

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 Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Monday, 27 May 2024
9 (The hearing starts in open session at 11.32 a.m.)
10 THE COURT USHER: [11:32:14] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [11:32:42] Good morning, everyone.
14 Madam Court Officer, can you please mention the case.
15 THE COURT OFFICER: [11:32:47] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of the Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [11:33:02] Thank you very much.
20 Can I ask the parties to introduce themselves, starting with the Prosecution, please.
21 MS MAKWAIA: [11:33:10] Thank you, Madam President. Good morning, your
22 Honours. For the Prosecution this morning, myself, Holo Makwaia, senior trial
23 lawyer; Mr Thomas Bifwoli, trial lawyer; and Sanyu Ndagire, legal assistant. Thank
24 you.
25 PRESIDING JUDGE SAMBA: [11:33:25] Thank you very much, Ms Makwaia.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [11:33:32](Interpretation) Thank you, Madam President. The victims
3 are represented today by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at
4 the Office of Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [11:33:43] Thank you very much.

6 We learn that Ms Naouri is unwell. We're sorry about it.

7 Mr Jacobs, do you want to introduce your team, please.

8 MR JACOBS: [11:33:57](Interpretation) Yes. Good morning, Madam President.

9 Next to me, Florian François-Jacquemin, then there's Fiana Gantheret next to him, and
10 Léa Allix. And I, myself, I am Dov Jacobs, counsel for Mr Said.

11 PRESIDING JUDGE SAMBA: [11:34:11] Yes. Thank you very much, Mr Jacobs.

12 And, for the record, we note that Mr Said is in court.

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

14 MR SAID: [11:34:23](Interpretation) Yes. Good morning, Madam President.

15 PRESIDING JUDGE SAMBA: [11:34:29] Good morning.

16 Good morning, Mr Witness. I hope you had a restful weekend.

17 WITNESS: CAR-OTP-P-3064 (On former oath)

18 (The witness speaks Sango)

19 (The witness gives evidence via video link)

20 THE WITNESS: [11:34:43](Interpretation) Yes, I rested well and I want to greet
21 everyone in the courtroom.

22 PRESIDING JUDGE SAMBA: [11:34:54] Thank you very much.

23 Now, Mr Witness, we're going to continue with your testimony-in-chief, I'd wish to
24 remind you that you're still under oath to tell the truth to this Court. So I'm going to
25 ask the Prosecutor to continue his examination-in-chief.

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1 Mr Prosecutor, may I ask how much more time you want with this witness. I mean,
2 if you can say; if not, we are okay. But give us a time if you can.

3 MR BIFWOLI: [11:35:28] Good morning, your Honours. We are actually at the
4 tail-end of our examination and basically I'll be dealing with photographs, and
5 I estimate probably 30 minutes or thereabouts.

6 PRESIDING JUDGE SAMBA: [11:35:45] That's fine. Carry on, Mr Prosecutor.
7 Thank you very much.

8 We're in open session, just so you know, yes.

9 MR BIFWOLI: [11:35:53] Thank you, Madam President.

10 QUESTIONED BY MR BIFWOLI: (Continuing)

11 Q. [11:36:00] Good morning, Mr Witness, I am going to proceed from where we left
12 last time.

13 A. [11:36:13] Good morning.

14 Q. [11:36:17] So, Mr Witness, during your interview with investigators from the
15 Office of the Prosecutor, were you shown any photographs?

16 A. [11:36:40] Yes. When we met, they showed me a number of photographs.
17 Some I was able to recognise; others, no.

18 Q. [11:36:55] And were you given an opportunity to comment on them?

19 A. [11:37:09] Yes. When I was able to identify any items, I said so, but when it
20 came to photographs that I knew nothing about, I told them I didn't know anything
21 about them.

22 Q. [11:37:29] Madam Court Officer, please display tab 4. The ERN is
23 CAR-OTP-2033-6802.

24 Mr Witness, can you see the photograph displayed on your screen?

25 A. [11:38:21] Yes, can I see it. That is the photo of the OCRB gate, the OCRB gate.

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1 MR BIFWOLI: [11:38:39] Your Honours, tab 4 is already recognised as formally
2 submitted.

3 Madam Court Officer, I kindly request you to display tab 5 on the screen, which is
4 CAR-OTP-2033-6847.

5 Q. [11:39:10] Mr Witness, can you see the photograph displayed on your screen?

6 A. [11:39:23] Yes, can I see it. This is a photograph of the house that is within the
7 OCRB premises. That is where we were held by those who arrested us. It is in that
8 house that we were held.

9 MR BIFWOLI: [11:39:59] Your Honours, I formally submit tab 3. And the ERN is
10 CAR-OTP-2033-6874.

11 Madam Court Officer, I request you to display tab 2 on the screen for the witness.
12 Can you zoom in a bit so that there is a signature that appears there so that it can be
13 visible for the witness.

14 I request that we briefly go into private session.

15 PRESIDING JUDGE SAMBA: [11:41:20] Madam Court Officer, can we go into
16 private session briefly, please.

17 (Private session at 11.41 a.m.)

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

19 PRESIDING JUDGE SAMBA: [11:41:41] Yes, carry on, Mr Prosecutor.

20 MR BIFWOLI: [11:41:43]

21 Q. [11:41:44] So, Mr Witness, can you see the sketch displayed on your screen?

22 A. [11:41:55] Yes, I can see it. This is a sketch which I provided to the
23 investigators when they came and interviewed me. I signed the document and
24 I pointed out to them the way that would have led them to that position where we
25 were detained. And I want to remind you that I signed that document.

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1 Q. [11:42:35] And, Mr Witness, who drew this sketch?

2 A. [11:42:54] I drew this sketch myself and I signed it at the bottom of the page.

3 Q. [11:43:05] And can you just explain what that sketch depicts. From the entry,
4 there are lines there. What are those lines? What do they depict?

5 A. [11:43:32] What I can see is that, first of all, there is a set of stairs, a flight of stairs.
6 If you go up those stairs, you would enter the house, and once you're in the house,
7 you turn left in order to go to the office of the prosecutor. It is in that office that the
8 prosecutor was seated, as I saw it. And then, further on, there is a room in which the
9 underground cell was located, and that is further on in the drawing, as you can see.

