

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 Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Wednesday, 12 June 2024
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:33] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:04] Good morning, everyone.
14 Madam Court Officer, can you please mention the case. Thank you.
15 THE COURT OFFICER: [9:34:12] 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: [9:34:28] Thank you very much.
20 Can I ask the parties to announce their representation, starting with the Prosecution.
21 MS MAKWAIA: [9:34:36] Good morning, Madam President, your Honours.
22 For the Office of the Prosecutor this morning Ms Marie Ka, Mr Thomas Bifwoli and
23 myself, Ms Makwaia. Thank you.
24 PRESIDING JUDGE SAMBA: [9:34:48] Thank you very much, Ms Makwaia.
25 Ms Pellet, your representation for the victims, please.

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1 MS PELLET: [9:34:56](Interpretation) Thank you, Madam President. The victims
2 are represented today by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at
3 the OPCV.

4 PRESIDING JUDGE SAMBA: [9:35:08] Thank you very much, Ms Pellet.
5 Ms Naouri for the Defence, please.

6 MS NAOURI: [9:35:12](Interpretation) Thank you, Madam President. Good
7 morning. To my right, Mr Jacobs; next to him, Fiana Gantheret; and I am Jennifer
8 Naouri, lead counsel for Mr Said.

9 PRESIDING JUDGE SAMBA: [9:35:25] Thank you very much, Ms Naouri.
10 And for the record, I do take note that Mr Said is here in court with us.
11 A very good morning to you, Mr Said. I hope I see you well.

12 MR SAID: [9:35:39](Interpretation) Yes. Good morning, Madam President.

13 PRESIDING JUDGE SAMBA: [9:35:45] Good morning.
14 Good morning, Mr Witness, I hope you had a restful night.

15 WITNESS: CAR-OTP-P-1762 (On former oath)

16 (The witness speaks Sango)

17 (The witness gives evidence via video link)

18 THE WITNESS: [9:35:56](Interpretation) I'm doing fine.

19 PRESIDING JUDGE SAMBA: [9:36:02] Good. Now, we are going to continue with
20 your testimony, but I wish to remind you that you're still on oath to tell the truth and
21 nothing but the truth to this Court to help us in our search for what happened in the
22 Central African Republic. I'm going to ask counsel for Mr Said to continue putting
23 his questions to you in cross-examination.

24 And, Mr Jacobs, your witness. Just be mindful that we are in open session.

25 MR JACOBS: [9:36:38](Interpretation) Thank you, Madam President.

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1 QUESTIONED BY MR JACOBS: (Interpretation)(Continuing)

2 Q. [9:36:51] Good morning, Mr Witness.

3 A. [9:36:54] Good morning.

4 Q. [9:36:57] We shall pick up from where we stopped yesterday.

5 And, Madam President, we may want to go into private session so I might put
6 questions on the same topic. Thank you.

7 PRESIDING JUDGE SAMBA: [9:37:13] Certainly.

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

9 (Private session at 9.37 a.m.)

10 THE COURT OFFICER: [9:37:37] We are in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [9:37:40] Thank you very much.

12 Mr Jacobs, your witness please.

13 MR JACOBS: [9:37:45](Interpretation) Thank you.

14 Q. [9:37:47] Mr Witness, just to put you back in context, yesterday we were talking
15 about your stay (Redacted). Do you remember that we discussed this
16 yesterday? And at that time you explained to us that you travelled (Redacted)
17 (Redacted)

18 Now, my question is as follows: When you arrived in Bangui, which hospital did
19 you go to?

20 A. [9:38:19] When I arrived (Redacted)

21 Can you hear me?

22 Q. [9:38:31] Yes, I can hear you very clearly, Mr Witness. Please proceed.

23 A. [9:38:40] So, I stayed at the (Redacted), and then I went to the (Redacted) general
24 hospital once.

25 Q. [9:38:58] Very well. You were sent (Redacted) for treatment; is that correct?

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1 Do I understand you well?

2 A. [9:39:25] No, that is not exactly -- well, the thing is when I arrived in (Redacted),
3 she found out about my health and that's when she took me to the general hospital in
4 (Redacted). There were no financial resources and the little money I had -- you see,
5 there was also (Redacted) and I had my Visa Blue card which enabled me to
6 withdraw some cash, and that is how I was able to pay for my hospital expenses
7 myself. Thereafter, I went back to the (Redacted) and then later on we were
8 repatriated to Bangui by the government team. I don't know if you understand me
9 now.

10 Q. [9:40:34] Absolutely, Mr Witness. But I just want to understand. In your
11 previous statement - and I want to reference tab 1 for English and 1.2 for French,
12 CAR-OTP-2130-2147, at page 2150, paragraph 15 - in which you explained that the
13 (Redacted) authorities authorised your medical evaluation (Redacted) on the grounds
14 of your health. "I was evacuated from (Redacted)", rather, and this is what you said.
15 You explained to the Prosecutor that your evacuation to (Redacted) was for medical
16 reasons.

17 Can you explain that, because a short while ago you said that this was not the case?

18 A. [9:41:57] Well, that's -- that's what I said. What you have read is exactly what
19 I said. You talked about (Redacted) which was (Redacted) and which enabled me to
20 travel (Redacted).

21 Q. [9:42:17] So, you were evacuated (Redacted) for medical reasons in relation to
22 your health, and when you got (Redacted), you went to the hospital only one time; is
23 that correct?

24 A. [9:42:32] Yes, that is correct.

25 Q. [9:42:42] Do you have any medical documents or records from that hospital,

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1 Mr Witness?

2 A. [9:42:53] No, I don't have any such reports on me and I don't want to lie about
3 this.

4 Q. [9:43:04] Very well. How long did you stay at the hospital, Mr Witness?

5 A. [9:43:14] Just one day.

6 Q. [9:43:29] Very well. Then you told us that you went to the (Redacted)
7 (Redacted). How long did you stay at her residence?

8 A. [9:43:42] I think that I spent more than a month there. About a month and a
9 half, in fact. At least more than a month. I was at her residence for more than a
10 month, maybe a month and a half.

11 Q. [9:44:14] Did you know that (Redacted)?

12 A. [9:44:24] No, I did not know her before, but she was our representative. You
13 see, where you are now, you have a representative of your country, so it's the same
14 thing. She is (Redacted), she was our representative. So the authorities in
15 (Redacted) created some problems, but she (Redacted). Although she is not my
16 relative, she still is like our mother, the legal representative of Central Africans, and
17 her duty was simply to take care of us. I did not know her before.

18 Q. [9:45:13] How many of you stayed (Redacted), Mr Witness?

19 A. [9:45:26] There was (Redacted)
20 went on to (Redacted). So there was (Redacted).
21 So there were three of us at the (Redacted).

22 Q. [9:46:12] Very well. In your prior statement on this point -- I think it is still
23 displayed. No, no, but let me again for the record refer to tab 1, English; 1.2, French
24 version. CAR-OTP-2130-2147, * page 2151, which is paragraph 17. And I read back
25 to you what you said to the investigators and this is at least what they jotted down.

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1 "After two or three months, (Redacted) informed us,
2 (Redacted), that President Djotodia had asked all FACA soldiers in exile to return to
3 the Central African Republic and to continue working."

4 Now, Mr Witness, having read that back to you, does that jog your memory as to the
5 duration of your stay in (Redacted), because here you mention two or three months?

6 A. [9:47:34] I did not say two or three months. I said one month and a half. I did
7 not spend three months there. I repeat, I spent one month and a half there.

8 Q. [9:47:54] So, if I understand, you are again correcting your prior statement,
9 which I must say you read over again a few days ago; is that the case?

10 A. [9:48:17] I have not modified anything. That is what is on paper. Let me
11 repeat what I said and which is on paper. I am not modifying anything. I wait for
12 your questions.

13 Q. [9:48:41] Very well. Maybe there's an interpretation problem here, Mr Witness,
14 because on the document it is written "two or three months", but in the interpretation
15 I heard "one month and a half". So I don't know whether you can tell us again the
16 duration of your stay in (Redacted) so that we can be sure that we are dealing with
17 the correct time frames, otherwise there might be an interpretation problem,
18 Mr Witness.

19 A. [9:49:24] Well, maybe I have forgotten was it two or three months. But I
20 am -- what I have said is what is jotted on the paper and that is what is correct.

21 Q. [9:49:46] Very well, Mr Witness. We take note of that.

22 At paragraph 18 of your prior statement, which is displayed, you explained that an
23 official delegation came (Redacted). It was composed of (Redacted),
24 (Redacted)

25 Now, the question here is as follows: You do not provide the name of the protocol

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1 officer. Do you know the name of that person?

2 A. [9:50:34] He currently works with the current president of the Central African
3 Republic, but I do not know his name. I have not asked him for his name since
4 I have been back to Bangui. But I could -- I could conduct some research and find
5 out what his name is. I might be able to give you that name after such findings.
6 But for now, I do not know his name.

