

Trial Hearing
WITNESS: CAR-OTP-P-3064

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Friday, 24 May 2024
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:11] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:31:38] Good morning, everyone.
14 Madam Court Officer, can you please mention the case.
15 THE COURT OFFICER: [9:31:46] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case the Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:32:02] Thank you very much.
20 Can I ask for representation, please, starting with the Prosecution.
21 MS MAKWAIA: [9:32:07] Good morning, Madam President, your Honours.
22 For the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer;
23 Thomas Bifwoli, trial lawyer; Sanyu Ndagire, legal assistant; and Mamadou Fofana,
24 legal intern. Thank you.
25 PRESIDING JUDGE SAMBA: [9:32:21] Thank you very much, Ms Makwaia.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [9:32:27](Interpretation) Thank you, Madam President. The victims
3 are represented by Tars Van Litsenborgh, and myself, Sarah Pellet, counsel at the
4 Office of Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [9:32:42] Thank you very much, Ms Pellet.

6 Ms Naouri for the Defence, your team, please.

7 MS NAOURI: [9:32:47](Interpretation) Thank you, Madam President. Good
8 morning. With me, Mr François-Jacquemin.

9 Then there is Mr Jacobs in the back. And I am Jennifer Naouri, lead counsel for
10 Mr Said.

11 PRESIDING JUDGE SAMBA: [9:33:05] Thank you very much, Ms Naouri.

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

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

14 MR SAID: [9:33:18](Interpretation) Yes, good morning, Madam President.

15 PRESIDING JUDGE SAMBA: [9:33:24] Good.

16 Now, the Prosecution is calling P-3064 as its 33rd witness. It is the Chamber's
17 understanding that this witness will be testifying in Sango via video link.

18 I remind everyone of the importance of the need to speak slowly and to observe
19 the five-seconds rule between questions and answers.

20 The Chamber also notes that the Common Legal Representative of Victims made
21 a request to examine P-3064 for a maximum duration of 30 minutes in relation to
22 the following topics: the harm he suffered as a result of the events falling within
23 the scope of the witness's expected testimony, and reparations.

24 The parties did not object to the Common Legal Representative's request.

25 The Chamber agrees that the proposed topic relates to P-3064's interests and,

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1 accordingly, authorises the Common Legal Representative to question this witness for
2 no more than 30 minutes.

3 The Chamber notes, briefly, that protective measures are confirmed for this witness
4 by virtue of decision number 481, which includes a pseudonym, face and voice
5 distortion, and the use of private and closed sessions.

6 The Chamber also notes that the VWU recommends certain special measures and
7 reminds the parties to be mindful of measures recommended.

8 Can I ask the court officer, please, to connect us with the witness.

9 THE COURT OFFICER: [9:35:21] Yes, I will ask the court officer to place the headset
10 on the witness, so now he can hear us, Madam President.

11 PRESIDING JUDGE SAMBA: [9:35:39] Good morning, Mr Witness. Can you hear
12 me, can you see me?

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14 (The witness speaks Sango)

15 (The witness gives evidence via video link)

16 THE WITNESS: [9:35:59](Interpretation) Good morning. I can see you and I can
17 hear you.

18 PRESIDING JUDGE SAMBA: [9:36:03] Good. Now, Mr Witness, you are going to
19 testify before the International Criminal Court. So, on behalf of this Chamber I
20 welcome you to the courtroom.

21 THE WITNESS: [9:36:26](Interpretation) Thank you.

22 PRESIDING JUDGE SAMBA: [9:36:29] Mr Witness, you should have before you
23 the solemn undertaking to tell the truth, that which every witness who appears and
24 testifies before the Court must agree to.

25 Can you please read that out loud for us, the undertaking.

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1 THE WITNESS: [9:37:03](Interpretation) I solemnly declare that I will speak
2 the truth, the whole truth and nothing but the truth.

3 PRESIDING JUDGE SAMBA: [9:37:15] Thank you very much, Mr Witness.
4 And do you understand and agree to what you just read out, Mr Witness?

5 THE WITNESS: [9:37:41](Interpretation) I have read it myself and it is a solemn
6 declaration to speak the truth and nothing but the truth. So I will only narrate that
7 which I know.

8 PRESIDING JUDGE SAMBA: [9:37:57] Thank you very much. And you agree to
9 that declaration, do you?

10 Mr Witness, do you agree to what you just read out?

11 THE WITNESS: [9:38:37](Interpretation) Yes, I agree.

12 PRESIDING JUDGE SAMBA: [9:38:39] Thank you very much.

13 Now, Mr Witness, let me now explain to you the protective measures that
14 the Chamber has put in place for your testimony.
15 We have in place for you voice and face distortion for the duration of your testimony.
16 This means that no one outside the courtroom can see your face or hear your real
17 voice during your testimony.

18 There will also be the use of pseudonym. In accordance with that, we shall all refer
19 to you only as "Mr Witness", to make sure that the public does not know your name.
20 When you answer questions that will not give away who you are, we will do so in
21 open session, which means that the public can hear what is being said in the
22 courtroom.

23 When you are asked to describe anything that relates specifically to you, or you are
24 asked to mention facts that might reveal your identity, we will do so in private
25 session.

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1 I also have a few practical matters you should have in mind when giving your
2 testimony.

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

8 If you yourself have any question, or if you need a break, raise your hand so we know
9 that you want to say something to us.

10 Further, we also hope that there will be no issues with the video link. However, if
11 there are any issues with the technology, rest assured we will make sure that things
12 are sorted out as quickly as possible.

13 Have you understood all that I have said, Mr Witness?

14 THE WITNESS: [9:41:44](Interpretation) Yes, I have understood everything you
15 have said. And I agree. Yes, I agree. And thank you for all the protective
16 measures you have taken.

17 PRESIDING JUDGE SAMBA: [9:42:00] Thank you very much.

18 So now, Mr Witness, I'm going to ask the Prosecution to put questions to you in chief
19 so that we get your testimony.

20 And we're in open session. Madam Prosecutor, your witness, please.

21 MS MAKWAIA: [9:42:20] Mr Thomas Bifwoli will be leading the evidence of
22 the witness, your Honours.

23 PRESIDING JUDGE SAMBA: [9:42:28] Thank you very much.

24 Mr Bifwoli, please.

25 MR BIFWOLI: [9:42:32] Thank you, your Honours.

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1 QUESTIONED BY MR BIFWOLI:

2 Q. [9:42:35] Good morning, Mr Witness.

3 My names are Thomas Bifwoli. I am a trial lawyer in the Office of the Prosecutor
4 and today I'll be leading your examination-in-chief.

5 Madam President, your Honours, I request that we go into private session so that
6 I can elicit information relating to the identity of the witness.

7 PRESIDING JUDGE SAMBA: [9:43:04] Madam Court Officer, can we go briefly into
8 private session, please.

9 (Private session at 9.43 a.m.)

10 THE COURT OFFICER: [9:43:20] We are now in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [9:43:22] Thank you very much.

12 Mr Bifwoli, continue, please.

13 MR BIFWOLI: [9:43:27]

14 Q. [9:43:28] Mr Witness, we are now in private session, so you can talk freely.

15 Can you tell the Court your full names, please.

16 A. [9:43:48] My name is (Redacted).

17 Q. [9:44:04] What is your date of birth?

18 A. [9:44:12] I was born on (Redacted).

19 Q. [9:44:22] Where were you born?

20 A. [9:44:33] I was born in the Central African Republic and, to be specific, in
21 Bangui.

22 Q. [9:44:43] Where were you residing in 2013?

23 A. [9:45:00] In 2013 I used to live in the (Redacted),
24 (Redacted)

25 Q. [9:45:17] (Redacted)

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- 1 A. [9:45:37] (Redacted)
- 2 (Redacted)
- 3 Q. [9:45:53] What is your religion?
- 4 A. [9:46:04] I am Muslim. Muslim.
- 5 Q. [9:46:11] What is your ethnicity?
- 6 A. [9:46:25] I am of the (Redacted).
- 7 Q. [9:46:37] What is your level of education?
- 8 A. [9:46:54] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 Q. [9:47:22] What was your occupation in the year 2013?
- 13 A. [9:47:47] (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. [9:48:15] And you used to work as who at that time?
- 18 A. [9:48:41] (Redacted)
- 19 (Redacted)
- 20 Q. [9:48:59] And what caused you to stop working (Redacted)?
- 21 A. [9:49:29] After the Seleka rebels took power, after they took power, I was
- 22 unemployed, so I went back home to try to see what I could do. And when
- 23 the Seleka took power, all those with whom I used to work, including
- 24 the members -- the ministers, rather, stopped working. And so I was, like the others,
- 25 forced to go back home.