10 Q. [11:44:27] Mr Witness, in the drawing there is a point where it is marked "A".
11 What is on -- what is that marked "A"?

12 A. [11:44:47] Letter "A", I believe, represents the office of that individual who had
13 arrested us. I think that is the person's office.

14 Q. [11:45:07] And what does letter "B" represent?

15 A. [11:45:27] As I said, the official was sitting at their desk and to their left was a
16 gentleman whom I said was the *marabout* and that's what letter "B" stands for. The
17 role of the *marabout* was to pray on behalf of the director of the OCRB.

18 Q. [11:46:01] And let's now move on to the next room, which has, I think, letter "C".
19 Madam Court Officer, if you can zoom in a little bit.
20 What does letter "C" represent?

21 A. [11:46:35] The letter "C" stands for the underground cell where we were held.
22 That is where we were held and, you see, the "C" stands for the cover of the
23 underground cell. Once that cover was taken off, then the prisoners would go into
24 the underground cell, and that is what happened to us.

25 Q. [11:47:15] And can you tell the Court what letter "D" represents?

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1 A. [11:47:36] The letter "D" represents the underground cell that was so dirty and
2 dark. It is in that cell that we endured all types of suffering, and that's what
3 I depicted here by letter "D".

4 THE INTERPRETER: [11:48:13] Correction from the Sango booth: The cell was
5 dark.

6 MR BIFWOLI: [11:48:24] Your Honours, I formally submit tab 2, and the ERN is
7 CAR-OTP-2135-2841.

8 We can go back into public session.

9 PRESIDING JUDGE SAMBA: [11:48:52] Madam Court Officer, can we go into open
10 session, please.

11 (Open session at 11.49 a.m.)

12 THE COURT OFFICER: [11:49:10] We are back to open session, your Honours,
13 Madam President.

14 PRESIDING JUDGE SAMBA: [11:49:14] Thank you very much.

15 Mr Prosecutor, carry on please.

16 MR BIFWOLI: [11:49:18] Thank you, Madam President.

17 Court officer, please display tab 6 on the screen for the witness please. The ERN is
18 CAR-OTP-2033-6870.

19 Q. [11:49:40] Mr Witness, can you see the photograph displayed on your screen?

20 A. [11:49:50] Yes. I can see the image on my screen and, as I said before, when we
21 were taken to the OCRB premises, we can see here the various locations where there
22 was a high number of detained prisoners, and it is from this -- one of these cells that
23 somebody called me -- called out my name, and I said I didn't know the person. It is
24 thereafter that we were taken to the main building and then after put into the
25 underground cell. So this is one of the buildings that was located within the OCRB

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1 premises in Bangui.

2 Q. [11:50:47] And while in the underground cell, did you hear anything happen in
3 those cells at night?

4 A. [11:51:07] Yes, indeed, yes. You see, quite often I remember these things, they
5 come to mind. People were being tortured, people were crying, and there was
6 wailing by men and women, and this -- these are not very good thoughts. I'm not
7 comfortable with them. I don't really feel good when I start thinking about these
8 things.

9 Q. [11:51:47] When you say people were wailing, people were tortured, which
10 people are you --

11 THE INTERPRETER: [11:52:02] When you say people were wailing and were
12 tortured --

13 Sorry, the interpreter ... (Overlapping speakers)

14 MR BIFWOLI: [11:52:02]

15 Q. [11:52:03] -- referring to?

16 A. [11:52:08] I'm talking about the detained persons, the detained persons who were
17 tortured by the soldiers who were within the OCRB premises. They were tortured
18 using different instruments that we could not see. But from our underground cell,
19 we would hear -- we could hear them.

20 Q. [11:52:40] How far was your underground cell from those other cells?

21 A. [11:53:09] To tell you the truth, this thing happened a long time ago, but I can
22 estimate that it was about 20 -- 20 metres or so, because, you see, I was detained and
23 then released but I never went back to that place again, and I don't want to go back
24 there, ever. So my estimation would be between 20 and 30 metres.

25 MR BIFWOLI: [11:53:49] Your Honours, I formally submit tab 4 -- tab 6. The ERN

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1 is CAR-OTP-2033-6870.

2 Madam Court Officer, can you kindly display tab 7 on the screen for the witness,
3 please. The ERN is CAR-OTP-2033-7064.

4 Q. [11:54:34] Mr Witness, can you see the photograph displayed on your screen?

5 A. [11:54:51] Yes, I can see the photo. When you enter the cell, you can see this
6 business -- this building, rather. But there were other buildings in the premises that
7 were full of detainees, and, like I told you before, the detainees were suffering, they
8 were complaining, they were wailing and this really frightened me.

9 And to this day I am still traumatised when I think about these images. I actually
10 have nightmares when I remember how all those people suffered at that time.

11 MR BIFWOLI: [11:55:49] Your Honours, I formally submit tab 7. The ERN is
12 CAR-OTP-2033-7064.

13 Madam Court Officer, can you kindly display tab 8 on the screen for the witness,
14 please. The ERN is CAR-OTP-2033-7555.

15 Q. [11:56:27] Mr Witness, can you see the photograph displayed on your screen?

16 A. [11:56:37] Yes, I can see the photograph. This is the underground cell which
17 was opened and we were asked to go into. The office here is indeed the office of the
18 person who detained us, and it is from that underground cell that we were crying and
19 asking -- crying out for help, but no one came to rescue us.

20 Let me specify that this office was located in the main building of the OCRB, to the
21 right; so this office was in the main building of the OCRB.

22 MR BIFWOLI: [11:57:50] Your Honours --
23 (Counsel confers)

24 MR BIFWOLI: [11:58:02]

25 Q. [11:58:02] Mr Witness, can you provide the name of the person whose office is

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1 that?

2 A. [11:58:26] Yes. The chief who used that office was called Mr Mahamat Said, he
3 is the author of our detention. It is after we were released that I found out that he
4 was Mahamat Said. That was his office and he is the one who detained us.