7 Q. [9:51:03] No problem, Mr Witness. I was just wondering if you would
8 remember.

9 Then you go on to explain that you travelled (Redacted)
10 (Redacted). Can you confirm
11 that, Mr Witness?

12 A. [9:51:22] Yes, that is correct. We all travelled (Redacted). There was the
13 (Redacted)
14 (Redacted), who currently works with the
15 current president of the Central African Republic.

16 There was the entire delegation, (Redacted), and we were all -- we were all in
17 (Redacted), and we got to Bangui at around 16 hours, 4 p.m. or thereabouts. That is
18 what I said.

19 Q. [9:52:18] Very well, Mr Witness.

20 Mr Witness, we will now move on to another topic.

21 In your prior statement you explained at paragraph 57 that you knew OCRB because
22 you had gone there in your capacity as a soldier.

23 My question for you, therefore, is: What functions led you to go to the OCRB,
24 Mr Witness, at that time -- that is, before 2013?

25 A. [9:53:13] The OCRB is centred -- is located in the city centre, downtown. But

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1 I was not taken to that one, I was taken to the OCRB after my arrest. You see,
2 bandits are taken to the OCRB, but you know that I work in the CAR and I know
3 where the OCRB is located. It is not far from the *Palais de la Renaissance*. I was born
4 in the Central African Republic capital, I was not born in a village, and so I know the
5 various arrondissements and brigades within the city. I don't know if you
6 understand what I'm trying to tell you.

7 Q. [9:54:03] That's very clear. But what is mentioned in your prior statement is
8 not that you knew where it was, but simply that you knew the OCRB because you
9 went there in your capacity as a soldier. So this means that you went there
10 physically, physically in your capacity as a soldier. Can you clarify that point,
11 Mr Witness.

12 A. [9:54:35] What would I have gone to do there? I was simply passing by on my
13 way to work. I would pass by that location because it was on my way to work at
14 Camp de Roux. I am not a policeman and I did not work at OCRB. I am a soldier
15 and all I did was pass by the location. What would I be going to do at OCRB? The
16 only time I went to OCRB is when I was taken and put in the underground. The
17 OCRB, you may want to know, is located downtown in the city centre.

18 Now, if you have a question about what I went to do at the OCRB, I don't know what
19 you're looking for, but this is what I can tell you. I really don't know.

20 Q. [9:55:24] That is -- that is very clear. You have clarified your prior statement,
21 and that is why we're putting these questions to you.

22 Now, Mr Witness, if you know, can you tell us who was in charge of the OCRB at the
23 time of Bozizé?

24 A. [9:55:49] I do not know who was in charge of the OCRB at that time, under
25 Bozizé.

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1 Q. [9:56:12] Very well, Mr Witness. In your prior statement at paragraph 80, you
2 say that "I already knew the police commissioner Guy Mangabass" (Redacted)
3 (Redacted) Did you say this to the
4 investigators of the OTP, Mr Witness?

5 A. [9:56:45] After I was arrested, after those bandits arrested me and took me to
6 OCRB, some policemen had come back to take up their functions, such as Guy
7 Mangabass, because the Djotodia government had taken him up, and Prime Minister
8 Tiangaye and the minister of justice, they had come here to -- for a handing over
9 ceremony, and it is thereafter that I saw Guy Mangabass who was a young man who
10 used to stay in Boy-Rabe and with whom we used (Redacted)
11 (Redacted). That is when I saw Guy Mangabass, and after that I was taken out from
12 the underground to the above-ground cells. That's when I was sent to the back
13 parking and that's the time at which I got to know Guy Mangabass.
14 I don't know if you have read my statement carefully, but this is all contained in my
15 statement.

16 Q. [9:58:00] Very well. Yes, yes, that's very clear.
17 Now, do you know whether Guy Mangabass worked at the OCRB under Bozizé,
18 Mr Witness?

19 A. [9:58:14] During Bozizé's time he was a policeman, but after taking over and the
20 handing over programme, the policemen who had undergone some training came
21 back to work and it is then that Guy Mangabass was appointed police commissioner
22 at the OCRB and that is when those of us who were in the underground cells were
23 taken out. Because, you see, the officials of the Seleka wanted to take us away. But
24 there was a police lady who was a captain who said, no, and she said that prisoners
25 could not be taken away, and that is when we were taken out and it is at that time

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1 that we noticed that the commissioner was Guy Mangabass.

2 If you have any other questions, counsel, please feel free to put them to me.

3 Q. [9:59:29] Absolutely, Mr Witness.

4 Your testimony here is that there were no policemen at the OCRB * before August

5 2013. I'll give you a few names. Do you know Benjamin Mallo, Mr Witness?

6 A. [9:59:49] Benjamin Mallo? No, I don't know him.

7 Q. [9:59:57] Does the name Mazangue ring a bell, Mr Witness?

8 A. [10:00:08] Mazangue, I know him. At the time of the events he was the director
9 general of security at the Camp de Roux.

10 Q. [10:00:27] Very well, Mr Witness. And if I mentioned a name Jean Claude
11 Sophil, does that mean anything to you?

12 A. [10:00:40] No, I do not know him.

13 Q. [10:00:47] Does Koutoulingar mean anything to you, Mr Witness?

14 A. [10:00:54] No, I do not know him.

15 Q. [10:01:05] Does the name Beltoungou ring a bell with you, Mr Witness?

16 A. [10:01:11] No, I do not know the people that you are mentioning.

17 Q. [10:01:18] Does the name Prisca Dillah mean anything to you, Mr Witness?

18 A. [10:01:28] Prisca Dillah? No, I do not know her. This is the first time I'm
19 hearing this name.

20 Q. [10:01:38] Does the name Patchanga mean anything to you, Mr Witness?

21 A. [10:01:46] No, I do not know this person.

22 Q. [10:02:00] One -- Mr Witness, if you did not go to the -- to -- to OCRB in 2013,
23 and if you did not know the people who were working there, how can you say that
24 there were no policemen there under Djotodia?

25 A. [10:02:23] I do not believe that I understood your question. Can you repeat

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1 please?

2 Q. [10:02:34] I will repeat the question. You have told us a short while ago that
3 you did not go to the OCRB under Bozizé; is that correct?

4 A. [10:02:52] I said, and please listen to me attentively, the OCRB is located in the
5 city centre. I know that you are Said's counsel, so listen to me very well. The OCRB
6 is located in the city centre and to go to my place of work, I pass through the city
7 centre.

8 I'm listening to you.

9 Q. [10:03:25] I'm asking you a simple question, so please try to answer my simple
10 question. If I understood you correctly, you said that you did not used to go to the
11 OCRB before 2013, so you did not know the people who were working there, so how
12 can you say that there were no policemen at the OCRB under Djotodia if you didn't
13 know who was working there? On what basis did you make that statement?

14 A. [10:04:04] I was at the firefighters' base. They took me to the OCRB base in a
15 police vehicle. And when I arrived at the OCRB, I did not see a genuine policeman,
16 I saw Seleka members dressing as policemen. Under Djotodia, no policemen were
17 working there. It -- it was members of the Seleka who were dressing like policemen
18 and who were driving in police vehicles. So I was at the *Sapeurs-Pompiers* and they
19 took us to the OCRB and there was only the Seleka. It was only after the changeover
20 that the police resumed their jobs at the OCRB. In 2013, when I was there at the
21 OCRB, it was because they detained me in the underground cell.

22 Q. [10:05:23] Thank you, Mr Witness. The people that you saw in police uniforms,
23 did you speak to them? Do you know their names? You say that there were people
24 wearing police uniforms.

25 A. [10:05:44] But it was members of the Seleka who were dressed as policemen.

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1 They stood guard. And when the Seleka took us to the OCRB, they opened the
2 underground cell and they pushed us into the hole. We could not even see daylight.
3 We did not know when the sun rose or when it was daylight. No member of my
4 family was aware of my situation.

5 Q. [10:06:25] Mr Witness, I will come back to my question. If you do not know
6 who were these people, how can you be able to distinguish between someone in
7 police uniform who is a genuine policeman and someone in a police uniform who is a
8 fake policeman? I am just trying to understand, Mr Witness.

9 A. [10:06:52] I am going to give you an answer. I am intelligent enough. If I see
10 a true career policeman in front of me, I will be able to recognise that policeman.
11 And if it is not the case, then I will know it. These people at the OCRB were real
12 criminals, bandits, trouble-makers. But it was after the changeover that the genuine
13 policemen resumed their duties.
14 We were in a state of law. During that period, things were difficult. Today, you
15 can put those questions to me, but if god had not intervened to save my life,
16 I wouldn't have been able to be before you here today. That is what I wanted to be
17 clear. But if you have other questions, I am available to answer them.

