] Yes. You know, in 2013 those hooligans were still occupying the
6 country. I had fled. As you know, Touadera is in power, but if he's overthrown,
7 will his security remain there? No. They will flee. And if you take the decision to
8 repatriate people into the country, that would not happen. So what should we do?
9 I was not the only one. There were many soldiers with me. But since I had an
10 injury I had to go to a medical centre. The little money I had, I had to spend it there.
11 In 2013, 2014, that is when the Seleka were in power. Isn't that correct? 2013, 2014
12 the Seleka were in power.

13 Q. [12:39:45] I'm trying to understand the chronology and what happened. You
14 have told us a short while ago that you were unable to treat yourself in 2011 and 2012
15 because you did not have the financial resources. I do not know why in 2013, that
16 was the time you chose to spend your money, not to treat yourself in Bangui or
17 elsewhere around there, (Redacted). Why did you choose to go and have yourself
18 treated in (Redacted) rather than in Bangui in 2011?

19 A. [12:40:37] That question of yours indicates that you have not understood what
20 I said. When there was chaos in 2013, I sought refuge (Redacted). After that,
21 (Redacted). (Redacted). And then there was a delegation that came and took us
22 back to the country.

23 Q. [12:41:10] We are going to come back to what you are talking about. My
24 question is more direct. Why is it that you sought (Redacted) at the
25 time of the events, as you have said, rather than having yourself treated in Bangui in

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 2012 or 2011, that is prior to the events? I'm not talking about the events, Mr Witness.

2 I'm talking about the time of your accident, 2011, 2013. That was two years. Why is
3 it that you did not have yourself treated during that period, since -- if you had the
4 resources?

5 A. [12:41:56] That question of yours -- I would like to repeat: that is not what I said.

6 In 2011, the country had not yet been attacked. In 2012, no, it had not been attacked.

7 Everything was normal. But in 2013 it was chaos. So while I was fleeing I had pain

8 (Redacted). I could not return to the country. Bozizé had been chased from power.

9 I had saved some money and so, when I was fleeing and I was not feeling well, I had

10 to go to a clinic. Bozizé had been chased from power, so why are you now asking

11 me 2011, 2012 I was not treated and I went for treatment (Redacted). So 2011, 2012

12 Bozizé was in power. He was chased from power in 2013. We have to understand

13 each other.

14 Q. [12:43:11] We understand each other, Mr Witness. I have noted your answers

15 and I will move on.

16 Mister -- or, rather, Madam Court Officer, if we can display tab 7 on our list, that is

17 CAR-OTP-2073-0735. And that can be shown to the witness.

18 Can you see the document, Mr Witness?

19 A. [12:44:06] No, not yet.

20 Q. [12:44:15] Is it okay now, Mr Witness? (Overlapping speakers)

21 A. [12:44:26] On 2 April 2013, (Redacted). The others were

22 already in power. And after that, on the 2nd, I was already (Redacted). What is

23 written there I really do not understand.

24 Q. [12:45:09](Overlapping speakers)

25 A. [12:45:10] Very well, very well, very well. It is now understood.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 Q. [12:45:15] You said 2 April 2013. You've already said that. So you confirm
2 that that is when you arrived at the hospital; is that correct?

3 A. [12:45:23] The (Redacted)? Yes, that is correct.

4 Could you please read out to me what is written there. Then I can listen to what you
5 have to say, because I can't read it very well.

6 Q. [12:45:41] Do not worry, Mr Witness, that's what I'm here for.

7 Just a question before I read it out to you. You can see date of birth, (Redacted).

8 Is that the correct date of birth, Mr Witness?

9 A. [12:46:02] My date of birth?

10 Q. [12:46:03] Yes, it's written here (Redacted). Is that indeed your date of birth,
11 Mr Witness?

12 A. [12:46:19] Born on (Redacted), that is my date of birth, and not the (Redacted).

13 Q. [12:46:39] Very well. Now just for the transcript. In the transcript we have:
14 Born on the (Redacted) month; is that what you said, Mr Witness?

15 A. [12:46:55] Yes, it is the (Redacted).

16 Q. [12:47:02] Very well. So I'm going to read out to you part of the document.

17 If we could please scroll down somewhat, please, Madam Courtroom Officer.

18 Perfect, thank you very much.

19 So here we can see: (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) - I'm going to stop there,

23 Mr Witness. I've read the document out to you - "He has received an X-ray and has
24 been taken into care."

25 So we can still see the word (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 (Redacted), so we can see here that there is (Redacted)

2 (Redacted). Can you confirm that, Mr Witness?