5 MR BIFWOLI: [11:58:59] Your Honours, tab 8 is already recognised as formally
6 submitted.

7 Madam Court Officer, can you kindly display tab 9 on the screen. The ERN is
8 CAR-OTP-2033-7554.

9 Q. [11:59:26] Mr Witness, can you see the photograph displayed on your screen?

10 A. [11:59:39] Yes, that is where we were detained.

11 PRESIDING JUDGE SAMBA: [11:59:57] It's okay, Mr Witness. Yes, wipe those
12 tears and have some water.

13 Do you want some time off?

14 Madam Court Officer, is there a VWU staff close to help the witness?

15 THE COURT OFFICER: [12:00:25] Madam President, yes. We have VWU
16 assistance and I will maybe contact the appropriate channel so he can talk, upon the
17 leave of the Chamber, of course. Thank you.

18 PRESIDING JUDGE SAMBA: [12:00:39] Mr Witness, do you want a few minutes
19 off?

20 THE WITNESS: [12:00:53](Interpretation) Yes, your Honour. I would like to have a
21 break, please. Five minutes and then -- to restart. Thank you, Madam President.

22 PRESIDING JUDGE SAMBA: [12:01:09] That's granted. You can leave your seat,
23 Mr Witness, and take a walk around. Have some water.

24 I'll rise the court for five minutes. We'll be back. Thank you.

25 THE COURT USHER: [12:01:30] All rise.

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- 1 (Recess taken at 12.01 p.m.)
- 2 (Upon resuming in open session at 12.08 p.m.)
- 3 THE COURT USHER: [12:08:33] All rise.
- 4 Please be seated.
- 5 PRESIDING JUDGE SAMBA: [12:09:06] Good afternoon, everyone.
- 6 Mr Witness, I know it's difficult for you to --
- 7 THE WITNESS: (No interpretation)
- 8 PRESIDING JUDGE SAMBA: [12:09:10] -- for you to relay to us all that you say
- 9 happened to you, but I'll encourage you to be courageous and complete your
- 10 testimony. If you need any break during these proceedings, do let us know so we
- 11 know that you want a little bit of time. We do understand.
- 12 So I'm going to ask the Prosecutor to continue his line of questioning, after which I'm
- 13 going to ask counsel for the victims to also put some questions to you; then counsel
- 14 for Mr Said. So please remain courageous and just state your testimony as clearly as
- 15 you remember them. If there are any questions asked which you do not remember,
- 16 you can say so. Thank you very much for your cooperation.
- 17 Mr Prosecutor, please carry on.
- 18 MR BIFWOLI: [12:10:27] Thank you --
- 19 PRESIDING JUDGE SAMBA: [12:10:27] And, yes, I'm sure he has answered the
- 20 question to your last photo, so yes.
- 21 MR BIFWOLI: [12:10:35] Your Honours, tab 9 is already formally submitted. The
- 22 ERN is CAR-OTP-2033-7554.
- 23 Madam Court Officer, can you kindly display tab 10 on the screen for the witness,
- 24 please. The ERN is CAR-OTP-2069-0671.
- 25 Q. [12:11:12] Mr Witness, can you see the photograph displayed on your screen?

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1 A. [12:11:28] Yes, I can see this photograph shown on the screen. I can see
2 Djotodia, the former president of the republic. He is in front of everybody. He's
3 the one at the front, Djotodia. Behind him, I think that it's Said who I can see, and on
4 the left -- on the left, I think. And on this photograph, if I see the people that I've just
5 mentioned. They are the ones who I recognise, the ones who I know.

6 MR BIFWOLI: [12:12:44] Your Honours, tab 10 is already formally submitted. The
7 ERN is CAR-OTP-2069-0671.

8 Madam Court Officer, can you kindly display tab 11 on the screen for the witness,
9 please. The ERN is CAR-OTP-2069-2452.

10 Q. [12:13:20] Mr Witness, can you see the photograph displayed on your screen?

11 A. [12:13:38] Yes, I can see this photograph. The person who is dressed with a
12 clear clothing is the former President Djotodia. And on the right-hand side, that's
13 Colonel Mahamat Said on that side. And these are the people who I recognise on the
14 photograph. I don't know the other people who are on this photograph.

15 (Counsel confers)

16 MR BIFWOLI: [12:15:13] Your Honours, tab 11 is already formally submitted. The
17 ERN is CAR-OTP-2069-2452.

18 Court Officer, can you kindly display tab 12 on the screen. The ERN is
19 CAR-OTP-2069-3226.

20 Q. [12:15:55] Mr Witness, can you see the photograph displayed on your screen?

21 A. [12:16:13] Yes, I can see former President Djotodia dressed in -- by cloth and in a
22 pagne and he is greeting the other soldiers.
23 On the left-hand side you have Colonel Mahamat Said. He is on the left-hand side at
24 the back.

25 MR BIFWOLI: [12:16:48] Your Honours, tab 12 is already formally submitted. The

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1 ERN is CAR-OTP-2069-3226.

2 Madam Court Officer, can you kindly display tab 13 on the screen for the witness,
3 please. The ERN is CAR-OTP-2069-3227.

4 Q. [12:17:24] Mr Witness, can you see the photograph displayed on your screen?

5 A. [12:17:43] Yes. Yes, I can see the photograph. It's still the former President
6 Djotodia. He is shaking the hands of the soldiers, of the military officers.

7 Well, other people there, the soldiers who are there, I don't know the other people.

8 In my opinion, perhaps I didn't see the person who was in the middle, behind. That
9 seems to be Colonel Mahamat Said, the one who's on the right behind Michel

10 Djotodia.

11 MR BIFWOLI: [12:18:49] Madam Court Officer, probably can you zoom in a little bit.

12 THE WITNESS: [12:19:05](Interpretation) As I said a moment ago, Mahamat Said is
13 behind, as I indicated. Colonel Said and the former President Djotodia, those are the
14 two people who I recognise on this photograph.

15 MR BIFWOLI: [12:19:40] Your Honours, tab 13 is already formally submitted. The
16 ERN is CAR-OTP-2069-3227.

17 Madam Court Officer, can you kindly display tab 14 on the screen for the witness
18 please. The ERN is CAR-OTP-2094-2006.