18 Q. [10:08:00] Thank you, Mr Witness.

19 Now, Mr Witness, you have said that your statement is on record and it is clear.

20 I have a question about three people -- that is, the three people from (Redacted) who
21 were supposed to have been detained in the OCRB with you. Do you remember that,
22 Mr Witness?

23 A. [10:08:48] Yes, they were arrested at (Redacted), and then all of us were detained
24 at the *Sapeurs-Pompiers* before being transferred to the OCRB. Once at the
25 OCRB -- in fact, at the *Sapeurs-Pompiers*, they told us that they had been arrested

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1 because they had (Redacted). Thereafter, we were all taken to the OCRB.

2 Q. [10:09:22] Very well, Mr Witness. We will just talk about those three people
3 briefly. Do you remember their names?

4 A. [10:09:33] No, I do not know their names. I cannot lie to you, I do not know
5 their names.

6 Q. [10:09:52] Very well. That was just in case you knew. Thank you,
7 Mr Witness.

8 Just one moment, Mr Witness.

9 (Counsel confers)

10 MR JACOBS: [10:10:30](Interpretation)

11 Q. [10:10:30] Mr Witness, I would like to come back to the time of the legal
12 proceedings against you. So you were interrogated by the prosecutor in Bangui; is
13 that correct?

14 A. [10:10:54] Please kindly repeat your question. I don't think I understood it.

15 Q. [10:11:03] Very well. From your statement I understood that the state
16 prosecutor in Bangui interrogated you; is that correct?

17 A. [10:11:24] Listen to me attentively. Can you hear me?

18 Q. (Microphone not activated)

19 A. [10:11:38] The state prosecutor works at the CPS, the Special Criminal Court.
20 Tiangaye, the minister -- the minister called Binoua -- I now remember the name.
21 During that time we had already been released from the underground cell.

22 I shouted out in the name of Mr Tiangaye. I told him that we were (Redacted) and
23 you told us to return to Bangui and resume our work. And when the prosecutor
24 listened to us, we were released. We were taken to the court, but we were not
25 interrogated. It was later on that they interviewed us. They took into consideration

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1 everything that we said and they issued a provisional release document for us.

2 Q. [10:13:13] Very well. In your prior statement, paragraph 77, it is stated that
3 you were interrogated by the police. Do you confirm that, Mr Witness?

4 A. [10:13:31] Yes, that is correct.

5 Q. [10:13:43] Thereafter you were taken to the court.

6 A. [10:13:49] Yes, correct.

7 Q. [10:13:58] Mr Witness -- or, rather, Madam Court Officer, I would like tab 9 to be
8 displayed. It is CAR-OTP-2073-0736.

9 This document may be shown to the witness.

10 A. [10:14:52] Could you scroll down on the document so that I can read.

11 Q. [10:15:01] Yes.

12 Court officer, if you can zoom in and then show it to the witness.

13 Mr Witness, we will leave you the time to read it so you can read all the document
14 and then we ask you questions.

15 Court officer, I said zoom out so that the entire document can be seen.

16 Can you see it, Mr Witness?

17 If you just scroll down again to the bottom.

18 A. [10:15:53] Yes, I can see it.

19 Q. [10:16:01] Do you recognise that document, Mr Witness?

20 A. [10:16:07] Yes. It is the document that it was -- that was issued for our release.

21 Q. [10:16:23] Very well. You are the one who gave this document to the
22 investigators of the OTP; is that correct?

23 A. [10:16:35] Yes, that is correct.

24 Q. (Overlapping speakers)

25 A. [10:16:39] Each one of us had their own individual document. What I have

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1 given you there is what was given for my case.

2 Q. (Overlapping speakers)

3 A. [10:16:55] I don't know whether you have further questions.

4 Q. [10:17:02] So I have other questions, Mr Witness.

5 So this is a release document under judicial control; that is, if you look at the top of
6 the document.

7 Court officer, if you could scroll back up, please. Perfect. Thank you very much.

8 "Order for release under judicial control".

9 And the second point: "Considering the procedure followed (Redacted)

10 (Redacted)

11 Even at this point it can be seen that it is not your name there. Why do you have the
12 document for the provisional release of this other person, Mr Witness?

13 A. [10:18:08] (Redacted), and at this particular time he is in the
14 (Redacted). I explained to the investigators when they asked me the question that if
15 there is a possibility I will go through his parents to contact him in order to return his
16 copy to him and then retrieve my own. I had explained to the investigators that my
17 document was with him. There is nothing serious here. The name on this
18 document is (Redacted), but it is the same format and the same content that bears my
19 name, and that one (Redacted).

20 (Redacted). He was arrested in Boy-Rabe. And we stayed at the
21 *Sapeurs-Pompiers* and at the OCRB together. He had been arrested four days before
22 I was detained. It was because of -- we were in a hurry that I took his document and
23 he took mine. Because when you look at that order, there is not -- there is nothing
24 very serious. But if you insist on having it, I will do everything possible to bring it to
25 you.

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1 Q. [10:19:56] We will come back to that, but we will stay with this document.

2 If it can be scrolled down a little bit so that the proceedings can be read. Perfect.

3 "Considering the proceedings against this person who are responsible for serious
4 offences against the laws and rules of the Republic: Provided for and punishable
5 under article 285 of the criminal code".

6 So we can see the charges against you and (Redacted), that is manoeuvres of a nature
7 to disrupt the public peace. Those are the charges that we can see against you,
8 Mr Witness, for which you were indicted.

9 A. [10:21:03] You are aware, someone who cannot (Redacted), what type of energy
10 or force can he have to go and disrupt or cause trouble in the country? You know,
11 those who have power, they can abuse that power. But with my situation, is it
12 possible for me to carry a weapon and go and cause trouble? I was on provisional
13 release and they investigated me, but they were in power at the time. So, as I have
14 said, if I had remained there I would have died. It is thanks to god that I have stayed
15 alive and you have the possibility of questioning me. If I am guilty, god will judge.
16 If not, god will judge.

17 I have nothing else to add. If you have other questions, please put them to me.

18 Q. [10:22:17] Very well, Mr Witness.

19 So this is an order issued by a judge in the High Court in Bangui, judicial proceedings
20 based on the criminal court. You were not released totally, because at the bottom of
21 the document it is stated that you are released provisionally under judicial control.

22 Can you confirm that, Mr Witness?

23 A. [10:22:58] But should I have opposed that decision? Of course not. After
24 having been released, I did not flee. This shows that I was not guilty. If I had been
25 aware that I was guilty, I would have fled. But given that I did not flee, I stayed

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1 there right to this very day, shows that I am not guilty at all. I am before you here
2 today and I'm still free.

3 Q. [10:23:44] Very well.

4 "Placed under a detention order on (Redacted)". That means you were jailed on
5 (Redacted), locked up on that day. Do you agree, Mr Witness?

6 A. [10:24:12] I have nothing to add. The day that I am summoned to go before the
7 prosecutor I will ask them the reasons why I had been detained. There was a
8 communique published asking all soldiers to resume their work, to return to their
9 work stations. So I had gone to a soldiers' assembly, and when I was returning I was
10 detained with gun butts. I was beaten. Was I causing problems with weapons?

11 No, I was working for the country. It is a country -- it is a state of law and if there is
12 no evidence and I had been locked up for nothing under a detention order, the day
13 that I am caused to appear I will seize the opportunity to know the reasons why I had
14 been arrested.

15 So if you have not properly understood what I have said, please put other questions
16 to me.

17 Q. [10:25:35] But you appeared before the investigating magistrate (Redacted); is
18 that correct?

19 A. [10:25:43] Yes, that is correct.

20 Q. [10:25:50] Very well. Just so that we should look at each document in turn, if
21 we can scroll down to the bottom of this document, I have a question to put before we
22 move on to the next document.

23 Perfect. Thank you.

24 Mr Witness, it is written "Issued in our firm, Bangui" and there is no date.

25 Do you remember the date on which you received this document, Mr Witness?

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1 A. [10:26:28] You have the document that you can look at before your own eyes, so
2 if you look at it, maybe you will see. The document has been preserved for a long
3 time. As a man, given what I have experienced, I do not have the time to retain
4 dates. It is thanks to god that we are able to speak today. So I went through some
5 very difficult moments, and it is thanks to god that we are here today. So when you
6 put questions to me concerning dates and days, well, I really do not understand.
7 Regarding my own document, I will call (Redacted), he will send it to me and I will
8 ask that a copy be made for you and you will be able to see the date. So regarding
9 the date, the document is before you. Maybe you can make an effort to read it and
10 determine the date.

11 Q. [10:27:39] Very well, Mr Witness.

12 The document can be taken off.

13 You have just told us that you can be -- you can obtain that document. We have an
14 investigator's report of the OTP investigators of the ICC. It is tab 10 on our list,
15 CAR-OTP-2130-7969.