3 A. [12:48:42] Yes, indeed, there was (Redacted).

4 Q. [12:48:48] And I can see that they took an X-ray and provided you with an
5 outcome. Now, as you have a medical certificate and you provided us with a copy,
6 do you also have a copy of the X-rays that were made?

7 A. [12:49:13] Do you not have the X-ray and the photograph of the scars? I believe
8 that you should have those documents in your possession. They did take an X-ray of
9 (Redacted). I believe that that should be in the file.

10 Q. [12:49:36] Well, we do have the photos but they were taken at a much later stage,
11 I believe in the year 2022. But as for X-rays of the time, no, we do not have those in
12 the file, Mr Witness. I can confirm that to you. So if you do have them in your
13 possession and you are in a position to provide them in court, that would be
14 wonderful.

15 A. [12:50:01] They might have forgotten to put it in the file, but I did give them the
16 X-ray (Redacted) and also that information concerning my wound. They should be
17 in the file concerning my case. But if I do find the other documents, I will be able to
18 send them to you.

19 Q. [12:50:31] Thank you very much, Mr Witness.

20 Now we're going to scroll down a little bit more in order to finish off reading this
21 document.

22 So in the section of "Recommendations for Transfer" we can see written here
23 (Redacted). I'm sorry if I've mispronounced the location. That's

24 what I'm reading here. Can you confirm that you were sent to the (Redacted),
25 Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 A. [12:51:31] Yes, indeed, indeed.

2 Q. [12:51:33] We can see that were you sent to (Redacted); is
3 that correct, Mr Witness?

4 A. [12:51:48] Yes, that is correct. It was indeed a cart that took me (Redacted).

5 Q. [12:51:56] Very well. Do you have any medical documents relevant to your
6 stay at the (Redacted), Mr Witness?

7 A. [12:52:25] Well, I would have to have a look in the documents that are before
8 me.

9 Q. [12:52:39] Very well. And who else was evacuated with you from (Redacted)
10 (Redacted), Mr Witness?

11 A. [12:52:52] There was (Redacted).

12 Q. [12:53:16] Very well.

13 We can remove the document. Thank you, Madam Courtroom Officer. I've
14 finished with it. Thank you.

15 So you've just spoken to us about (Redacted). Could you tell us who this individual
16 is, Mr Witness?

17 A. [12:53:43] He is a gendarme. He is deceased. He died of (Redacted) in Bangui.
18 We were together.

19 Q. [12:54:03] Very well. So you were evacuated from (Redacted); is that
20 correct?

21 A. [12:54:15] Yes, that is correct. From (Redacted)
22 (Redacted)

23 Q. [12:54:35] Very well. And how long did you stay in (Redacted) before you
24 were evacuated to (Redacted)?

25 A. [12:54:48] I believe it was two days, two days -- two or three days.

Trial Hearing
WITNESS: CAR-OTP-P-1762

(Private Session)

ICC-01/14-01/21

1 Q. [12:55:01] Very well. And can you provide us with the name of (Redacted)
2 (Redacted)?

3 A. [12:55:18] (Redacted).

4 Q. [12:55:40] And so you say that she evacuated (Redacted)
5 (Redacted); is that correct?

6 A. [12:55:50] That is correct.

7 Q. [12:56:00] And was it a normal thing to evacuate (Redacted),
8 Mr Witness?

9 A. [12:56:16] Well, you know, she is our representative, our representative, our
10 (Redacted) government tells us that their subjects after
11 the loss of power was our -- going to be transferred to the territory and if the
12 (Redacted) provides them with means of transport, then she can go ahead. It's not
13 something that is done generally speaking, but that is what god made happen. This
14 is one of god's plans. It is not common practice for soldiers to be transported by
15 such means. I served my country and my country should be grateful to me for that.
16 There we have it.

17 MR JACOBS: [12:57:26](Interpretation) Madam President, I can see the time of day.
18 I can see the witness is a little bit tired, so I think it might be reasonable for us to take
19 the break now because I have many questions to put to him on this subject and
20 I won't be able to wrap up on this subject today, Madam President.

21 PRESIDING JUDGE SAMBA: [12:57:43] That's fair enough.

22 Mr Witness, we are going to stop here today with your testimony, but we will
23 continue tomorrow with counsel putting questions to you in cross-examination so
24 that we get a complete picture of your testimony.

25 So I'm going to ask that, when you leave your present location, you do not discuss

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-1762

- 1 your testimony here today with any other person and I'm going to remind you that
- 2 you'd still be on oath.
- 3 So with that I'm going to rise the Court and ask that we come tomorrow at 9.30 in the
- 4 morning. Thank you.
- 5 THE COURT USHER: [12:58:36] All rise.
- 6 (The hearing ends in private session at 12.58 p.m.)