19 Q. [12:20:09] Mr Witness, can you see the photograph displayed on your screen?

20 A. [12:20:31] Yes, yes. This is Colonel Mahamat Said --

21 PRESIDING JUDGE SAMBA: [12:20:34] All right. Just a moment. Just a moment.

22 THE WITNESS: [12:20:35](Interpretation) -- the person responsible for our arrest.

23 PRESIDING JUDGE SAMBA: [12:20:41] A moment, counsel.

24 Yes, Mr Jacobs.

25 MR JACOBS: [12:20:48](Interpretation) I'm sorry, your Honour, I don't want to

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1 interrupt my colleague, but I'm told that there's a problem with Mr Said's transcript.
2 It's blocked at the moment. Yes, the transcript is blocked, so Mr Said no longer has
3 the transcript at the moment. I just wanted to inform you thereof.
4 PRESIDING JUDGE SAMBA: [12:21:07] All right. We'll get the court officer to deal
5 with it. We're sorry about that.
6 Just a moment, Mr Said.
7 THE COURT OFFICER: [12:21:14] I'm just informed this should be fixed right now.
8 If Mr Said could please check the transcript again and confirm. Thank you.
9 MR JACOBS: [12:21:28](Interpretation) Yes, it's functioning again. Thank you,
10 Court Officer. Thank you.
11 PRESIDING JUDGE SAMBA: [12:21:33] Thank you very much, Mr Jacobs.
12 Yes, Mr Prosecutor, please.
13 MR BIFWOLI: [12:21:41] Thank you, your Honours.
14 PRESIDING JUDGE SAMBA: [12:21:47] I think the witness -- did you -- let me read
15 what you said.
16 He has answered your question, Counsel.
17 MR BIFWOLI: [12:22:02] Your Honours, tab 14 is already formally submitted. The
18 ERN is CAR-OTP-2094-2006.
19 Madam Court Officer, can you kindly display tab 3 on the screen for the witness,
20 please. The ERN is CAR-OTP-2135-2842.
21 Q. [12:22:41] Mr Witness, can you see the image on your screen?
22 A. [12:22:55] I can see the picture well. That's Colonel Mahamat Said, the person
23 responsible for arrest and detention at the OCRB. On this picture -- well, this picture
24 comes from the International Criminal Court. I recognise the photograph and
25 I recognise the person in the photograph.

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1 MR BIFWOLI: [12:23:33] Your Honours, I formally submit tab 3. The ERN is
2 CAR-OTP-2135-2842.

3 Q. [12:23:49] Mr Witness, that brings us to the end of the Prosecution's examination.
4 I wish to thank you so much for answering questions. On behalf of the Prosecution,
5 we say thank you.

6 MR BIFWOLI: [12:24:00] Your Honours, that's all for this witness.

7 PRESIDING JUDGE SAMBA: [12:24:07] Thank you very much, Mr Prosecutor.

8 Now, Mr Witness, as I told you, you're going to remain courageous and get some
9 questions from counsel for the victims.

10 Ms Pellet, your witness, please.

11 MS PELLET: [12:24:32](Interpretation) Thank you, your Honour. I just need a
12 couple of minutes to get the document reader. Thank you.

13 THE INTERPRETER: [12:24:50] The document stand.

14 MS PELLET: [12:24:59](Interpretation) Thank you, Madam President.

15 QUESTIONED BY MS PELLET: (Interpretation)

16 Q. [12:25:06] Good morning, witness.

17 A. [12:25:08] Good morning. Good morning, Madam.

18 MS PELLET: [12:25:14] Your Honour, in accordance with my request from 17 May,
19 which you granted on Friday morning, my questions will be limited to the harm
20 suffered by the witness during the events of 2013 and the impact of these events on
21 his life and that of his family.

22 Q. [12:25:36] Witness, we know each other, but for the purposes of the transcript,
23 I would like to stress that I'm your legal representative because you were authorised
24 to participate in the proceedings on 27 May 2022, and once again 8 November 2023,
25 on the basis of a form that we filled in together on 1 September 2022 via video link.

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1 A. [12:26:18] Yes, yes. I remember. I also signed the document making it
2 possible for you to represent us within the framework of the events which occurred in
3 Bangui in 2013.

4 Q. [12:26:36] That is correct, witness.

5 Now, before I start to put my questions to you, I would like, as Madam President and
6 my colleagues from the Prosecution on Friday and once again this morning said, I
7 would like to clarify one aspect.

8 If any of my questions may lead to your identification, even indirectly, then I would
9 ask to go into private session and, therefore, you are free to give any details you wish
10 without any fear. But if you think that the answers to my questions could identify
11 you, please tell me, please give me a sign and I will also ask to go into private session
12 before you start with your answer. And whatever the case, witness, I would ask you
13 not to give * names or places which could lead to your identification before answering
14 my question; is that understood?

15 A. [12:27:44] Yes, that's very well understood. I've understood you well, and
16 I understand your point of view.

17 Q. [12:27:50] Perfect. Thank you very much, witness.

18 Witness, on Friday during your testimony you explained that you had been beaten
19 during your arrest. You also described having been detained in an underground
20 dark cell an unsanitary underground cell at of the OCRB in pitiful conditions. Do
21 you have any physical scars or consequences linked to your detention and arrest?

22 A. [12:28:38] Well, I think that in terms of the after-effects of what happened to me
23 in the Central African Republic, they led to me (Redacted)
24 (Redacted)

25 MS PELLET: [12:29:04](Interpretation) Your Honour, excuse me, I would like to go

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1 into private session, if you'll be so kind.

2 PRESIDING JUDGE SAMBA: [12:29:10] Can we go into private session, please,

3 Madam Court Officer.

4 (Private session at 12.29 p.m.)

5 THE COURT OFFICER: [12:29:28] We are in private session, Madam President, your

6 Honours.

7 PRESIDING JUDGE SAMBA: [12:29:31] Thank you very much.

8 Ms Pellet, please continue.

9 MS PELLET: [12:29:36](Interpretation) Thank you very much, your Honour.

10 Q. [12:29:39] I apologise, witness, because I explained to you earlier it's best to

11 avoid mentioning a place which could identify you, so please excuse me. If you

12 could please continue with your answer to the question, I would be most grateful.