16 And, court officer, please, this document should not be shown to the witnesses for
17 reasons of confidentiality.

18 In that investigator's note -- it is in English and I will give you an unofficial translation,
19 Mr Witness.

20 In that investigator's note on page 7969, that is the first page, that you explain to the
21 investigators what you have told me, that you exchanged your documents, your
22 release documents, (Redacted). And the investigators write here that you allegedly
23 took contact (Redacted) who accepted to meet with you and hand over your own
24 release document. The investigators told you that it was not possible because your
25 interview had been terminated. So you can see that you already tried to obtain the

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1 copy of your own release order in 2018 and the investigators told you that it was not
2 possible. Is that true, Mr Witness?

3 The document should be scrolled down for the Court, court officer.

4 If you can scroll down again towards the end of the page.

5 I'm sorry, Madam President, but I find it, I can see it.

6 I'm sorry, Madam President, but my cut and paste was probably not successful in this
7 document, but in any event we have -- well, let me hop back to the original document.

8 I'll repeat, Madam President.

9 Mr Witness, just to clarify and to be clear about what I am quoting from the report.

10 It is written here as follows, in what I told you; namely, that you swapped the release
11 orders and that you indeed contacted (Redacted) obtain your copy.

12 And further on in the page it states as follows: On 19 March you had discussions
13 with the investigators to arrange a meeting whereby you would be able to provide
14 them with your release order.

15 My question to you, Mr Witness, is: Did that meeting take place? And, secondly,
16 were you able to obtain your copy of the release order, going by what is stated here?
17 Did you obtain it and did you provide it to the investigators of the OTP?

18 PRESIDING JUDGE SAMBA: [10:33:54] But, Mr Jacobs, I think the witness's
19 evidence so far, as I understand it, is that he has not obtained his own release order
20 from that person, from (Redacted), hence the reason why he's promising that he will
21 try to get it. The evidence so far is as stated in this document that they mistakenly
22 exchanged their various release -- provisional release orders because of the situation
23 at the time. I think that's the witness's evidence so far. He does not have his own
24 release order, but he will try to get it. And he insists that this document that we're
25 looking at, the provisional release order -- not this one that is on the screen now, the

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1 document that we had looked at is not his own release order, and, therefore, the
2 allegations in that particular document could not be his because of his pain in his legs.
3 That is the evidence as we understand it.

4 MR JACOBS: [10:35:17](Interpretation) That is absolutely correct, Madam President,
5 and it's why I am showing him this report of the investigators which appears to say
6 something else. Let me read here in English to clarify the matter.

7 MS MAKWAIA: [10:35:30] Your Honours, actually, what the investigator's report
8 states is exactly the position the witness has given the Court. And, in fact, you have
9 the witness before you, Madam President, your Honours, who's explaining to counsel
10 why he still did not produce this release order. So he -- secondly, your Honours, it's
11 inappropriate to be impeaching this witness with the report of an investigator that we
12 did disclose to the Defence but now impeaching him on the basis of what has been
13 described by the investigators. The witness has given the answer and your Honours
14 has described it to counsel what his position is with respect to the release order. So
15 we object to this.

16 PRESIDING JUDGE SAMBA: [10:36:19] Mr Jacobs, please.
17 Thank you, counsel.

18 MR JACOBS: [10:36:28](Interpretation) Madam President, first of all, I was going to
19 read the report in order to clarify the situation, and I am not sure that I understand
20 the objection. Right from the beginning of this trial we have done the same thing;
21 namely, to use documents from the investigators of the OTP. So I hope that my
22 learned colleague believes that the content of the document is correct. I think it is
23 normal to use any documents in our possession to challenge the witness. There is
24 nothing abnormal in that approach. So I made a little bit of cut-and-paste mistake
25 which I'm trying to correct. So I would like to read one sentence from the report and

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1 ask the witness whether he can confirm that this is what the investigators of the OTP
2 wrote, and I want to know, in so doing, whether it is the witness who is telling the
3 truth or there was a mistake in the report. Madam President, this is what we are
4 looking for.

5 PRESIDING JUDGE SAMBA: [10:37:28] You know, just to address that particular
6 situation, I'd want counsel for the state -- for the ICC, the Prosecutor, to observe that
7 these documents are -- you gave them in disclosure and they have a duty to -- to
8 defend their client, so they could use the document, certainly, to put questions to this
9 witness. That has been our position before when Mr Choudhry -- I remember very
10 well, when Mr Choudhry used a similar objection.

11 The point I'm making, though, Mr Jacobs, is that this witness has said -- because your
12 question is whether or not he did meet with the Prosecution and whether or not he
13 did give the Prosecution his own provisional release document. He has said that he
14 does not have it. That document is with a person named in this document that you
15 want to question him on now and that he would promise to try and get it from that
16 person. This person is I think (Redacted), somebody by the (Redacted).
17 I don't know if you have any other questions to put to him, but if it is just for that
18 your question, he has answered it.

19 MR JACOBS: [10:39:00](Interpretation) Very well, Madam President. I have no
20 further questions on this particular point, which I have understood in the same
21 manner as yourself.

22 I'll, therefore, move on to the next phase, but I want to ask for the formal submission
23 of the investigator's report that we have just discussed.

24 PRESIDING JUDGE SAMBA: [10:39:25] Thank you. We accept it as being formally
25 submitted.

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1 Please carry on.

2 MR JACOBS: [10:39:35](Interpretation) Thank you, Madam President.

3 (Counsel confers)

4 MR JACOBS: [10:39:58](Interpretation) I'm sorry, I have just lost one of my
5 documents.

6 Very well. Court officer, can you display tab 8 in our list of documents,
7 CAR-OTP-2073-0734, I believe, which can be shown to the witness. Thank you,
8 court officer.

9 Q. [10:40:57] Can you see this document, Mr Witness?

10 A. [10:41:03] Yes, I can see it.

11 Q. [10:41:06] Do you recognise this document, Mr Witness?

12 A. [10:41:17] Can you scroll down the entire document, or can you read it out for
13 me?

14 Q. [10:41:25] Yes, we see here a detention order and we see your name to the left,
15 and then we see the charges: "Manoeuvres likely to cause" -- I can't read it -- "to
16 disrupt by way of serious disorders".

17 Then we see the name of the examining judge and then we see the indictment.

18 "Hereby authorise all orders of the public forces", which -- and I can't see exactly what
19 is written. They are authorised to seize and bring to the prison, and we see your
20 name in relation to manoeuvres that can lead to disrupting the peace. And then we
21 scroll down further down and we see the date is (Redacted).

22 Now, this is a detention order requesting that you be detained and -- at the Ngaragba
23 prison.

24 Mr Witness, do you recognise this document?

25 A. [10:42:46] I am seeing this document here for the very first time. I don't know

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1 who would have imagined or produced such a document. If I had been sent to

2 Ngaragba, why would I have been under judicial control?

3 So I do not recognise this document. I don't know who issued it. I don't know

4 where you found it. I don't know this document. This document is not in my

5 possession. Someone must have imagined it. And, so, I don't know this document,

6 I don't recognise it, and I thank you.

7 Q. [10:43:28] Very well. Well noted, Mr Witness.

8 Following our information from your prior statement, except where mistaken, it

9 appears that you are the one who provided this document to the OTP.

10 A. [10:44:11] I do not recognise this document. Even when I was correcting the

11 documents, I did not see it with the team which -- with which we corrected the

12 documents. Why are you showing me this document? If you are -- how would it

13 have been that I was sent to Ngaragba. I really do not know. I don't recognise this

14 document. What I know is that I committed myself to tell and speak the truth. The

15 truth is that I don't recognise this document. I am seeing it for the first time and

16 I never handed this document to them.

17 PRESIDING JUDGE SAMBA: [10:44:56] Can you give us a reference point in the

18 witness's testimony, Mr Jacobs, where he may have referred to this detention order?

19 MR JACOBS: [10:45:25](Interpretation) I want to refer to the same investigators'

20 report which we looked at a short while ago, CAR-OTP-2130-7969, I think. And here

21 we see --

22 PRESIDING JUDGE SAMBA: [10:45:51] The tab number -- the tab number, please,

23 for the record.

24 MR JACOBS: [10:46:01](Interpretation) Madam President, I repeat the tab, tab 10.

25 Q. [10:46:12] I'll read out the document in English to be exact, and this is what is

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1 written:

2 "P-1762 (Speaks English) showed to the investigators one of his medical certificates,
3 his mandate of detention for the Ngaragba prison and the judge order of release for
4 (Redacted)".

5 (Speaks French)

6 (Speaks English) "The investigators took photos of the documents" --

7 PRESIDING JUDGE SAMBA: [10:46:42] Sorry, Mr Jacobs. I'm just -- I mean it's just
8 on the screen now. Which paragraph are you talking about on that document in
9 tab 10 so that we can follow your trend?