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1 Q. [9:50:09] When did the Seleka take power?

2 A. [9:50:29] The Seleka took power, if I'm not mistaken, in 2013, or is it 2012? I
3 really do not remember the exact date.

4 PRESIDING JUDGE SAMBA: [9:50:47] Counsel, do you still want for us to remain in
5 private session, because you're done with the identity of the witness? But do you
6 want us to remain in private session?

7 MR BIFWOLI: [9:51:01] For a few more questions.

8 PRESIDING JUDGE SAMBA: [9:51:04] Please let me know when you want to go
9 into open session.

10 MR BIFWOLI: [9:51:11] I'm so guided.

11 PRESIDING JUDGE SAMBA: [9:51:13] Thank you very much, carry on.

12 MR BIFWOLI: [9:51:15]

13 Q. [9:51:15] Mr Witness, do you recall 18 August 2013?

14 A. [9:51:41] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [9:53:07] Now, Mr Witness, can you tell the Court the name (Redacted) who
23 died.

24 A. [9:53:32] (Redacted)

25 Q. [9:53:45] And you also testified that on that day four of you were taken away.

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1 Can you tell the Court the names of the people who were taken away with you?

2 A. [9:54:19] There were four of us at the time of the arrest. I myself, I've already
3 introduced myself. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 So there were four of us together at the time of the arrest and we did not know why
9 we were being arrested.

10 MR BIFWOLI: [9:55:17] Madam President, we can now go into public session.

11 PRESIDING JUDGE SAMBA: [9:55:20] Madam Court Officer, can we go into open
12 session, please. Thank you.

13 (Open session at 9.55 a.m.)

14 THE COURT OFFICER: [9:55:35] We are back to open session, Madam President.

15 PRESIDING JUDGE SAMBA: [9:55:39] Thank you very much.

16 Mr Witness, please be mindful we are in open session, don't name names.

17 Mr Prosecutor, you can continue with your questions, please.

18 MR BIFWOLI: [9:55:50] Thank you, Madam President.

19 Q. [9:55:54] Mr Witness, a short while ago you testified that four of you were
20 arrested. Where -- do you recall approximately what time was it when you were
21 arrested?

22 A. [9:56:34] If memory doesn't fail me, we were at my (Redacted). That is when
23 they came to pick us up, the four of us, and that was around 3. Those people who
24 came were wearing military attire and carrying weapons. That is how they came to
25 take us.

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1 Q. [9:57:15] And what were you doing, you and your friends, at the time of your
2 arrest?

3 A. [9:57:37] You know, (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) and then, suddenly,

9 these people appeared and arrested us for no reason.

10 Q. [9:58:44] Now, Mr Witness, you have stated that you were arrested at around 3.
11 Was it in the day or can you clarify?

12 A. [9:59:07](No interpretation)

13 PRESIDING JUDGE SAMBA: [9:59:08] I mean, please let -- it's not too crucial, let it
14 pass. It's not too crucial.

15 Counsel, please be mindful of leading questions.

16 MR BIFWOLI: [9:59:20] Well guided.

17 PRESIDING JUDGE SAMBA: [9:59:22] Thank you.

18 Sorry, Defence.

19 (Counsels confers)

20 PRESIDING JUDGE SAMBA: [9:59:46] Your mic is always on when you whisper to
21 each other, so be mindful.

22 MR BIFWOLI: [9:59:54] Thank you, Madam President.

23 Q. [9:59:56] So, Mr Witness, can you kindly clarify for us the time which you were
24 arrested. We seem not to have gotten it clearly.

25 A. [10:00:22] I told you that it was approximately 11 p.m., that is to say 11 o'clock in

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1 the evening. It was at that moment that they came to arrest us.

2 Q. [10:00:38] Thank you, Mr Witness, for that clarification.

3 Who arrested you?

4 A. [10:00:59] We saw armed men and these men were wearing military garb, whilst
5 others were wearing just military trousers. And I said to you they were armed.

6 They were also wearing rangers. The person who was in command of the team that
7 came pointed their weapon in my direction and said, "We've already arrested these
8 people."

9 I do not remember how many there were of them, but I do believe that they were four
10 in number. They – (Redacted)

11 these people (Redacted), they were panicking. My mother, who -- my
12 mother had a high blood pressure episode whilst everyone around was panicking, in
13 view of the fact that something so tragic had happened to my sister.

14 Q. [10:02:42] And to which group did these people who arrested you belong to?

15 A. [10:03:02] When they arrived, we could hear, amongst those individuals who
16 had come to assist us, they said that they were Seleka members. Other people were
17 talking about the OCRB. I can't tell you exactly. But when they drove us to
18 the Ngouciment OCRB post, they then took us to a certain location and then we
19 gleaned that they were indeed the Seleka. They were Seleka, these people who
20 arrested us.

21 Q. [10:03:42] Now, tell us a little bit more how the arrest unfolded. How did they
22 restrain you and your friends during the arrest?

23 PRESIDING JUDGE SAMBA: [10:04:02] Mr Prosecutor, please be mindful of leading
24 questions, watch your words. The word "restrain", okay?

25 MR BIFWOLI: [10:04:13] Well guided.

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1 PRESIDING JUDGE SAMBA: [10:04:15] Thank you.

2 MR BIFWOLI: [10:04:23]

3 Q. [10:04:23] Mr Witness, during your arrest, was there a leader among the Seleka
4 who arrested you?

5 PRESIDING JUDGE SAMBA: [10:04:35] But he has not answered your previous
6 question. Has he? Do you want him to answer it or do you want to skip that
7 question? How he was -- how he -- or how they were arrested.

8 MR BIFWOLI: [10:04:51] He should answer it, to be clear.

9 PRESIDING JUDGE SAMBA: [10:04:55] Yes, allow him.

10 THE WITNESS: [10:05:16](Interpretation) After these people arrested us, I was
11 concerned. I thought to myself that, as I was not working at the time, what exactly
12 could be the reason for my arrest. I was the only person of the four of us who got
13 the courage to ask them why they had arrested us and what we had done.
14 The person in the role of leader, whose name was Commando, had a pistol. He
15 slapped me with the pistol. I was frightened and he directed us towards the vehicle
16 and made us get into the vehicle.
17 I stopped to put the question to them once again. I believe that it was a Nissan
18 family vehicle and that's the vehicle that they loaded us into. But before doing so,
19 one of our friends -- one of my friends whose name I have already given, well, I was
20 handcuffed to him. The two others, my brother and his friend, were also handcuffed
21 and they loaded us into their vehicle. Then we took the direction of Koudoukou
22 avenue. We drove in the direction of the Marabena intersection and I asked them
23 why we had been arrested. They didn't answer me.
24 We were in a state of shock and nobody dared ask any further questions. They then
25 drove in the direction of the *tribune* and went and drove on to a dirt road. We drove