13 A. [12:29:58] Yes. I would say -- or I was saying that what happened to me means

14 that I no longer wish to see the OCRB. I don't even want to think about it. That's

15 what I feel.

16 When I see soldiers who are dressed in their uniform, as we saw a moment ago under

17 that officer, when I see that uniform, I am afraid. When I see these soldiers with

18 their weapons, I'm afraid. When I think about what happened to me, I get very

19 angry very easily and I get carried away by it very easily. I'm very nervous. When

20 I reflect afterwards, after some time I wonder why I'm -- it really it gets to me so

21 much.

22 I think those are the consequences of what happened to me. Before I did not have

23 that. Where we were detained, there was no electricity, we could hardly breathe,

24 and I spent my nights there. Now I don't see very well. My sight has got much

25 worse.

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1 As I said previously, sometimes I have nightmares. I remember what happened and
2 I tremble, I tremble. I have great anguish when I am alone. It happens to me often.
3 Afterwards, after everything that happened to me, I think that now my family's
4 dispersed, they're separated, we don't get on well.
5 I don't know if I've really answered your question, but that's what I wanted to say to
6 you.

7 Q. [12:32:25] Thank you, witness. You have, in fact, answered my question and
8 some of my following questions. But I will, nevertheless, continue to put a few more
9 questions to you if you don't mind.

10 * On Friday, during your testimony, you said that when you think back on those
11 events, this affects your state of health. Madam President, I am referring to transcript
12 T-74, to the edited French version, and I would like to specify that this part of the
13 testimony was not transcribed in the English transcript. Now, Mr Witness, can you
14 provide more clarification and explain to the Court how thinking about those events
15 affects your health. * From your testimony and from what you have just said, we
16 understand that this affects your psychological state, your state of mind. Could you
17 please tell us in greater detail how this affects your state of health, Mr Witness?

18 A. [12:33:47] As I told you a short while ago, whenever I think of what I was
19 subjected to, even the little things that should not upset me now upset me and
20 I become aggressive towards people around me. But when I settle down, I -- I feel a
21 sense of regret about my conduct. But it is all arising from my reactions to what
22 I was subjected to.

23 Why was I subjected to all this? I keep asking myself that question, and to this date
24 I have no answers to that question. Why was I tortured at that time? To this date
25 I don't know why I was tortured. This is exactly what I can tell you.

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1 Q. [12:34:43] Mr Witness, did you get any psychological assistance from the time
2 you were liberated or released from the OCRB?

3 A. [12:34:59] From the time of all those events, I have not received any help, no
4 psychological help. I haven't received anything. However, I met some
5 psychologists in relation to the interview that I had with you. They talked to me.
6 We talked about what had happened to me. They paid attention to what I was
7 saying and I know that they are people who would empathise with me regarding the
8 things that happened to me.

9 When I had to go to the location at which I am, I attempted to explain my problems to
10 the officials there, but they did not understand me. * You see, I feel everything to my
11 very, very bones. It's as if I only just experienced all of that. I am deeply saddened.

12 Since then, I haven't received any help. I have been deeply affected by all these things.

13 * MS PELLET: [12:36:15] (Interpretation) Madam President, I have one more question
14 to ask in private session, and then I would like to ask my last two questions in open
15 session.

16 * Q. [12:36:30] Mr Witness, a few moments ago you mentioned that your family is
17 scattered. Do you live with your family today?

18 * A. [12:36:45] Today, my family and I no longer live together. My two children, when
19 I went through the you-know-what, I took my daughter, and I took refuge in the
20 location where I am now. Then their mother came and joined us. But after she arrived,
21 we no longer got along. As I have told you, I lose my temper very quickly, and that's
22 why we are separated. She has custody of the children, and she is one of those people
23 who benefited from the project to go abroad. So they are in (Redacted) and I am here.
24 You are familiar with my location.

25 Q. [12:37:35] Mr Witness, we're in private session so you can talk about the location

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1 where you are.

2 A. [12:37:46] Well, what I can say is that (Redacted)

3 (Redacted). I was there with my family. But when we think

4 about what happened to us, we get angry and, yet, today I can thank god for the help

5 that we are getting from the HCR because they took care of my children and my wife

6 (Redacted). * But I'm very saddened by all these events. I

7 believe that these are the consequences of all that. Even my wife and I, even now, we

8 cannot have a calm and serious discussion. I lose my temper very easily. I haven't

9 received any psychological help and I haven't gotten any help to overcome these

10 things that happened to me, these unfortunate things that happened to me.

11 MS PELLET: [12:38:57](Interpretation) I would like us to go back to open session,

12 Madam President, for my last two questions.

13 PRESIDING JUDGE SAMBA: [12:39:03] Madam Court Officer, can we go back into

14 open session, please. Thank you.

15 (Open session at 12.39 p.m.)

16 THE COURT OFFICER: [12:39:18] We are back to session, your Honours.

17 PRESIDING JUDGE SAMBA: [12:39:22] Thank you very much.

18 Ms Pellet, please put your questions.

19 MS PELLET: [12:39:26](Interpretation) Thank you, Madam President.

20 Q. [12:39:30] Mr Witness, what do you expect from this trial against Mr Said.

21 A. [12:39:49] You know, I have experienced many things which have many

22 consequences, as I have already mentioned. My family is dislocated, separated.

23 I no longer work, I have lost everything that I owned and now I am totally hopeless.

24 I don't see any way forward. But, you see, this is the question. You have been

25 tortured for nothing, for no cause. All I want, all I want right now is for justice,

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1 justice to be done so that the truth may emerge, so that peace may return, so that
2 these types of events no longer happen, so that our children no longer ever have to go
3 through this kind of experience. That is all I'm asking for. That is what I'm asking
4 the judges to do. Please do your work so that these things become an example for
5 those who are responsible for these atrocious acts so that all of that can be stopped
6 and ended.

7 So what I want -- what I want is for this to be an example which would make it
8 possible for peace to return to the world. War is not a good thing.