10 MR JACOBS: [10:46:58] *Le* second paragraph, Madam President.

11 (Interpretation) Please, court officer, go to the previous paragraph. Thank you.

12 The paragraph starts with "P-1762", Madam President.

13 MS MAKWAIA: [10:47:32] Your Honours, if we may assist. That would be tab 5 of
14 the list of materials of the Prosecution.

15 PRESIDING JUDGE SAMBA: [10:47:39] It's showing on evidence channel 1, so
16 thank you very much.

17 Carry on, Mr Jacobs.

18 MR JACOBS: [10:47:56](Interpretation) This paragraph appears to indicate that it is
19 the witness who provides the report to the investigators and provides reports, or
20 photographs. The witness further explains that he was never held at the Ngaragba
21 prison. I think this is what we are talking about. The detention order, if I am not
22 mistaken, was already submitted under Rule 68(3) and that is why we want to clarify
23 its origin. If the witness says he has never seen it, we need to clarify the origins of
24 the document, Madam President.

25 In any event, I can move on to another question.

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1 Q. [10:48:56] Now, Mr Witness --

2 PRESIDING JUDGE SAMBA: [10:48:59] Yes, you can move on to another question.

3 The evidence justifies that the witness says that he has never -- he doesn't recognise
4 the document and, in any event, looking at the paragraph you referred to, he also, if
5 we're taking about what the investigator said, he also clarified that he was never
6 incarcerated at the Ngaragba prison.

7 You can move on to another question if you may, Mr Jacobs.

8 MR JACOBS: [10:49:36](Interpretation) Absolutely. Now, Mr Witness -- court
9 officer, could you please can take off the document and we'll move on to something
10 else.

11 But I just want to wrap up on this point.

12 Q. [10:49:47] Mr Witness, today you are testifying that you are never been held at
13 the Ngaragba prison; is that correct?

14 A. [10:49:55] Never, never. I have never set foot in the Ngaragba prison, never.

15 Q. [10:50:17] Very well. Last question on this trial.

16 How long did your judicial control last whereby you had to go see the examining
17 judge every week, for how long did that last?

18 A. [10:50:43] Can you please repeat your question? I am not sure I understood it.

19 Q. [10:50:47] Of course, I'll repeat.

20 In your release order it is mentioned that you were released under judicial control
21 with a duty to appear at the office of the examining magistrate each week.

22 Now, I want to ask you how long that judicial control lasted? Was it a few weeks, a
23 few months and how long, Mr Witness? That's what I want to know.

24 A. [10:51:27] I believe that it lasted between one month and two months,
25 thereabouts.

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1 Q. [10:51:44] Perfect, Mr Witness.

2 So I move on to another question as we move forward.

3 Madam Court Officer, could you please display tab 32 on our list of materials, which
4 is CAR-OTP --

5 THE INTERPRETER: [10:52:15] Sorry, the interpreters missed that number.

6 MR JACOBS: [10:52:20](Interpretation) And the document can be displayed to the
7 witness.

8 THE INTERPRETER: [10:52:29] The reference is CAR-OTP-00000518.

9 MR JACOBS: [10:52:38](Interpretation) Can we please scroll to page 3, scroll down
10 to page 3.

11 Q. [10:52:45] Mr Witness, this is a report from the investigator's office, which deals
12 with a call log -- rather, telephone numbers from the time. Can you discuss this with
13 me, Mr Witness. I want to just crosscheck this with you. Is that okay?

14 A. [10:53:04] Yes, that's fine. (Redacted), that's also the phone number that
15 I maintained that I'm using now. As for the Telecel number, I lost that at the time
16 my telephone was snatched from me, so I don't have that number anymore.

17 Q. [10:53:37] Very well. Let us proceed in an orderly manner for purposes of
18 clarify.

19 The first number is (Redacted). This is a number you used in 2013; is that correct,
20 Mr Witness?

21 A. [10:53:53] Yes, that is correct, but the number was taken away from me in 2013,
22 it was snatched.

23 Q. [10:54:06] The second number that we see is (Redacted), is that a number you
24 used in 2013 as well, Mr Witness?

25 A. [10:54:20] Yes, that is correct. I lost those two numbers, though, when -- but,

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1 however, I went to try to get back the Telecel number and I was told that the number
2 was being used by someone else, so I could not reinstate that first number.

3 But the second number, the (Redacted), I was able to reinstate it. That's what I can
4 say and I'm ready to answer any further questions from you.

5 Q. [10:55:03] Very well, Mr Witness.

6 I request formal submission of the document which I have shown the witness -- that is,
7 tab 32 on our list of materials.

8 Now, Mr Witness, let me move on to the next topic.

9 Do you remember the first time the investigators of the OTP contacted you,
10 Mr Witness -- do you remember?

11 A. [10:55:41] I no longer recall the date because these things happened such a long
12 time ago. But, please, if you have the date, can you tell me so that I will tell you
13 whether they called me and we met up, if I remember.

14 Q. [10:56:00] Very well. Do you remember whether it was a few days, a few
15 weeks or a few months before your prior statement which you gave in March 2018?

16 My question then is: Did they contact you in 2018 or in 2017? Do you have any
17 idea of how long it was between the time they first contacted you or when they first
18 contacted you?

19 A. I don't have the date in mind any longer. But you have the document. I don't
20 know who gave them my number. They know the date on which they called me.

21 But when they called me the person who called was speaking in English but was with
22 another person who spoke Sango. We agreed on an appointment and then we met.

23 But I do not know how they managed to get my number. Again, these things
24 happened a very long time ago and at that time I did not imagine that I was going to
25 appear before this Court to testify. All I know is that they called me on the phone

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1 and they set an appointment for 2 to 3 p.m. We met, we had an interview. I was
2 released and then I went back home shortly thereafter. Then they contacted me
3 again and we met again from 9 to noon. And then they contacted me again a third
4 time, and I think our meeting, our meetings in total were five in number. And
5 between these meetings there is quite a lapse of time and these things happened such
6 a long time ago, how can you expect me to remember the first time we met, the date
7 of the first time we met.

8 Please think about it. Think about the questions you are asking me. I was in the
9 bush at the time and I did not imagine that I would be appearing before your Court
10 today to testify. But I know that you can have all the dates with you because all the
11 material is written down. You see, this information is written down and that is how
12 we were able to come to meet in the courtroom today. You have all the information,
13 I think so.

14 Q. [10:58:34] When the investigators called you for the first time, how did you
15 know that they were the investigators of the OTP? Did you just trust them
16 immediately?

17 A. [10:58:48] They introduced themselves; yes, they introduced themselves. They
18 told me that they had been given authorisation by the military authorities and that
19 I did not have to worry. So I have told you they introduced themselves. I had
20 never known them from before.

21 Q. [10:59:17] Last question on this point before the break, Mr Witness.
22 You say that they told you they had obtained authorisation from the military
23 authorities. Do I understand by that that the authorities -- the investigator, rather,
24 contacted your hierarchy prior to meeting you because they needed an authorisation
25 to talk to you; is that your testimony, Mr Witness?

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1 A. [10:59:48] I do not know how investigations are conducted. I don't know how
2 they do it. But all they told me was, "Do not panic", because they said they had
3 obtained authorisation from my superiors and that I was at their disposition in those
4 proceedings. But things dragged on for a long time and it is only after several years
5 that we are able to meet again this time around. I never met them. I never knew
6 that such-and-such a person worked for the ICC, but they simply introduced
7 themselves as working for the ICC and that they had questions to ask me relating to
8 the events that I had experienced. I don't know if you can fully understand my
9 explanations.

10 Q. [11:00:46] Thank you very much, Mr Witness, for those clarifications.

11 Madam President, I'm looking at the time.

12 PRESIDING JUDGE SAMBA: [11:00:52] Yes, certainly.

13 Mr Witness, we are going to break off here for a bit of time. We'll come again in
14 30 minutes to continue with your testimony.

15 I will rise the court and ask that you come at 11:30 please.

16 THE COURT USHER: [11:01:10] All rise.

17 (Recess taken at 11.01 a.m.)

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

19 THE COURT USHER: [11:35:29] All rise.

20 Please be seated.

21 PRESIDING JUDGE SAMBA: [11:35:54] Good morning again, everyone.

22 Mr Witness, we are going to continue with your testimony in cross-examination.

23 Mr Jacobs, your witness, please, and for you to know we are in private session.

24 Thank you.

25 MR JACOBS: [11:36:16](Interpretation) Thank you, Madam President.

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1 Q. [11:36:21] Good morning, again, Mr Witness.

2 A. [11:36:24] Good morning.

3 Q. [11:36:36] So we're going to be moving forward a little bit on the same topic of
4 your meeting with the investigators of the Office of the Prosecutor. Now, when they
5 met you to take your prior statement, the one we've been talking about these last
6 couple of days, did they request that you provide an identity document, Mr Witness?