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1 in the direction of Yassimandji and a short while later they stopped.
2 I think I might have made a mistake. I need to clarify something.
3 THE INTERPRETER: [10:07:48] Says the witness.
4 THE WITNESS: [10:07:53](Interpretation) The leader by the name of Commando,
5 before loading us into the vehicle for us to be able to drive off on to that dirt road,
6 made a telephone call. So, we then arrived in Yassimandji which is the Miskine
7 neighbourhood. They stopped there in an obscure place, and when we came to
8 a halt, he made a telephone call. I do not know the individual to whom he was
9 talking over the telephone.
10 After which, he then got us to all get out of the vehicle and my brother and myself
11 and the man whom I was handcuffed to were in the back of the vehicle. The others
12 were in the middle of the vehicle. They handcuffed together and -- the one who was
13 on the other side of the vehicle. So, as I said, the two others were seated in
14 the middle of the vehicle. One of them started putting questions to us. Those
15 people who were accompanying him. This leader said to them, "Get ready. Get
16 ready. The road that we're going to take here has armed robbers." And when I
17 heard that, I was in a state of fear. I started to say something. We were in
18 a location where there were people, but now there's nobody around, what's going to
19 happen? And when I heard them speaking about armed robbers, I thought to myself,
20 "How can they drive us to a place where there are armed robbers?" He slapped me
21 again and he said, "Who are you to be somebody who thinks that they can put such
22 questions?" I answered him, saying, "Well, where are driving us to?" And he
23 repeated once again, "Who do you think you are asking me all these questions?"
24 So, they drove, they opened the doors and they had their weapons in their hands.
25 And they started saying, "Where is the other vehicle?" because another vehicle should

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1 have been following us. To my mind, I believe that this was a setup because
2 the manner in which we had been loaded into the vehicle meant that there was no
3 way that we could escape. I was very frightened. I said to my brothers and my
4 friend who was in our company that we should all start to pray. They followed my
5 advice and my brothers and friend and myself all started to pray in our minds.
6 They started to drive the vehicle off at a slow pace, but the second vehicle that they
7 were waiting for had still not arrived.
8 They drove us to their Ngouciment OCRB post. It was already late and they took us
9 inside. I thought that we would find other people there at that location, but that was
10 not the case. They registered us, they asked us for our names and professions.

11 (Redacted)

12 After we had been registered, they pushed us into a cell where there were a great
13 many detainees. There were many of them. And there was no way that one could
14 sit down in that cell. When we entered the cell, some of the detainees started to hit
15 us. They pushed me, I hit myself against a metal container that was being used as
16 a toilet.

17 Q. [10:13:40] Thank you, Mr Witness. I will take you back a little bit.

18 You just testified that during your arrest one of the Seleka played the role of
19 the leader. Now, did you see this particular Seleka elsewhere again after this
20 occasion?

21 A. [10:14:18] Yes, I did see him again a short while later, after our arrest. And
22 when the Anti-Balaka started to commit their exactions in our neighbourhood, in our
23 (Redacted) neighbourhood, when they wanted -- the Anti-Balaka wanted to
24 attack our neighbourhood, they were armed with a view to fighting the Anti-Balaka.
25 And I saw him again, I stared at him and he looked at me, but he didn't say anything.

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1 At that moment in time, his name was Commando. Yes, that is how I came to see
2 him again, just on that one occasion.

3 Q. [10:15:23] And do you know where he reside -- he resided?

4 A. [10:15:42] At the time when he came, we were told that these people lived in
5 the Haoussa neighbourhood in the 3rd arrondissement. That's what I was aware of.
6 Apart from that, I don't know anything else about him.

7 Q. [10:16:11] Now, Mr Witness, you have already testified how you were arrested.
8 Were the Seleka who arrested you armed?

9 A. [10:16:30] Yes, they were armed and that is why we were frightened. You
10 know, I took my courage in my two hands in order to put questions to them.
11 The chief or leader had a Kalashnikov and they were all carrying weapons, they were
12 all carrying Kalashnikovs and they were armed. So that is why we were all very
13 frightened on that evening.

14 Q. [10:17:03] And during your arrest, were you told by the Seleka the reason as to
15 why they were arresting you?

16 A. [10:17:23] As I said to you, they didn't tell us why we were under arrest. And I
17 thought to myself, I knew only too well that I had done nothing. And that's why I
18 asked them in front of everybody why they were arresting us. That's how he came
19 to slap me with his weapon.

20 But they didn't tell us anything when they took us to the OCRB. They just registered
21 our names and professions. That was the questions or these were the questions that
22 they've put to us when they took us to the Ngouciment OCRB.

23 If my memory serves me correctly, when we got to the Yassimandji neighbourhood, they had
24 all loaded their weapons and they had asked the question as to who (Redacted) was. We were
25 all frightened and none of us answered them. That was the question

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1 that they put to us when they took us to the Ngouciment OCRB.

2 Q. [10:18:42] In which language did you communicate with the Seleka?

3 A. [10:19:02] We would speak to them in Sango and they would answer us in
4 Sango. However, amongst themselves they would speak Arabic. On occasion, they
5 would speak Sango and we could listen to what they were saying. But amongst
6 themselves they would speak Arabic.

7 Q. [10:19:23] Mr Witness, how well do you understand Sango?

8 A. [10:19:43] Of course I understand Sango only too well.

9 Q. [10:19:54] Now, you testified that after you were arrested you were taken to
10 the OCRB Ngouciment, into a cell.

11 Now, how were the living conditions in that cell?

12 A. [10:20:35] You know, that cell was full of people. I can't know precisely how
13 many of us there were in that cell, but there was no space to sit down. When I was
14 pushed into that cell, I received a punch in the back. Or, I was hit in the back. And
15 then I bumped into the metal drum that was used as a toilet. And they said to me,
16 "Go and salute the emperor" and pushed me into the cell, roughly.

17 THE COURT OFFICER: [10:22:00] Madam President, your Honours, the live seems
18 disrupted in the field. We just might need some few minutes for the field to redial.
19 It might take just a few minutes, so I will keep you posted. Thank you very much.

20 PRESIDING JUDGE SAMBA: [10:22:16] Okay, we will wait.

21 (Pause in proceedings)

22 THE COURT OFFICER: [10:23:20] I will ask the court officer to please confirm that
23 the witness can hear us properly. Thank you.

24 Yes, I can hear the sound in the field, Madam President. I think the witness can hear
25 and we can move on. Thank you very much.

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1 PRESIDING JUDGE SAMBA: [10:23:44] Mr Witness, can you hear us? Can

2 you -- can you hear me? Can you see me?

3 THE WITNESS: [10:23:58](Interpretation) Yes, I can hear you only too well, but

4 I can't see you.

5 THE COURT OFFICER: [10:24:05](Via video link) Madam President, this is

6 the court officer of the field, the video feed has stopped so we were looking into the

7 issue.

8 PRESIDING JUDGE SAMBA: [10:24:20] But the witness needs to see what's

9 happening in the court. So we'll give a little bit of time, maybe, so that can be sorted

10 out.

11 THE COURT OFFICER: [10:24:28](Via video link) Thank you very much.

12 Appreciated.

13 (Pause in proceedings)

14 THE COURT OFFICER: [10:25:43] Court officer in the field, court officer in HQ.

15 Court officer in the field, can you confirm you can hear us?

16 (Pause in proceedings)

17 THE COURT OFFICER: [10:27:05] I'm advising the court officer in the field to

18 disconnect and reconnect entirely so we can please try again.

19 THE COURT OFFICER: [10:27:14](Via video link) Noted. We will do that.

20 THE COURT OFFICER: [10:27:18] Thank you.

21 THE COURT OFFICER: [10:27:38](Via video link) It seems that the video feed has

22 re-established itself so, without disconnecting the call, we can give it a try to resume.

23 (Pause in proceedings)

24 PRESIDING JUDGE SAMBA: [10:29:34] Madam Court Officer, can we go into

25 private session, please.

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1 (Private session at 10.29 a.m.)

2 THE COURT OFFICER: [10:29:57] We are in private session, Madam President.

3 (Pause in proceedings)

4 THE COURT OFFICER: [10:31:29] Madam President, I've been informed from
5 the field that it should be fixed now, so we can maybe try.

6 PRESIDING JUDGE SAMBA: [10:31:37] Mr Witness, can you hear me? Can you
7 see me?

8 THE WITNESS: [10:31:53](Interpretation) Yes, I can see you and I can hear you.

9 PRESIDING JUDGE SAMBA: [10:31:56] Thank you.

10 Can we go into open session again, please, Madam Court Officer. Thank you.

11 (Open session at 10.32 a.m.)