9 Q. [12:41:14] Thank you very much, Mr Witness. And now the last question,
10 Mr Witness.

11 Why did you decide to testify today and in the previous days, and why did you
12 decide to take part in this trial as a victim?

13 A. [12:41:40] Well, after the events that occurred, involving many atrocities, a lot of
14 people did not have an opportunity to talk about what had happened to them. But,
15 thanks to god, I am still alive. I have told you already that I have no word on the
16 people with whom we were -- I was detained. I know that (Redacted) is dead.

17 But, you see, our families are aware of the suffering that we were subjected to and, so,
18 we want our families to be aware of these things. We want these matters to be
19 settled so that peace can return.

20 You see, people are suffering but the world is not aware of it. People lost everything
21 and they have no future. If this were to be the case, it would be of no use. But what
22 you are doing will be a good example, a good example to point towards a stopping of
23 all these evil -- these evil things that happen, so that the world can live in peace
24 according to god's wish.

25 Q. [12:43:09] Thank you, Mr Witness.

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- 1 Madam President, that will be all of the questions I have for this witness.
- 2 A. [12:43:14] Thank you.
- 3 PRESIDING JUDGE SAMBA: [12:43:15] Thank you very much, Ms Pellet.
- 4 Now, Mr Witness, like I told you, we're going to have questions from counsel for
- 5 Mr Said. So, I'll encourage you to cooperate, much as you have cooperated with the
- 6 Prosecution and with counsel for the victims.
- 7 Mr Jacobs, your questions, please.
- 8 MR JACOBS: [12:43:51](Interpretation) Thank you, Madam President. It's Maître
- 9 François-Jacquemin who will cross-examine this witness. Thank you.
- 10 PRESIDING JUDGE SAMBA: [12:44:01] Thank you very much, Mr Jacobs.
- 11 Mr François-Jacquemin, your witness then, please.
- 12 MR FRANÇOIS-JACQUEMIN: [12:44:11](Interpretation) Thank you very much,
- 13 Madam President.
- 14 QUESTIONED BY MR FRANÇOIS-JACQUEMIN: (Interpretation)
- 15 Q. [12:44:22] Good morning, Mr Witness.
- 16 A. [12:44:24] Good afternoon, counsel.
- 17 Q. [12:44:25] My name, Mr Witness, is Florian François-Jacquemin and I have a few
- 18 questions for you today on behalf of Mr Said's Defence team.
- 19 I will address you as "Mr Witness", just like the Prosecutor did. I will take as much
- 20 caution as possible to ask you my questions in open session, but I urge you not to
- 21 identify yourself. If I were to put to you any questions that necessitate mentioning
- 22 your identity, I'll request of the Presiding Judge that we go into private session.
- 23 I'll try to be slow in what I say. I also want to point out that I -- we are using
- 24 interpreters and, so, please let us observe a pause between my question and your
- 25 answer.

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1 I ask you to listen carefully to my questions and to only answer the questions I have
2 put to you.

3 Now, to start with, Mr Witness, I would like to hop back briefly to your background.

4 MR FRANÇOIS-JACQUEMIN: [12:45:40](Interpretation) And for that,

5 Madam President, I would like to request a private session.

6 PRESIDING JUDGE SAMBA: [12:45:48] Yes. Madam Court Officer, can we go into
7 private session briefly, please.

8 (Private session at 12.46 p.m.)

9 THE COURT OFFICER: [12:46:05] We're in private session Madam President.

10 PRESIDING JUDGE SAMBA: [12:46:09] Counsel, your witness, please.

11 MR FRANÇOIS-JACQUEMIN: [12:46:15](Interpretation) Thank you, Madam

12 President. Thank you, court officer.

13 Q. [12:46:19] Mr Witness, you obtained your baccalaureate; is that correct?

14 A. [12:46:34] I said that I did not obtain the baccalaureate, but that, however, I went

15 (Redacted)

16 (Redacted)

17 Q. [12:46:56] Thank you, Mr Witness.

18 Now, if I understand well, you went on to study. How did you fund your studies,

19 Mr Witness?

20 A. [12:47:16] At that time I had some uncles who were well-to-do, who were

21 working and who helped me financially. My uncle, however, died at some point

22 and that made it impossible for me to continue paying for my studies.

23 Q. [12:47:51] Mr Witness, thank you. Can you give us the identity of that uncle?

24 A. [12:48:02] (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:48:49] In what year did your uncle die, if you do remember, Mr Witness?

3 A. [12:49:11] He died --

4 THE INTERPRETER: [12:49:20] Overlapping speakers, Madam President.

5 THE WITNESS: [12:49:25](Interpretation) I don't remember when he died, the date
6 of his death.

7 MR FRANÇOIS-JACQUEMIN: [12:49:34](Interpretation)

8 Q. [12:49:34] Thank you, Mr Witness.

9 In your statement - that is the statement you gave to the investigators of the OTP
10 when they interviewed you - you make reference (Redacted); is that correct,
11 Mr Witness?

12 A. [12:49:58] Yes, that is correct. (Redacted)

13 (Redacted)

14 (Redacted). Furthermore, I also said that my parents, my
15 elder sister and my wife went to the minister and said good things about me to
16 them -- to her -- to the minister, rather. And that is how the minister contacted his
17 colleague, the minister of justice, Mr Arsène Sendé, and requested that instructions be
18 given to the prosecutor for my release.

19 It is after I was released that I became aware of all this information. You see, while
20 I was in detention I had no information about all these measures or activities that had
21 taken place.

22 Q. [12:51:31] Thank you, Mr Witness.

23 (Redacted), as far as you
24 know?

25 A. [12:51:52] Yes, I think that's the name.

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1 Q. [12:51:56] Thank you, Mr Witness. I would like to show you a document to
2 confirm this.

3 That would be at tab 24 of our binder, CAR-OTP-2005-0343. It's a decree of
4 12 June 2013 appointing and confirming members of the national union and
5 transitional government.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Is that the person you are talking about, Mr Witness?

10 A. [12:53:04] Yes, that is him, (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:53:44] Thank you, Mr Witness.

14 Madam Court Officer, I would like to produce this into evidence.

15 Mr Witness, do you know what (Redacted) did before being appointed
16 minister?

17 A. [12:54:07] As far as I know, (Redacted)

18 (Redacted) prior to his appointment as minister.