7 A. [11:37:09] Yes, I do have two identity cards. I have a military identity card and
8 I have a national identity card. If you have a copy, maybe you could show it to me.

9 Q. [11:37:38] Well, I'm going to be -- I'd like to be sure to understand your response
10 to my question correctly. You say that in 2018 when you saw the investigators you
11 had with you on your person an ID card, that is to say, a national ID card and
12 a military ID card, if I've understood you correctly?

13 A. [11:38:01] Yes, that is correct.

14 Q. [11:38:08] Very well.

15 Now, could we once again bring up the prior statement of the witness, please,
16 Madam Courtroom Officer. So that's English version, tab 1 and, what is more, I
17 apologise, could we please bring up the English version because I have a question
18 with regards to the signature that only appears in the English version. So
19 CAR-OTP- -- well, I don't have the CAR-OTP number.

20 Oh, yes, I do, here it is. 2073-0568. I repeat. Tab 1, 2073-0568. And of course this
21 can be shown to the witness.

22 Mr Witness, can you see the document? This is the English version of your prior
23 statement. And to the right-hand side in the right-hand column, you can see
24 "Passport/ID number" and there is written (Redacted). I don't know whether you
25 can see that.

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1 So I would like to know what number that corresponds to. It doesn't look like an ID
2 or a passport number. I'd like to know what that corresponds to, which ID
3 document, if you could shed light, please.

4 A. [11:40:01] I can see that my name is written here, "(Redacted)". Well, I can see
5 my date of birth, (Redacted).

6 THE INTERPRETER: Repeats the witness.

7 THE WITNESS: [11:40:20](Interpretation) No, I don't know, I don't know what
8 document you are presenting to me here. You can read, I will follow what you're
9 reading.

10 MR JACOBS: (Interpretation)

11 Q. [11:40:33] Sorry, I might slow down a little bit. Maybe there's an interpretation
12 issue.

13 Now, on the document that you have before you, there is a number, all right?

14 The number is (Redacted).

15 THE INTERPRETER: [11:40:50] Says counsel.

16 MR JACOBS: [11:40:52](Interpretation)

17 Q. [11:40:53] Under the name of your mother. I don't know if you can see that.

18 And then there is "Nationality: CAR, "Religion: Baptist". So there is written

19 "Passport/ID number: (Redacted)". Can you see that, Mr Witness? That's on

20 the right-hand column. After the mother -- your mother -- your father's name and
21 your mother's name there's a number?

22 PRESIDING JUDGE SAMBA: [11:41:17] Okay, I'm going to ask --

23 THE WITNESS: [11:41:21](Interpretation) Oh, I can't see it on the screen anymore.

24 I was just looking at the number and then the image was withdrawn. (Redacted)? I

25 think that's the number corresponding to my military ID card. And

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1 the document -- well, when was this document drawn up or edited? I can't see

2 the heading of the document, nor can I see the footnote. I don't know.

3 MR JACOBS: [11:41:59](Interpretation)

4 Q. [11:42:00] Thank you, Mr Witness.

5 Now, if we could just scroll up in order to show this to the witness. Up, please, to

6 the top of the document. There we are.

7 So you can see, Mr Witness, that this is your witness statement, this is the document

8 that you signed in 2018.

9 Could we please go down to the bottom of the page.

10 A. [11:42:35] Could you please read it out to me.

11 Q. [11:42:43] Yes. You can see that this is the document that the members of

12 the OTP had you acknowledge yesterday. We can see here at the bottom of

13 the document, we can see your name?

14 A. [11:42:59] Yes, that's correct.

15 Q. [11:43:00] Can you see? Very well.

16 So I have a little question whilst we're looking at the signature. We can see

17 (Redacted) - so that's your family name and first name - handwritten. Can you see

18 that, Mr Witness?

19 A. [11:43:21] Yes, that is indeed my name and my first name.

20 Q. [11:43:26] Now, just a little bit above that, I'm obliged to show you the English

21 version because that's the one you signed, otherwise I would have shown you

22 the French version. Now the names of all persons present are written "(Redacted)".

23 Can you see that just a little bit above your signature?

24 A. [11:43:58] But you're the one who wrote it down with an omission of the letter

25 "i". That is a typing mistake. But you can see what I've written in -- in handwriting.

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1 (Redacted). And it was you who was typing it out on your keyboard. So instead of
2 saying (Redacted), you started by (Redacted).

3 That's not my fault.

4 Q. [11:44:36] Absolutely, Mr Witness, but if we could go up to the top of
5 the document, there we are, we can see your name is badly written, according to you,
6 (Redacted), that was in 2018.

7 A. [11:44:59] I'm sorry?

8 Q. [11:45:01] I'll continue, Mr Witness. Just to put all of this on the record.
9 We can see the name of your father on the right, which is apparently also misspelt,
10 (Redacted).

11 A. [11:45:19] They omitted the letter "i". (Redacted), that's the name of my father.
12 (Redacted) is the name of my mother. And if you go further down, we can carry on
13 reading.

14 Q. [11:45:39] Very well.

15 So if we could please bring up tab 35 briefly. So that would be the preparation log,
16 CAR-OTP-00036537. Could we please go to page 3.

17 THE COURT OFFICER: [11:46:09] Would counsel like the witness to see the item?

18 MR JACOBS: [11:46:15](Interpretation) Yes, I'm sorry, I was waiting for the end of
19 the interpretation. Yes, indeed, Madam Courtroom Officer, the witness can see
20 the item of evidence.

21 Q. [11:46:32] Mr Witness, can you see your signature here? You recognised it
22 yesterday. And underneath that we have your name (Redacted), the misspelt name.
23 So my question to you, of course I understand that you did not type them out, but we
24 did have three different documents with the same error, and I wanted to know
25 whether the investigators had an ID card with that family name on it, and whether

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1 you didn't point out to them the error when you signed the document?

2 A. [11:47:17] You are the one who has the documents before you, I have nothing
3 before me. My name (Redacted). It's because of this missing "i" that you are asking
4 all of this information from me? If you give me a pen and paper, I will write out my
5 name correctly. This is not my mistake. I did not make the mistake. Where the
6 "u" is there should be an "i" next to it. But I don't know. Next to the "u" and the "m"
7 there should be an "i". I don't know why it isn't there. But it is my name, they just
8 omitted the "i". (Redacted) is my first name.

9 I don't know whether you have understood me correctly, but you can still put
10 questions to me, counsel.

11 Q. [11:48:00] I have understood you only too well and we have understood that it
12 was not you who was typing things, Mr Witness. I am just trying to understand
13 why documents a few years apart have this mistake, but, otherwise I'll move on, I've
14 understood.

15 Do you still have the ID cards that you spoke to us about, that is to say your ID card
16 and your military ID card that you presented in 2018 to the OTP investigators?
17 Because we do not have a copy at the court.

18 A. [11:48:46] What document are you talking about? What the bandits took, or
19 the one that's just been issued to me?

20 Q. [11:48:54] Well, I'm talking about 2018 when you met with the investigators of
21 the OTP you presented documents to them, ID documents, of which apparently your
22 military ID card with the number (Redacted). So the OTP didn't make a copy of
23 them. We can't verify them. Do you still have them in your possession for us to be
24 able to have a look at them?

25 A. [11:49:27] It was -- it is at the ministry of defence, they are just issuing a new

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1 card. I have a civil identity, but my military identity card, it's in the -- it's in -- it's
2 being issued currently at the ministry of defence. But if you have not quite grasped
3 what I have just said, then please tell me.

4 Q. [11:50:06] Thank you, Mr Witness.

5 So, at an earlier stage we talked about an investigator's report that said that you
6 contacted (Redacted) in order to obtain your release order. Now, generally speaking,
7 did you remain in contact with (Redacted) subsequent to your detention in 2013?
8 Clearly you tried to contact him in 2018, but I wanted to know whether you saw him
9 often. Did you -- were you often in contact with him?

10 A. [11:51:03] He is a soldier and he works in the direction (Redacted). We do not
11 have contact, but we all live in the Boy-Rabe neighbourhood.

12 Q. [11:51:24] Very well. And when you contacted him in 2018 in order to get hold
13 of your release order, did you say why you wanted to get hold of it?

14 A. [11:51:48] For example, when the mayor puts questions to me as to why, well,
15 we were released and then we made a mistake of exchanging these documents, but
16 I can introduce or show it to you and say to you, "Well, there's my document, this is
17 a mistake, (Redacted), because we were all in detention". He is not my enemy, he is
18 not the person who was my oppressor. I can't say this in any other terms. I have
19 (Redacted) document and he has mine. I took (Redacted) document because
20 the Court requested that I provide such a document.