12 THE COURT OFFICER: [10:32:17] We are back to open session, Madam President.

13 PRESIDING JUDGE SAMBA: [10:32:20] Thank you very much.

14 Mr Prosecutor, you can continue with your questions in chief, please.

15 MR BIFWOLI: [10:32:27] Thank you, Madam President, your Honours.

16 Q. [10:32:30] Mr Witness, just before the interruption, you had told the Court that
17 when you were pushed into the cell - at page 19, line 24 of the English transcript - that
18 you were told to "Go and salute the emperor". Can you explain to Court what you
19 mean by that.

20 A. [10:33:16] I don't understand why I had to endure such suffering. I don't know
21 what I did. And there were many people in that cell. And in order to go and
22 relieve oneself, one had to use that very same metal drum. And when the new
23 detainees, that is to say ourselves, entered that cell, those who were already there said
24 that there was a certain law established in that cell. They pushed me and I then went
25 and hit the metal drum that contained urine and faeces. I was really shocked and I

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1 was already in a bad state (Redacted). So, you know, I
2 really don't know why I was taken there and why I was made to suffer to such an
3 extent.

4 Q. [10:34:24] Was the metal container which was used as a toilet covered?

5 A. [10:34:44] No, it wasn't closed. It was quite open.

6 Q. [10:34:53] And where in the cell did you spend your entire night?

7 A. [10:35:18] We were all lumped together in the cell. One could not move. And
8 if one tried to move, then those who were stronger would take it out on you. Even if
9 you were suffering, even if you were in pain, all you had to do was to endure. Those
10 were very difficult times. We cried out to god. We cried out to god to deliver us
11 from that situation. I don't know why it happened. I have never been in prison
12 and I do not understand how I ended up in that situation. It was a very distressing
13 situation for me. It was a time of great suffering for me. And, to this very date,
14 I don't know why or for what reason we were put in that situation.

15 Q. [10:36:18] For how long were you detained in the OCRB Ngouciment?

16 A. [10:36:44] When they drove us to the Ngouciment OCRB, they registered us and
17 shoved us into that cell and we spent the night there. Then, the next day, in
18 the morning, one Seleka person sent a vehicle to collect the four of us who had been
19 brought in at night. That morning, we were taken to the *centreville* OCRB.

20 Q. [10:37:37] How many vehicles were used to transport you to -- from OCRB
21 Ngouciment to OCRB Central?

22 A. [10:38:00] We were all in one vehicle. But there was another vehicle which was
23 driving ahead of the vehicle in which we were. The four of us were in one vehicle.
24 We were sitting or seated in that vehicle. And when we were taken out of
25 the Ngouciment cell, the other co-detainees were saying that we were going to be

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1 killed.

2 When we heard that, we broke down into weeping. So one of the Seleka elements
3 spoke to me, asking whether I wasn't a man. "Are you not a man? Can you not
4 endure?" So I asked him, "What did I do wrong?" and "Where are you taking me?"
5 But he did not provide any answer to my question.

6 When we got to the central OCRB, that is in downtown, they took us -- rather, I
7 should say, they took us to the central OCRB.

8 Q. [10:39:31] Now, you just testified that the four of you were in one vehicle and
9 there was another vehicle. Who was in that other vehicle?

10 A. [10:39:55] Well, the truth is that I do not know who was or were in that vehicle.
11 I don't even know those who drove us to OCRB. The only person I am able to
12 identify is the one who spoke to me, asking whether I was not a man and whether I
13 could not endure.

14 As for the others, I have no more recollection. All what was present on my mind
15 and the minds of my friends and brothers was our freedom and the tragic (Redacted)
16 (Redacted)

17 The person who spoke to me - as I said, that is at (Redacted)
18 (Redacted), I saw that person again
19 there and I can tell you that I remember him very well.

20 You see, these things happened a long time ago and so I am not able to tell you
21 exactly who the others were.

22 Q. [10:41:25] So, Mr Witness, what happened when you reached the OCRB
23 Central?

24 A. [10:41:53] When they arrested us, and we went to OCRB Central, the gates were
25 opened, we got in, and they asked us to come out of the vehicle. I looked around,

1 but was unable to recognise the location. But when I looked at the cells at the OCRB
2 Central, they were full of people.
3 So when we alighted from the vehicle at OCRB Central, I heard someone call out my
4 name and, as I tried to go towards the person who had called me by name, I then
5 heard someone shout, ordering us to come back, "Come back here."
6 So we went back to the location at which we were and, you see, when you enter
7 the OCRB, on the left you go down a flight of stairs and it is to that building that we
8 were taken.
9 So when you go down that flight of stairs, then, to your left, I saw the chief of
10 the OCRB, that is the one who had ordered that we be brought to the OCRB.
11 The Seleka elements told him, "Here they are." Then he looked at us and gave
12 instructions for us to be taken to a cell. We were surprised, because we thought that
13 there would be room for us to sit down. But that is not what happened. They
14 simply opened a hole which had been covered by a cardboard and ordered us to
15 undress. Then they asked us to enter that hole.
16 So we were all frightened. And I attempted to resist, asking what I had done. So
17 when I attempted to resist, the element who had brought us inside and who was close
18 to the OCRB chief, loaded his weapon. And so we were frightened. And because
19 we were hesitating to go into the hole, he ordered us to go down into the hole and so
20 we jumped and fell into the hole.
21 After falling into the hole, we found a man within the hole. It was a place where one
22 could not live. It was unlivable. There was human faeces within the hole, there
23 were insects which crawled on our bodies while we were within the hole. It was not
24 possible to stand nor to sit in the hole because it was full of human faeces.
25 After we were put into that hole, we heard someone speaking. It was a chief. We

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1 knew that it was the chief because he was giving instructions to the elements to bring
2 in other prisoners. He would ask them questions. Others would come and he
3 would listen to them and some of them were released.
4 So the living conditions in that hole were very difficult and I kept wondering what
5 had I done to be -- to find myself in such a hole and to suffer so much.
6 So I asked the chief, I called out, I said "Chief, look at the conditions we are in now.
7 We are in this hole. What did we do to deserve being here in this hole? Look, chief,
8 look at our situation. Look at the situation in which we find ourselves now."
9 So I called out to the one who was issuing orders, a soldier who was issuing orders.
10 I don't know his name, but I simply called him "chief, chief" and asked him to have
11 pity on us.
12 In spite of all my efforts, no one answered my calls. No one paid attention. So, at
13 the end of the day, when work was over, they went home. So, while we were in this
14 underground cell, we saw someone sitting next to him. It was his marabout, reading
15 the Koran or the Guirai. And at the time for prayer, that person would pray. So,
16 from my cell underground I called out to them and asked them whether I could come
17 out and do my ablutions and also pray along with them.
18 But I got no answer. No one answered me. I asked for water, but no one brought
19 me water. I asked for food and no one brought me food. They did not give us
20 food.
21 That is how we spent the night. But I can tell you that, under those conditions, we
22 could not sleep.
23 Late at night I heard the gate open and the gentleman who was in the underground
24 hole, well, they opened the hole and took away that gentleman. They took him
25 somewhere. And that was very late at night. I cannot tell you exactly at what time

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1 this happened, but it was late into the night, because at that time everything was calm
2 in the city and you couldn't hear the sound of any vehicles driving by.
3 So, the next day, the chief came back to work in his office. We heard him issue
4 orders to his subordinates, asking them to bring prisoners before him. And then he
5 would hear them. And from our underground hole we could hear everything that
6 was being said, but we didn't pay much attention to what he was saying to the
7 prisoners, but we simply continued to call out to him, we said, "Chief, look at our
8 circumstances. What did we do to deserve being put in this hole?" But no one, no
9 one answered us.
10 Then, at some point we heard from outside, near the house, the voices of some people
11 who were having a discussion. Some of them were saying that there are people in
12 the underground cell, and this was the cell into which people who were awaiting
13 execution were put.
14 And then another one said, "No, there's nobody in there." So the other said, "Open
15 the cell." And when we heard all that, we were frightened. So we then realised that
16 this was the cell in which we had been put.
17 We were all frightened, because we became aware that things were very serious, and
18 so we decided to go on a hunger strike and to refuse taking any food or drink so that
19 we could be taken out of the hole and be told why we had been arrested.
20 So we decided to go on a hunger strike. And then on the third day we were still held
21 in that hole, but we were extremely tired. We were in a state of weeping, we were
22 lamenting profusely. And, you know, before then I could pray loudly, I could speak
23 out loudly the verses of the Koran, and once I became so tired I couldn't speak up
24 loud again because I was extremely tired.
25 Then a lady arrived and she called us out and introduced herself as the representative