19 Q. [12:54:27] Madam Court Officer, please - thank you, Witness - please, could you
20 please display tab 36 of our list of material, CAR-D33-0014-0806.

21 Mr Witness, that is a screenshot of a LinkedIn (Redacted)

22 (Redacted)

23 (Redacted)

24 Does this refresh or jog your memory as to what he was doing, Mr Witness?

25 A. [12:55:25] I have just told you that we do not belong to the same family. He

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1 (Redacted). You see, because of what had
2 happened to me, my parents did everything they could to save my life, and that's
3 how they ended up contacting him. So I do not know the exact nature of the
4 relationship he has (Redacted). Therefore, what I am saying is that
5 I don't have a lot of information about him. All I know is that (Redacted)
6 and that during our time in detention he was a figure of authority, and that is how he
7 became involved in the procedure leading up to my liberation, or my release, so
8 I don't have much information about his life.

9 Q. [12:56:36] Thank you, Mr Witness.

10 Madam Court Officer, I would like to submit this document formally into evidence.

11 That is tab 36.

12 Mr Witness, I understand what you have just said, but I want to ask you one last
13 question about this, (Redacted), and that should be all on this topic.

14 Now, do you know what he did after (Redacted)?

15 A. [12:57:28] I don't know what he did after his tenure as minister. As I told you,
16 I (Redacted) on the heels of what happened to me; therefore,
17 everything that was happening in the country, I wasn't fully aware of. I wasn't even
18 aware of issues within my family, about my relatives and my parents. So I was more
19 concerned about issues relating to peace rather than information on individuals.

20 Q. [12:58:10] Thank you, Mr Witness.

21 I would like to show you this document and seek your reaction before we move on to
22 something else.

23 That would be at tab 37 of our binder, CAR-OTP-33 -- D33-0033 --

24 THE INTERPRETER: [12:58:34] Sorry, CAR-D33-0014-0807.

25 MR FRANÇOIS-JACQUEMIN: [12:58:35](Interpretation)

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1 Q. [12:58:35] It's a screenshot from the LinkedIn page of (Redacted),

2 (Redacted)

3 (Redacted). Did you ever hear mention of this, Mr Witness?

4 A. [12:59:08] Yes. After my -- my release I contacted my elder sister and asked her

5 the question, and she told me that (Redacted)

6 (Redacted). So I don't know whether it (Redacted). I don't

7 remember very clearly because I didn't seek that much clarification. But, yes, I do

8 confirm that he was indeed the one you're talking about.

9 Q. [12:59:44] Thank you, Witness.

10 Court officer, I would like to ask for the formal submission for the document at 37 on

11 our list of notification.

12 MR FRANÇOIS-JACQUEMIN: [12:59:49](Interpretation) I'm now going to go into

13 the facts that are of issue here. I would have a few questions in private session, some

14 for public session. Would you like me to continue, Madam President?

15 PRESIDING JUDGE SAMBA: [13:00:08] No, I would not like you to continue,

16 because we're going to break off for lunch, and so that Mr Witness will have a little

17 talk with the psychologist back there in the field.

18 So, Mr Witness, we're going to stop here for now. We'll come back after lunch at 2:30

19 and continue with your testimony in cross.

20 So I rise the court for 2:30, please.

21 THE COURT USHER: [13:00:42] All rise.

22 (Recess taken at 1.00 p.m.)

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

24 THE COURT USHER: [14:30:13] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SAMBA: [14:30:37] Good afternoon, everyone.

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

3 THE WITNESS: [14:30:46](Interpretation) Yes, I can hear you just fine and see you
4 just fine.

5 PRESIDING JUDGE SAMBA: [14:30:58] Okay, thank you very much. We are going
6 to continue with your cross-examination.

7 So Mr François-Jacquemin, please continue with your questions. Thank you very
8 much.

9 MR FRANÇOIS-JACQUEMIN: [14:31:16](Interpretation) Thank you very much,
10 your Honour.

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

12 We are in open court and I'm going to try to remain in open court as much as possible;
13 so that means you have to be very careful not to identify yourself or mention other
14 people who could -- the information should not lead to you being identified.

15 A. [14:31:46] Yes, I've understood what you've said.

16 Q. [14:31:50] Great, Mr Witness.

17 When I talk to you about specific people, don't say whether it's a neighbour, a friend
18 or a relative -- anything like that. Just answer the question. Is that all right?

19 A. [14:32:15] I understand.

20 Q. [14:32:18] Very well.

21 Now on the day that you were arrested, Mr Witness, you were (Redacted). And what
22 was the religion of the person (Redacted)?

23 A. [14:32:38] (Redacted)

24 PRESIDING JUDGE SAMBA: [14:32:58] Madam Court Officer, can we go into
25 private session, please.

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- 1 (Private session at 2.33 p.m.)
- 2 THE COURT OFFICER: [14:33:09] We are in private session, Madam President.
- 3 PRESIDING JUDGE SAMBA: [14:33:19] Do you want to say something, Mr Jacobs?
- 4 MR JACOBS: [14:33:25](Interpretation) Yes, I'm in charge of the technical issues and
- 5 I'm told that Mr Said's transcript, the French transcript is frozen. It's not working.
- 6 PRESIDING JUDGE SAMBA: [14:33:35] Okay, we will have that sorted out.
- 7 Madam Court Officer, please.
- 8 MR JACOBS: [14:33:51](Interpretation) That is the case for all the computers with
- 9 the French transcript, including my own computer.
- 10 THE COURT OFFICER: [14:34:26] Madam President, your Honours, I'm informed
- 11 that indeed the French transcript is encountering some technical issues. We can,
- 12 with your leave, however, continue because the missing part can be caught up later
- 13 by the court reporters who are continuing typing while the data are ongoing in the
- 14 courtroom. Otherwise, we might have to maybe wait a few minutes in order for the
- 15 French transcript to resume again. We are sorry for the inconvenience.
- 16 PRESIDING JUDGE SAMBA: [14:34:52] Well, let's wait a few minutes, it's for
- 17 Mr Said who is following the French transcript so he knows what is going on in court.
- 18 Let's give it a few minutes, please.
- 19 (Pause in proceedings)
- 20 THE COURT OFFICER: [14:35:41] A message to the court reporters: (Interpretation)
- 21 French booth, I can see that the transcript is working on -- within Transcend but not
- 22 elsewhere. Perhaps eCourt staff could help us?
- 23 (Pause in proceedings)
- 24 (Discussion between the Chamber and the court officer)
- 25 PRESIDING JUDGE SAMBA: [14:46:23] Mr Witness, we are sorry, we have some

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1 technical issues.