21 Q. [11:52:46] Well, that wasn't my question, Mr Witness. I have understood that
22 you exchanged documents, but in the year 2018, from what we understand from
23 the investigator's report, you contacted (Redacted) in order to ask for your document,
24 that's what seems to be indicated there. When you contacted (Redacted), what did
25 you say to him? Did you say why five years later you wanted to get hold of

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1 the correct document? Did you say why?

2 A. [11:53:29] You know, if I hadn't met with the people from the ICC, I wouldn't be
3 in the position of asking (Redacted) to furnish me with this document. So, a few
4 years later, he was working where he is and I'm working (Redacted). So what's
5 the difference? After a number of year -- well, you called me and today I am here
6 before you. Here I am.

7 Q. [11:54:01] Did the investigators from the OTP reimburse you any expenses, such
8 as travel or medical expenses?

9 A. [11:54:28] I can't say. I don't know. I'm not going to lie or say any old thing.

10 Q. [11:54:40] I'm sorry, Mr Witness, I'm not sure if I understood. Did you receive
11 any money from the OTP, "yes" or "no"? Do you remember whether you received
12 any money from the OTP for travel, for attending the interviews, for example?

13 A. [11:55:10] I can't say. I'm not going to lie. I'm not going to say anything in
14 answer to your question.

15 PRESIDING JUDGE SAMBA: [11:55:21] Mr Witness -- Mr Witness -- can you hear
16 me, Mr Witness?

17 THE WITNESS: [11:55:35](Interpretation) Yes, I can hear you, Madam President.

18 PRESIDING JUDGE SAMBA: [11:55:40] Okay. Thank you very much.

19 We know you have taken your oath to tell the truth to this Court, but the question put
20 by counsel to you is quite clear. You know that you've said that you did meet
21 the investigators of the OTP on quite a few occasions in 2018, you even mentioned
22 times, you said between 9 and maybe 12 or in the afternoon. From your document
23 we see that you met them at least maybe three times, three different days.

24 Now, when you went to see them on those days, did you use transportation to go
25 meet them where your interview was done? Did you use any form of

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1 transportation?

2 THE WITNESS: [11:56:55](Interpretation) I went by taxi to that interview.

3 PRESIDING JUDGE SAMBA: [11:57:02] Yes, thank you very much.

4 So when you went to meet them via taxi, did they reimburse you for the cost you paid
5 for your transport fee to go and see them and for your return transport fee? Did
6 they give you back the money?

7 THE WITNESS: [11:57:28](Interpretation) Yes, that is correct.

8 PRESIDING JUDGE SAMBA: [11:57:39] Okay. Thank you very much.
9 Mr Jacobs, please.

10 MR JACOBS: [11:57:45](Interpretation) Thank you, Madam President.

11 Q. [11:58:08] I have a number of questions, Mr Witness, as to your relations with
12 your legal representative, who put questions to you yesterday.

13 Do you recall the first time when you were contacted by the Legal Representative of
14 Victims?

15 A. [11:58:46] Well, let me say, as to all the dates that you're giving me, I am not in
16 front of a computer to be able to memorise things. I don't know whether you have
17 all this information on a document in front of you. I'm not sitting behind a desk. I
18 work in the hinterland of my country. If I am here before you today it's not to tell
19 you which day I met such-and-such a person. I don't know, counsel. If there are
20 dates, then refer to the document before you, show them to me and I'm going to say
21 "yes" or "no". I am not going to memorise everything. I haven't memorised
22 everything and I'm not good at it. I'm not good at dates.

23 Q. [11:59:35] Very well, Mr Witness. Well, I'm putting the question to you
24 because we do not have a document with the date on it specifically. So I was
25 wanting to ascertain whether you could shed light on the matter, Mr Witness, but if

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1 you can't answer, it's not a problem. I was just asking you in case you knew.

2 I'm going to continue with my questions on the subject now.

3 So, Mr Witness, when -- or, where did you physically meet with the Legal

4 Representative of Victims in order to fill out your participation form?

5 A. [12:00:26] The locations at which we met, is that your question?

6 Q. [12:00:36] Absolutely, Mr Witness.

7 A. [12:00:43] I was not given the authorisation to identify the location at which we

8 met. It is a professional secret, so I cannot tell you the location of our rendezvous. I

9 will stop here.

10 PRESIDING JUDGE SAMBA: [12:01:07] I am hopeful that the witness understands

11 who you are talking about. I am hopeful he understands you are not talking about

12 the OTP investigators, but, rather, Ms Pellet or, you know, the team for the victims.

13 So, Mr Witness, we want you to understand, counsel is not asking you about

14 the investigators you met during that first phase, but the other person or persons you

15 met representing victims.

16 You know she -- Ms Pellet put questions to this witness, did you?

17 MS PELLET: [12:01:58](Interpretation) Yes, Madam President. I just want -- had to

18 say that the witness is quite free to answer the question.

19 PRESIDING JUDGE SAMBA: [12:02:21] Yes, so we are talking about that lawyer and

20 her team. Okay, that's the question Mr Jacobs is asking you.

21 Mr Jacobs, could you put the question again so that he understands maybe better.

22 MR JACOBS: [12:02:47](Interpretation) I will try to be a bit leading in order to make

23 progress.

24 Q. [12:02:57] Did you meet with your legal representative in Dibert-Bekoy's firm,

25 that is your lawyer's firm in Bangui, Mr Witness?

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- 1 A. [12:03:19] Which office are you talking about?
- 2 Q. [12:03:32] Maître Dibert-Bekoy, does that name mean anything to you?
- 3 A. [12:03:44] Yes, he's a lawyer.
- 4 Q. [12:03:57] And he's a lawyer who works with the Legal Representative of
- 5 Victims; is that correct?
- 6 A. [12:04:04] Yes, that is correct.
- 7 Q. [12:04:20] And when we were filling out your application or your prior
- 8 statement, did you meet with the legal representative and Maître Dibert-Bekoy at his
- 9 firm, that is the office at which he works?
- 10 A. [12:04:44] Yes, that is correct.
- 11 Q. [12:04:51] Very well, Mr Witness. It is very clear. Thank you.
- 12 And on that day, who was typing out the document on the computer?
- 13 A. [12:05:23] I had gone to the lawyer's office. They were the ones typing down
- 14 everything that I was saying.
- 15 Q. [12:05:39] Court officer, tab 33 on our list, please, if you can display that. It is
- 16 CAR-OTP-00025570. And it can be shown to the witness.
- 17 Can you see the document, Mr Witness?
- 18 A. [12:06:35] Yes, I see the document. If you can read it out for me, please.
- 19 Q. [12:06:42] To begin with, have you already seen this document before,
- 20 Mr Witness?
- 21 A. [12:06:49] I can see my name, (Redacted).
- 22 That is what I can see on the screen.
- 23 Q. [12:06:57] Very well. My question was: have you already seen this document
- 24 before, that is the individual application form of the ICC?
- 25 If you can scroll down a little bit, court officer. Scroll down, please, to the bottom of

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1 the page.

2 Thank you. Maybe we can go on to the next page to show the witness, page 2. And
3 scroll down. Thank you, Madam Court Officer.

4 I can't show the entire document, it is 17 pages. But, Mr Witness, have you already
5 seen this document before?

6 A. [12:08:13] Yes, I can see the document and you are asking me whether I already
7 saw the document before. If you can read out the contents to me it will enable me to
8 remember which document it is and whether I recognise the document.

9 Q. [12:08:34] Physically, independently of the contents, do you remember having
10 seen the document before? You can see the document now, but as you have already
11 looked at the various pages, do you remember whether you have seen the document
12 before?

13 A. [12:08:54] I do not know what answer to give you. If you understand all that I
14 have told you, I don't know whether you understand that or not. I don't have
15 the capacity to remember all documents. You have to read out the contents to me,
16 first of all, for me to know whether I recognise the document or not. I know it is
17 a document, but I'm not as literate as you. I think that is the crux of the matter. If
18 you tell me the contents of the document, then you can put questions to me in relation
19 to whether I have already seen the document or not. That is what I can tell you
20 about this document. If you can read it out to me, then I can give you the answer
21 you want.

22 Q. [12:09:49] Mr Witness, we don't have the time to read it out, but your answer is
23 sufficient for me at this time (Overlapping speakers)

24 PRESIDING JUDGE SAMBA: [12:10:03] Yes, but that's it, Mr Jacobs. But, you
25 know, the witness's testimony in respect of this document is that when he went to

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1 lawyer Bekoy's office, the lawyers or the lawyer was responsible for typing out
2 answers that he gave to questions. And if you recall this morning when I gave
3 certain instructions before -- yesterday, when I gave certain instructions before we
4 started taking this witness's testimony, I did say that certain documents would have
5 to be read out to him.