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1 of the prosecutor. She talked to the leader who was present and ordered that we be
2 removed from the hole. Once we were brought out of the hole, we were given our
3 clothes, we dressed up, and then we were made to sit down in front of that lady.
4 She asked us what the reasons for our arrest were. I told her that we had been at the
5 (Redacted) and that we were suddenly arrested but were not
6 told why we were being arrested and why we have been brought to this place.
7 She asked us how long we had been at the cell and we explained to her that on
8 the first day we were held at the Ngouciment OCRB and that we were later
9 transferred to this location and put into this cell. And that from that cell we could
10 hear some detainees being called out and questioned and some were released, but no
11 one called us and so we don't know why we were still being held up. So she
12 reported on all -- or, rather, she took down notes on all what we were saying, and
13 then she left.
14 Then, on 22 August 2013, that lady came back and talked with the chief, and we were
15 taken to court, to the tribunal. The prosecutor, in person, questioned us about what
16 had happened. We repeated the story to him, just as I have told you. Then he gave
17 us a document indicating that we had been released and that we could go back home.
18 That is as much as I can remember.
19 I know that I already talked about this, but I forgot something. You see, one day
20 after we were arrested, that is the day after we were arrested, the next day the chief
21 was in his office and he was working and we could hear what he was saying,
22 although we did not fully understand what was going on and we didn't know what
23 fate was awaiting us. Now, that very night they opened the door and asked
24 (Redacted) That was very late at night. They opened the door and they
25 came in and they asked.

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1 So, when I found out that there were people there, I tried to hurry to get out, but they
2 asked for (Redacted) and they took him out of the hole. They took him away and
3 then, at some point, we heard the gate open and close and then we heard a car, or
4 the sound of a car driving off, so we understood that they were taking him
5 somewhere. And this happened very late at night. We didn't have any watches
6 and we were not able to determine exactly at what time he had been taken out.
7 So, I thought that maybe they had taken him for questioning, and so I felt that when
8 he would come back, then, well, when they brought him back, they -- they asked him
9 or they ordered him to jump back into the hole. And he did and the hole was closed
10 again. So I quickly asked him about what had transpired and he was trembling all
11 over, shivering all over and so he asked me to hold on, to hold on. Then he took my
12 hand and told me -- and asked me to touch him. And I then realised that he had
13 urinated on himself. I asked him, what had happened, "I thought we were being
14 called out for questioning. So what happened to cause you to urinate on yourself?"
15 He didn't answer immediately, but once he gathered himself, he said, "Oh, I just
16 cheated death."
17 And so I asked him, "What happened?" He then said, "When they took me out, they
18 put a plastic bag on my head. They then drove. But, you see, the plastic bag had
19 a hole in it and I tried to look through it to see if I would recognise any location. So
20 they took me to the front of the prime minister's office where the prime minister
21 works", that is at the *l'avenue des Martyrs* -- well, that is where you have
22 the grandstand for the march past. That avenue runs by the airport and goes by
23 the grand stand. He told me that once they got to the prime minister's office they
24 stopped, and then someone got into the vehicle and sat next to me -- or next to him,
25 and starting questions him.

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1 So the person asked him whether he was part of Mr Ngaïkosset's elements and he
2 said that he didn't know that gentleman. So the person asked him again whether he
3 was in possession of any information about the former president and he said he did
4 not have any information on him.
5 So he was further questioned and taken to the banks of the river and then they asked
6 him to tell the truth. They asked him to kneel down, and so he told them that he had
7 told them the truth. Then they fired into the air and they basically held the gun to
8 his head, and so he became very frightened and that's how he ended up urinating on
9 himself. And he told me that all along he had been praying, he had been praying
10 silently.
11 So, when we heard all these things, we were indeed scared because we thought that
12 they might kill us at some point. And then, thereafter, the Prosecutor called and
13 heard us and then we were released, as I ready told you.
14 PRESIDING JUDGE SAMBA: [11:02:14] Okay, Mr Witness, we are going to, you
15 know, end here for now so that we can all have a short break. We'll come back at
16 11.30.
17 The matter stands adjourned for 11.30, please.
18 THE COURT USHER: [11:02:32] All rise.
19 (Recess taken at 11.02 a.m.)
20 (Upon resuming in open session at 11.33 a.m.)
21 THE COURT USHER: [11:34:00] All rise.
22 Please be seated.
23 PRESIDING JUDGE SAMBA: [11:34:27] Good morning again, everyone.
24 Mr Bifwoli, please be mindful and kind of control your witness because we're having
25 a little bit too many names or references to persons. We want to keep this

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1 proceeding in public session as much as we could. If not, we'll have to revert to
2 private session. So let's try and see.

3 Your witness, please.

4 MR BIFWOLI: [11:34:56] Thank you, Madam President. Well guided. We'll try as
5 much as we can to be in public session.

6 Q. [11:35:15] So, Mr Witness, we are back in public session and as
7 Madam President told you earlier on, when you have any names to mention, please
8 don't mention them. You can tell us that you want to give a name, and then we will
9 allow you to come into private session so that you can give the names. You
10 understand?

11 And also remember not to mention where you reside. Where you have to mention
12 that, ask and we will give you the opportunity to say that in private session. You
13 understand?

14 A. [11:36:14] Yes, I have understood.

15 Q. [11:36:18] Thank you, Mr Witness.

16 Just before we broke for break, you testified that you were taken before the OCRB
17 chief who issued instructions that you be put in a cell. Do you recall testifying that?

18 A. [11:36:49] Yes, I do remember. We were taken to the OCRB and when we were
19 called, we came. When you get to the OCRB compound, on the right-hand side, you
20 find the office. You then go up some stairs in order to reach more offices. Once
21 you have gone up the stairs, you can see the office of that person. The first time
22 I saw that individual was on that -- was at that moment.

23 Q. [11:37:29] And, Mr Witness, do you know the name of the OCRB chief?

24 A. [11:37:46] I do not know his name. But whilst we were detained there, and
25 after our release, I did not know his name. I did not know his name before our

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1 arrest.

2 Q. [11:38:11] Did you come to learn his name later?

3 A. [11:38:26] Yes, that is correct. It was after our release that I was able to find out
4 his name. I had seen him. There was a BG-75 car, and somebody said to me that's
5 him. I saw him. I observed him and I could see that there was his name on the
6 outside of the car, and he was standing just by it. I was frightened at that time.
7 I was very frightened.

8 After that, I ran away into the neighbourhood so that he could not see me and could
9 not recognise me. That was in the Miskine neighbourhood, and specifically at the
10 Miskine bridge.

11 Q. [11:39:32] And can you tell the Court what his name is? For that particular
12 name you can tell the Court in public, there's no problem, if you know it now?

13 A. [11:39:53] Yes, indeed. I-- I saw that it was written on the door of the car,
14 Colonel Said, Colonel Mahamat Said, and after I had seen that, I retained that
15 memory, and I-- that name and I thought to myself that this was the person who had
16 arrested me, and I memorised the name.

17 Q. [11:40:34] Apart from seeing the name, where was this -- apart from seeing the
18 name that was written on the car, did anyone else tell you the name of the OCRB
19 chief?

20 A. [11:40:59] No, nobody told me that such-and-such an individual was in charge
21 of the OCRB. I found this out because when we were taken there and we were put
22 into that hole, that underground cellar, I saw him. And when we were taken out
23 and taken to appear before the prosecutor, I had seen him. I saw him there and
24 subsequently, I met him in the neighbourhood. I saw him and I also saw that name
25 written on the vehicle. And that is why I say that I know that it was this individual

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1 who arrested me. I memorised the name and that's how I know. I was unjustly
2 arrested and, therefore, was not going to be forgetting that name. I've memorised
3 the name just because of everything that happened.

4 Q. [11:42:15] So when you subsequently saw the OCRB chief in the neighbourhood,
5 how far were you from him?

6 (Counsel confers)

7 (Pause in proceedings)

8 THE COURT OFFICER: [11:48:37] Can I ask the court officer in the field, please, to
9 confirm they can hear us and see us. Thank you.

10 Madam President, maybe with your leave I advise that we continue with the
11 questioning of the witness and check if the witness can hear us and see us properly.
12 Thank you.

13 PRESIDING JUDGE SAMBA: [11:49:04] Thank you.

14 Mr Witness, can you see me? Can you hear me?

15 Mr Witness, can you hear me? Can you see me?

16 THE WITNESS: [11:49:32](Interpretation) Yes -- yes, I can see you and I can hear
17 you.

18 PRESIDING JUDGE SAMBA: [11:49:42] Thank you very much. Counsel, continue
19 with your questions, please.

20 MR BIFWOLI: [11:49:48]

21 Q. [11:49:48] Mr Witness, just before the disruption, you were telling us about the
22 place where you subsequently saw the OCRB chief.

23 So my next question is: How far were you when you saw the OCRB chief on that
24 occasion?

25 A. [11:50:24] Thirty metres was the distance separating the two of us. I was

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1 walking and I saw him. We didn't come face to face. He was looking in another
2 direction and I was staring at him. Here, written in capital letters on the door of his
3 car, was "Colonel Mahamat Said"; that's what I saw.

4 Q. [11:51:18] Approximately what time was it when you saw him on that occasion?

5 A. [11:51:38] If my memory serves me correctly, well, it was approximately
6 10 o'clock in the morning -- 10 o'clock in the morning, in the morning.

7 Q. [11:51:58] And do you recall how long was that after you had been released
8 from the cell?

9 A. [11:52:26] I don't remember precisely the time that had gone by between my
10 release and that day. I don't want to tell a lie, but at least two months, or less than
11 one month had gone by. But as for the specific day and the specific period, I cannot
12 remember specifically.

13 Q. [11:53:09] So, Mr Witness, I will take you back to the OCRB Central when you
14 were before the OCRB chief.

15 When you appeared before him, who else was in that office?

16 A. [11:53:45] As I said to you previously, by his side on a prayer mat was seated
17 another gentleman who was a marabout. I am of Muslim faith and I can identify a
18 marabout when I see one, and he had a prayer *chapelet*, and the chief of the OCRB was
19 seated on a chair, contrary to the gentleman who was down on the prayer mat.

20 Q. [11:54:42] You testified that when you appeared before the OCRB chief, he
21 instructed his elements to put you in the cell. In which language did he instruct his
22 elements?

23 A. [11:55:15] When they took us to the OCRB, they were communicating with each
24 other in Sango, and they said, "These are very dangerous men." We were frightened.
25 And then he stared at us intently, subsequent to which he ordered that we be placed

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1 in the underground cell, indicating the way to the underground cell.

2 We didn't realise that there was a hole where he was pointing to and he ordered that
3 we go down into that hole. After having taken the lid away, we were doubtful. We
4 resisted, and one of the elements charged his weapon, and we then quickly went
5 down into the hole because we were so very frightened.

6 Q. [11:56:51] Now, Mr Witness, how did you know that this person is actually the
7 chief of the OCRB?

8 A. [11:57:14] When we were arrested, we were taken to the OCRB compound. We
9 didn't know anyone there, as I told you. When he arrived, he was seated in his office
10 and he asked for us to be presented to him. Upon arriving in the office, or an office,
11 you can identify who the leader is because that is the person who is giving
12 instructions to everybody, and it was he who was giving the instructions.

13 As I said to you, he was the one who interviewed all the detainees, all the prisoners,
14 and everyone who had been arrested before us was interviewed by him. He was
15 saying, for example, "Bring so and so to me."

16 Some of them were tried on an individual basis. He was the one who would decide
17 the fate for each and every prisoner, and they were then sent to the Ngaragba prison.
18 He was respected by everybody and, in our minds, there was nobody else who was in
19 a position to provide him with instructions. All instructions came from him.

20 And that was how we came to the conclusion that it was he, the leader of the OCRB.

21 Q. [11:59:00] Did you observe him doing all these things that you have just
22 mentioned?

23 A. [11:59:16] Indeed. I personally saw him and, as I said, given that we were in
24 the underground cellar, I was actually addressing him. At that time I did not know
25 his name. I said, "Chief, what about us? Please have pity on us" because I knew

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1 that he was the one giving instructions. And I asked him what was our fate so that
2 we can be tried and freed.

3 After having heard his voice, after having seen him, I inferred that he was the chief.

4 Q. [12:00:24] How far was his office from your underground cell?

5 A. [12:00:53] I think it was not very far. I told you he was sitting in his office. He
6 was talking. He was speaking loudly and we could hear him. It was really not
7 very far, not more than 5 metres. We were in the underground cell.

8 Q. [12:01:19] And you testified that he issued instructions to his elements. Did his
9 elements comply with his instructions?

10 PRESIDING JUDGE SAMBA: [12:01:31] Instructions to do what, please?

11 MR BIFWOLI: [12:01:38]

12 Q. [12:01:39] Mr Witness, a short while ago you testified that when you appeared
13 before the head of OCRB in his office, he is the one who instructed his elements to put
14 you in the cell. Did his elements comply with the instructions of the OCRB chief?

15 PRESIDING JUDGE SAMBA: [12:01:59] Well, he has already testified that he was in
16 the cell. He has said that one of the elements put a gun to their head or did
17 something with his weapon and they had to jump into the cell, into the underground
18 cell. I think we have that in testimony, please.

19 MR BIFWOLI: [12:02:19]

20 Q. [12:02:19] Now, Mr Witness, let's come to the conditions in the cell. You
21 already testified what you went through in the cell, but I want you to clarify a few
22 things.

23 Where did you relieve yourselves in the cell?

24 A. [12:03:00] I told you shortly ago, we couldn't go out. We did not go to the toilet.
25 We weren't urinating elsewhere. Everything was done where we were staying.

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1 PRESIDING JUDGE SAMBA: [12:03:31] Mr Witness, do you want a short break?

2 Do you have some water with you that you can have a drink? Do you want a short
3 break?

4 THE WITNESS: [12:04:03](Interpretation) Your Honour, yes. May I just request a
5 five-minute break, please.

6 PRESIDING JUDGE SAMBA: [12:04:20] Can I ask the VWU for their support please,
7 and we'll do a five-minute stand down inasmuch as we'll stay in court.

8 The field officer, can you support the witness, and maybe he'd want to rise a little bit
9 and come back to his seat.

10 (The witness exits the video-link room)

11 THE COURT OFFICER: [12:05:38] Could the court officer -- yeah.

12 (Pause in proceedings)

13 (The witness enters the video-link room)

14 PRESIDING JUDGE SAMBA: [12:20:24] Welcome, again, Mr Witness. We will
15 continue with your testimony in-chief. Thank you very much.

16 Mr Prosecutor, your witness, please.

17 MR BIFWOLI: [12:20:42] Thank you, Madam President.

18 Q. [12:20:47] Mr Witness, you already testified that you received some food while
19 you were in the underground cell. How many times did you receive food while in
20 the underground cell?

21 (Pause in proceedings)

22 THE COURT OFFICER: [12:26:58] Court officer in the field, can you please say
23 something?

24 I will ask the court officer in the field to please use the witness microphone to check if
25 the sound is going through. Thank you.