6 Maybe to be fair with the witness, if you want for him to comment on this document,
7 we can look at his -- you know, the signature page and he could confirm whether or
8 not he signed it. If you want him to comment on the document itself, then, as he is
9 asking, you'll have to maybe read out some of what he said he said to the lawyer
10 which was typed out, supposedly. Just to be fair with the witness.

11 MR JACOBS: [12:11:22](Interpretation) Yes, I was going to the signature,
12 Madam President. But regarding the content, even without not being able to read,
13 I was simply asking him whether he had ever seen any document looking like this,
14 similar to this appearance. I didn't want to go into the content. I simply wanted to
15 know whether he had seen anything that was similar to this. But I will go to
16 the signature page so that he can be able to identify it.

17 Court officer, if you can display page 6, please.

18 Q. [12:12:30] Can you see the document, Mr Witness?

19 (No interpretation)

20 A. [12:13:04] Can you read it out to me. I can see the date, 24/03/2022.

21 Q. [12:13:16] There is your name and, apparently, your first name. Is that your
22 signature under that, Mr Witness?

23 A. [12:13:25] Yes, I can see my name and my signature on the right-hand side. If
24 you can read out the substance of the document to me, then I would be able to tell
25 you which document it is.

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1 Q. [12:13:50] Absolutely, Mr Witness. I will read only what is on top of
2 the signature:

3 "By submitting this application form, the victim certifies, with the assistance of his
4 signature, that the information contained in the document is correct and true." Then
5 there is the signature of the victim or person and the name, the name of the person
6 applying for participation.

7 Can you see that, Mr Witness?

8 A. [12:14:33] Yes, I can see my signature, but I do not see any other signatures than
9 mine. You have mentioned other persons (Overlapping speakers)

10 MS PELLET: [12:14:45](Interpretation) Instead of complicating things for the witness,
11 maybe he should be shown the second page where the witness signed and on which
12 other signatures are appended.

13 MR JACOBS: [12:15:06](Interpretation) The page that is of interest to me is this one.
14 There is the signature of the witness, he has recognised his signature, and the date, so
15 I will move on to the next page, which is page 11.

16 Court Officer, please.

17 And that document can be shown to the witness.

18 Q. [12:15:50] Can you see the document, Mr Witness? It is written "Receipt for
19 the submission of application of the national identity card"?

20 A. [12:16:09] That is correct.

21 Q. [12:16:10] You have your name and first name, (Redacted). Your information,
22 born on, nationality and so on. And then validity, (Redacted)
23 (Redacted).

24 Is that the document you presented to your legal representative when you met
25 the legal representative?

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1 A. [12:16:49] Medical representative?

2 Q. [12:16:51] No, the legal representative.

3 A. [12:16:59] Yes, that was the document representing my identity card. That
4 document was issued (Redacted). On the (Redacted) is indeed my date of birth.
5 There are names, the name of my father and my mother.

6 Q. [12:17:28] Absolutely. If I understand very well, when you met with your
7 lawyer in 2022 you did not have a national identity card, you did not have your
8 military card, you only had this document to show to him; is that correct,
9 Mr Witness?

10 A. [12:17:51] Yes, what you are saying is correct.

11 Which other documents? You said -- you talked about I did not have the national
12 identity card, now, where would you find it again? If you have direct questions,
13 transparent questions to ask, please go straight to the questions. You have to ask
14 transparent questions because we are before -- we are here before a jurisdiction.

15 Q. [12:18:35] Yes, Mr Witness, it is because we are before an international tribunal
16 that we are asking about your identity and this document was attached to your
17 application. And I asked you a clear question as to whether you had another ID card
18 or not and you said no, so I will move on to something else.

19 Court officer, please, if you can display page 30 -- or, rather, page 15.

20 Can you see the document, Mr Witness?

21 A. [12:19:43] Yes. Read it out. I can see "(Redacted)" at the very top, but if you
22 read the rest of it, I will be able to follow.

23 Q. [12:20:02] Mr Witness, it is the same document that we saw before the break. It
24 is a detention order concerning you --

25 A. (Overlapping speakers)

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1 Q. [12:20:18] -- and it is indicated "authorities -- ordering authorities".

2 A. [12:20:20] What does that mean?

3 Q. [12:20:21] It is the same document that we saw a short while ago. I am reading
4 what I can see, because it is not very clear.

5 If we go down we see (Redacted).

6 So it is the document that you told us you had never seen before, Mr Witness; do you
7 remember that?

8 A. [12:21:11] No, I have never set foot in the prison. I swear and I swear three
9 times, I never set foot in that prison so I have absolutely no idea about this document.

10 Q. [12:21:40] Very well. It's very clear, Mr Witness.

11 Now, do you have any idea how come this document was attached to your
12 application as a victim if you have never seen the document? How did your lawyer
13 find this document?

14 A. [12:22:07] I don't have any answer to that question. I cannot answer
15 the question. Thank you.

16 Q. [12:22:20] Very well, Mr Witness.

17 I would like to ask for the formal submission of this item, tab 33, and I have no further
18 questions for the witness, Madam President.

19 Thank you, Mr Witness.

20 PRESIDING JUDGE SAMBA: [12:22:40] Thank you very much, Mr Jacobs.

21 Mr Prosecutor, do you have any questions in re-examination?

22 MR BIFWOLI: [12:22:49] Thank you, Madam President. I have a few questions for
23 this witness.

24 PRESIDING JUDGE SAMBA: [12:22:59] Let's hear you, please.

25 QUESTIONED BY MR BIFWOLI:

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1 Q. [12:23:09] Mr Witness, when you met investigators from the Office of the
2 Prosecutor --

3 PRESIDING JUDGE SAMBA: [12:23:16] Can you lace your question with questions
4 that may have come up in cross-examination which is very new, which is new, and
5 before you put your question, please.

6 MR BIFWOLI: [12:23:31] Thank you, Madam President for that. The question I'm
7 raising relates to an issue that has come up during cross in relation to the document.

8 PRESIDING JUDGE SAMBA: [12:23:39] That's exactly what I mean, what did he say
9 in cross that is new? You can tell him -- I want you to preface it that way, that you
10 said in cross this, this, this and that. Then you put your question.

11 MR BIFWOLI: [12:23:57] Well guided.

12 Q. [12:24:01] Mr Witness, a few minutes ago you have been shown a document and
13 asked if you know that document and you stated that you did not know that
14 document; is that correct?

15 A. [12:24:24] Yes, that's correct. I do not know that document, yes.

16 Q. [12:24:30] Now I would like to ask you a few follow-up questions. When you
17 met investigators from the Office of the Prosecutor, did you provide them with
18 documents?

19 A. [12:24:59] Mr Prosecutor, when we met on the day when the investigators were
20 present, you yourself, did you see such a document indicating that (Redacted) had
21 been taken to the Ngaragba prison? No. I recognise only the provisional release
22 document. The person -- the document concerning me is with (Redacted), so I said I
23 would do everything to meet with (Redacted) to recover that document, but
24 the document relating to my detention in the prison, I do not recognise it. Ever since
25 I was born, I have never been detained in that prison. Do you understand what I'm

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1 saying?

2 (Counsel confers)

3 MR BIFWOLI: [12:26:08] Thank you, Madam President. I think that's all.

4 PRESIDING JUDGE SAMBA: [12:26:15] Thank you very much.

5 Judge Flores, do you have any question for this witness, please?

6 JUDGE FLORES LIERA: [12:26:22] Thank you, Judge President. I don't have any
7 question for this witness.

8 PRESIDING JUDGE SAMBA: [12:26:27] Judge Ugalde, do you have any question for
9 this witness, please?

10 JUDGE UGALDE: [12:26:32] Thank you, Judge.

11 No, I don't have any questions. Thank you.

12 PRESIDING JUDGE SAMBA: [12:26:36] Now, Mr Witness, on behalf of the Chamber
13 I thank you very much for your testimony. We very much appreciate your
14 testimony because it will help in our determination of what really happened in
15 the Central African Republic. We wish you well in your future endeavours.

16 Madam Court Officer, can you put us into open session, please.

17 (Open session at 12.27 p.m.)

18 THE COURT OFFICER: [12:27:18] We're back in open session, Madam President.

19 PRESIDING JUDGE SAMBA: [12:27:21] Thank you very much.

20 So, Mr Witness, as I was saying, we appreciate your testimony in our search for
21 the truth as to what happened in the Central African Republic. We wish you well in
22 your future endeavours and we ask that you take great care of yourself.

23 (The witness is excused)

24 PRESIDING JUDGE SAMBA: [12:27:45] On that note, the Chamber notes that
25 tomorrow we'll meet here again at 9.30, when we'll take the testimony of the next

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- 1 Prosecution witness, P-0119.
- 2 I therefore rise the Court and ask that we meet here tomorrow at 9.30. Thank you.
- 3 THE COURT USHER: [12:28:11] All rise.
- 4 (The hearing ends in open session at 12.28 p.m.)