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- 1 THE COURT OFFICER: [12:27:41](Via video link) Yes, you can say something.
- 2 THE COURT OFFICER: [12:27:44] Can you hear us properly and see us properly?
- 3 THE COURT OFFICER: [12:27:51](Via video link) Yes.
- 4 THE COURT OFFICER: [12:27:53] Thank you.
- 5 THE COURT OFFICER: [12:27:54](Via video link) Perfect.
- 6 THE COURT OFFICER: [12:27:55] We can continue, Madam President.
- 7 PRESIDING JUDGE SAMBA: [12:27:58] Thank you very much, Madam Court
- 8 Officer.
- 9 Mr Witness, can you see me, can you hear me?
- 10 Can you hear me, Mr Witness, can you see me?
- 11 THE WITNESS: [12:28:26](Interpretation) Yes, your Honour. You're both visible
- 12 and audible.
- 13 PRESIDING JUDGE SAMBA: [12:28:34] Thank you very much.
- 14 Mr Prosecutor, please put your questions.
- 15 MR BIFWOLI: [12:28:42] Thank you, Madam President.
- 16 Q. [12:28:45] Mr Witness, just before the disruption I was asking you the question.
- 17 You had already testified that while in the underground cell, were you provided with
- 18 some food. So the question is: How many times were you provided with food
- 19 during your detention in the underground cell?
- 20 A. [12:29:28] I only remember one thing. When I was in -- put in the underground
- 21 cell, even water for my prayers and ablutions were not given. And when our family
- 22 got to know that we were at the OCRB, they started bringing food -- twice.
- 23 Now, in my case, I only ate once. This is because I got to know that our cell was for
- 24 the cell for people on death row. So I stopped eating, and I asked my co-detainees to
- 25 go on a hunger strike, just to show people that we're displeased and that we are sad.

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1 So, in all, I ate only once, and the food, in fact, was provided for -- by our family.

2 Q. [12:30:53] And for how long were you detained in the underground cell?

3 A. [12:31:13] On the 18th, we spent a night at the OCRB, and on the 19th we were
4 put in the underground cell where we spent three days, so, 20, 21, and 22. So it was
5 on the 22nd that we were released. We spent one night at the OCRB in Ngouciment
6 and three nights at the Central OCRB.

7 Q. [12:31:59] During your detention at the OCRB Central, what were you lying on?

8 A. [12:32:30] There was nothing to even spend the night. The cell -- the conditions
9 were absolutely insanitary in the cell. We couldn't stand up or even lie down. The
10 place was absolutely filthy.

11 Q. [12:33:03] Now, Mr Witness, let's turn to something else.

12 (Pause in proceedings)

13 PRESIDING JUDGE SAMBA: [12:33:44] You can continue.

14 We were just looking at the transcript -- Mr Witness, on which date did you
15 say you -- which dates did you say you spent the night at the OCRB Central? Was
16 it -- did you say the 18th?

17 THE WITNESS: [12:34:13](Interpretation) On the 18th, we spent one night at the
18 OCRB in Ngouciment. We were transferred the following day on the 19th
19 and -- until the 22nd. The 22nd was the day we were released. This is when we
20 gained our independence, so to speak.

21 PRESIDING JUDGE SAMBA: [12:34:42] Okay. Thank you very much, Mr Witness.
22 Mr Prosecutor, please continue.

23 MR BIFWOLI: [12:34:57]

24 Q. [12:34:57] Mr Witness, you testified a while ago that you appeared before a
25 judge. Now, when you appeared before that judge, were you told what you were

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1 accused of?

2 PRESIDING JUDGE SAMBA: [12:35:24] Yes, Mr Jacquemin.

3 MR FRANÇOIS-JACQUEMIN: [12:35:30](Interpretation) Thank you, your Honour.

4 The witness did not speak about a judge in his deposition, at least in the French
5 transcript, we've got the word "*procureur*", which means prosecutor, and no mention
6 of a judge.

7 Could we please have the reference, my learned colleague.

8 PRESIDING JUDGE SAMBA: [12:35:54] Do you want to give the reference where
9 the witness mentioned a judge today?

10 MR BIFWOLI: [12:36:01] I will rephrase the question, Madam President.

11 Q. [12:36:06] Mr Witness, you testified that at one point the prosecutor paid you a
12 visit while were you in the underground cell; is that correct?

13 A. [12:36:31] Yes, that's true. The visit took place on *21 August. She came and
14 met us and asked us to be out of the cell. And then she asked why we were arrested.
15 We told her the facts. We told her what happened. She noted everything down
16 and she left.

17 The following day, she came back. And another vehicle came to fetch us, and we
18 were brought in front of the prosecutor and, once again, we were asked what were
19 the grounds of our arrest. We told them the facts and said that we were illegally
20 arrested on the (Redacted) And after this hearing, there was a
21 document of release that was drafted, and we were told that as of such-and-such date
22 we're free to go home.

23 PRESIDING JUDGE SAMBA: [12:38:17] Mr Witness, you say, "after this hearing",
24 after which hearing? Which hearing are you referring to?

25 THE WITNESS: [12:38:37](Interpretation) I previously said that the lady, the trial

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1 lawyer came to hear us within the OCRB. She took notes and she left. The
2 following day she came back and she was -- she asked -- we were asked to leave the
3 cell. We were put in a car and we were brought before the prosecutor in a court, and
4 the prosecutor heard us again. And we told the prosecutor the same facts that
5 happened. After this, the prosecutor took the decision of freeing us.

6 PRESIDING JUDGE SAMBA: [12:39:33] Thank you very much.

7 Mr Prosecutor, carry on, if you may.

8 MR BIFWOLI: [12:39:40]

9 Q. [12:39:40] And which court was that that you were taken to?

10 A. [12:40:03] To the best of my knowledge, at that point of time, it was the *Tribunal*
11 *de grande instance de Bangui*. That was where we were brought before the prosecutor.
12 The prosecutor heard us and ordered our release. I memorised the names of the
13 various prosecutors, but there's been water under the bridge and *recalling these
14 events affects my state of health too much. But the lady who came to visit us at the
15 OCRB was a -- was a trial lawyer. But the prosecutor was a man in the tribunal, and
16 I do not remember his name.

17 Q. [12:41:18] When you appeared before the prosecutor, were you told what you
18 were accused of?

19 A. [12:41:41] Once we were before the prosecutor in the court, the prosecutor asked
20 the question: Do you know what are the grounds of arrest, what are the charges
21 brought before you? In response, we said that we are completely unaware of the
22 grounds of arrest. We were at the (Redacted) and we were arrested.
23 And he said, "That's all you have to say and this is what happened?" We replied,
24 "Yes." And we said that all the sufferings we've gone through were for nothing.
25 Personally, I was never told what are the charges that were brought before me.

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1 Q. [12:42:48] And when you were before the prosecutor in court, were you told the
2 person who lodged a case -- a complaint against you to warrant your arrest?

3 MR FRANÇOIS-JACQUEMIN: [12:43:23](Interpretation) In my opinion, this is a
4 leading question.

5 PRESIDING JUDGE SAMBA: [12:43:37] How?

6 MR FRANÇOIS-JACQUEMIN: [12:43:44](Interpretation) It's -- police officers can
7 arrest people without a complaint. The fact that you're asking if there is a complaint
8 is leading, it's directing the witness to an answer. It's better to offer possibilities to
9 the witness of replying. I feel that this is a leading question.

10 PRESIDING JUDGE SAMBA: [12:44:14] I don't see how leading that could be.
11 There must be a reason for his being there. It's as simple as counsel could have
12 asked him: Who was the complainant in your case?

13 I don't think that's leading at all. You're overruled.

14 Please continue, counsel.

15 MR BIFWOLI: [12:44:37] Most obliged, Madam President.

16 Q. [12:44:41] Mr Witness, did you hear my question or I repeat?

17 A. [12:44:56] I've understood your question. It's about what the prosecutor told
18 me -- if the prosecutor told me what were the charges brought against me.

19 Now, when I came, the prosecutor asked the question: What are the grounds of
20 arrest? He asked that question. We told him that in my case, I was at the (Redacted)
21 (Redacted), and we were arrested at that point of time without actually knowing the
22 grounds of arrest. Even though we were arrested, I always asked what were the
23 grounds systematically, and I was slapped. And this was also brought to the notice
24 of the prosecutor. The grounds of arrest were never told -- we were never informed
25 of the grounds of arrest and no one had actually lodged a complaint against us.

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1 Q. [12:46:39] Mr Witness, when you and your friends went into the underground
2 cell, did you find anyone there?

3 A. [12:47:09] If my memory serves me correctly, I believe that the first day when
4 we were taken there, there was one man inside the cell. It was in the middle of the
5 day. We met him. And then according to what I explained to you earlier, during
6 the night-time, after working hours and when everyone had gone home, our
7 cell -- well, it was during the night that our cell was opened up. Sometimes our cell
8 would be opened when the prosecutor arrived. But at night-time, they would open
9 it up and they would take that individual out and lead him away. But we didn't
10 know who he was.

11 Q. [12:48:18] When that individual was taken out, did he ever come back into the
12 underground cell?

13 A. [12:48:43] As I told you, when we first met after we arrived, that was how things
14 unfolded. And at night-time when he was taken away, I -- I really don't have any
15 further information about who he was or where he lived. I have no further
16 information on this gentleman.

17 Q. [12:49:12] At the time you met with the lady prosecutor who came to the OCRB
18 to interview you, how many people were in the underground cell?

19 PRESIDING JUDGE SAMBA: [12:49:34] Counsel, isn't it this witness's testimony that
20 on the first night, whoever it was that they met in the underground cell was removed,
21 and understanding his testimony, this prosecutor you're talking about, the female
22 prosecutor, came after that. So if they met only one person in the underground cell
23 and that person was removed, only four of them were there. Doesn't that give you
24 an answer?

25 MR BIFWOLI: [12:50:14] Madam President, the point I was clarifying is because in

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1 his statement he stated that there were five when they met.

2 PRESIDING JUDGE SAMBA: [12:50:21] That's very clear. His statement is not
3 before us. He has said he met -- they met one person in the underground cell. That
4 night, that person was removed. So only four of them were remaining. It's clear.
5 What we have before us is a viva voce witness. Thank you.

6 MR BIFWOLI: [12:50:47] Well guided.

7 Q. [12:50:50] Now, Mr Witness, I'm going to move to the next topic which is what
8 happened to you and your family, and in answering try as much not to mention any
9 names, and if it happened that you went somewhere, don't mention -- don't mention
10 the name of the place you went, and if you need to, then we'll go into private session.
11 Is that okay?

12 A. [12:51:41] Yes, I have understood, and I do accept.

13 Q. [12:51:49] Now, after you were released from your detention, did anything
14 happen to you and your family?

15 PRESIDING JUDGE SAMBA: [12:52:14] Mr Witness, before you answer, can I ask
16 the court officer to get us into private session, please. Thank you.

17 (Private session at 12.52 p.m.)

18 THE COURT OFFICER: [12:52:44] We are in private session, Madam President.

19 PRESIDING JUDGE SAMBA: [12:52:48] Thank you very much.

20 Mr Prosecutor, continue please.

21 MR BIFWOLI: [12:52:54] That you, Madam President.

22 Q. [12:53:01] Mr Witness, after you were released from detention, did anything
23 happen to you and your family?

24 A. [12:53:18] After our release, I was frightened. I was in a great state of anxiety
25 and that was the first time in my life that it'd ever felt that way. So I didn't walk

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1 about. If something important was happening, then I would go out. That's what
2 I can say first and foremost.

3 As for my mother, she is somebody who suffers from high blood pressure and
4 problems of sciatica, she doesn't go out much and she had cried a lot. She had had a
5 high blood pressure incident and couldn't come to visit me.

6 Our living conditions -- well, there was a number that called me and I was asked
7 whether something had happened to me and whether I wanted to lodge a complaint.

8 When I heard that, I took fright. I didn't know who was behind that number, who
9 was calling me, because those in power at the time -- well, I couldn't say what I felt.

10 I was a Muslim, but I had been in prison, so I didn't want to undertake anything at all
11 and I said no.

12 I said I did not want to draft a complaint against whomsoever. That's all that I can
13 tell you.

14 Q. [12:55:36] So, Mr Witness, we are now in private session, so you can talk freely.

15 My next question is: Today you testified that you are currently residing in

16 (Redacted). What caused you to move to (Redacted)?

17 A. [12:56:18] After what happened to me and to my brothers, on 5 December the

18 Anti-Balaka rebelled, there were killings, there were acts of violence, and I was living

19 in the (Redacted). That was

20 where I was living with my Muslim and Christian brothers. We had all grown up
21 together and we all got on perfectly well.

22 We had come together with a view to raising awareness amongst people, but at a

23 given moment in time there were rumours being mongered to the effect that people

24 were talking about me and they were saying that when they come, I need to be very

25 careful. There were many threats and all of the surrounding Muslim

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1 neighbourhoods were devoid of Muslims. There were only Muslims in my
2 neighbourhood. We started talking to Christians and they said that we shouldn't
3 worry. But one day, our Christian brothers who were living the same
4 neighbourhood left, and upon reflection, we Muslims thought to ourselves: Well,
5 why should we fight? We're not going to fight. So we took our families, mothers,
6 fathers, the elderly, and we went to the central mosque where we sought refuge.
7 Those people heard that we had gone to the central mosque because they were on
8 their way, so then they destroyed our houses. And after having received that
9 information, I did not go back to the neighbourhood, I stayed in the central mosque.
10 Having noted that there was no longer peace in the country, I thought to myself:
11 Well, god was with me, was by my side, and delivered me when I -- and saved me
12 when something happened to me. So I thought and came to the conclusion that
13 myself and my family needed to go to (Redacted) in order to lead a peaceful life and
14 for war to be able to come to an end. And that's why we went to (Redacted), and I'm
15 still living there.

16 Q. [12:59:52] Mr Witness, did anything happen to your property?

17 PRESIDING JUDGE SAMBA: [13:00:12] Did he say anything about his property?

18 But, anyway ...

19 Carry on, Mr Witness.

20 THE WITNESS: [13:00:32](Interpretation) Indeed, as I said to you, myself and my
21 Christian brothers who were living peacefully side by side in the same
22 neighbourhood, having noted that they had fled the neighbourhood, we on that very
23 same day decided to leave the neighbourhood as well. We gathered everyone
24 together - mothers, fathers, all the members of our family - in order to take them to
25 safety somewhere, and that safe place was the central mosque. But we didn't take

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1 our belongings with us when we sought refuge there. We found some mats there
2 and we spent the night there. We left everything behind on location. When we
3 were at the central mosque, they came behind us and destroyed all of our belongings.
4 We lost everything. We left empty-handed and then we went to (Redacted).

5 PRESIDING JUDGE SAMBA: [13:01:54] I'm afraid, Mr Prosecutor, we have to end it
6 there for today.

7 And, Mr Witness, we're going to end your testimony for today now, and today being
8 Friday, we shall continue with your testimony in-chief on Monday, god willing. I'm
9 going to ask that you -- I'm going to ask the court officer to allow that we return back
10 to open session.

11 (Open session at 1.02 p.m.)

12 THE COURT OFFICER: [13:02:44] We're back to open session, your Honours.

13 PRESIDING JUDGE SAMBA: [13:02:47] Yes. Thank you very much.

14 Now, Mr Witness, as I was saying we're going to end today's testimony here and we'll
15 come back here on Monday and continue with your testimony in-chief. But before
16 we go I'm going to remind you that you remain on oath until we meet here again on
17 Monday, so do not discuss your testimony that you've given here today with any
18 other person when you leave your -- your location.

19 I'm going to adjourn this matter and ask that we meet again on Monday during the
20 second session, as I am sure parties know. I rise the court, please.

21 THE COURT USHER: [13:03:25] All rise.

22 (The hearing ends in open session at 1.03 p.m.)