2 So, parties, I'm going to adjourn for now, maybe for a few minutes. We don't have
3 any information as to certainty of time when we'll come back to court, but we will
4 wait in the deliberation room and, when the system comes up again, we'll come back
5 to court.

6 So this matter stands adjourned for now. Thanks.

7 THE COURT USHER: [14:46:55] All rise.

8 (Recess taken at 2.46 p.m.)

9 (Upon resuming in private session at 3.06 p.m.)

10 THE COURT USHER: [15:06:14] All rise.

11 Please be seated.

12 PRESIDING JUDGE SAMBA: [15:06:40] Good afternoon, everyone and welcome
13 again.

14 We are going to remain in private session so that we save some time.

15 Mr François-Jacquemin, please put your questions to the witness. Thank you.

16 MR FRANÇOIS-JACQUEMIN: [15:06:57](Interpretation) Thank you, your Honour,
17 and those who have been able to repair this.

18 Q. [15:07:09] Witness, what happened (Redacted) where you were arrested?

19 A. [15:07:23] We had organised (Redacted)
20 approximately one kilometre (Redacted)
21 (Redacted).

22 Q. [15:07:48] Very well, thank you, witness.

23 I have understood that you were with members of your family. Could you confirm
24 that?

25 A. [15:07:59] Yes, that's correct. (Redacted).

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1 Q. [15:08:13] Thank you, witness. You're a Muslim, are your close family
2 members also Muslim?

3 A. [15:08:25] (Redacted).

4 Q. [15:08:38] Now, you declared prior to being arrested with three other people,
5 two of whom that you were able to name and one that you were not able to name; is
6 that correct?

7 A. [15:09:00] Yes, that's correct. I said that one of the people with whom I was
8 arrested was the brother of the deceased and the other person was his friend, and the
9 last person who was with us was my friend.

10 Q. [15:09:30] So given that we are in private session, could you tell us again the
11 name of the brother of the deceased person and the name of your friend?

12 A. [15:09:45] Well, there were four of us who were arrested. It was myself; my
13 (Redacted); his friend, whose name I don't know; my friend who
14 helped us, (Redacted),
15 (Redacted).

16 Q. [15:10:29] Does the name (Redacted) mean anything to you?

17 A. [15:10:43] No, I don't know that name.

18 Q. [15:10:45] What about (Redacted)? Does that mean anything to you? Linked
19 to our case, of course.

20 A. [15:10:56] No, I've never heard that name.

21 Q. [15:11:04] Thank you, witness.

22 Mohamed, does that name mean anything to you in relation to this case?

23 A. [15:11:17] No, it means absolutely nothing. I have never heard that name.

24 Q. [15:11:25] Thank you, witness.

25 And finally, still linked to our case, does the name (Redacted) mean anything to you?

1 A. [15:11:39] This name resembles the name of somebody who I did know, who I
2 should know, but I don't remember very well.

3 Q. [15:12:03] In your previous statement, witness, at tab 1, tab 1.3 for the English
4 version, CAR-OTP-2135-2824, and page 2838 at paragraph 83, you said:

5 "I did not know that name."

6 Something that you didn't amend when you were presented with your previous
7 statement.

8 Today, do you have anything different to tell us, witness? CAR-OTP-2135-2824,
9 page 2838, * paragraph 83.

10 Do you have anything different to tell us, witness?

11 A. [15:13:03] Well, I told you that I don't remember this name well, so I cannot
12 imagine anything to be able to tell you.

13 Q. [15:13:10] Thank you, witness. It was just to be sure.

14 Now, you wear glasses, do you not, witness?

15 A. [15:13:21] Yes, that's correct. I wear glasses.

16 Q. [15:13:27] Do you see differently with or without glasses, witness?

17 PRESIDING JUDGE SAMBA: [15:14:27] Okay, Mr Witness, can you hear me? Can
18 you see me?

19 Mr Witness? Can you see me? Can you hear me?

20 THE WITNESS: [15:15:21](Interpretation) Yes, your Honour, I can hear you. But
21 the picture is frozen. I -- the image is frozen. I don't see the counsel who was
22 putting questions to me previously.

23 PRESIDING JUDGE SAMBA: [15:15:45] Okay, I'm go to ask him to stand up and
24 continue putting questions to you so you will see him.

25 Mr François-Jacquemin, can you stand up so that the witness can see you.

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1 Can you now see counsel?

2 Mr François-Jacquemin, can we try again.

3 Can you see the lawyer, Mr Witness?

4 THE WITNESS: [15:16:53](Interpretation) Your Honour, I only see the frozen picture.

5 I don't see any movement at this time.

6 PRESIDING JUDGE SAMBA: [15:17:07] Can you see him now?

7 THE WITNESS: [15:17:22](Interpretation) No. I've just got the same picture that
8 was frozen.

9 (Discussion between the Chamber and the court officer)

10 PRESIDING JUDGE SAMBA: [15:21:53] Mr François-Jacquemin, can you put your
11 question, please.

12 I think we are on now.

13 So Mr Witness, can you see me, can you hear me now?

14 THE WITNESS: [15:22:19](Interpretation) Yes, I can see you and I can hear you.

15 PRESIDING JUDGE SAMBA: [15:22:23] Okay. Mr François-Jacquemin, can you
16 put your questions to the witness, please. Thank you.

17 MR FRANÇOIS-JACQUEMIN: [15:22:32](Interpretation) Thank you, your Honour.

18 Q. [15:22:38] Witness, you wear glasses. Do you see differently with or without
19 your glasses?

20 A. [15:22:49] I wear glasses when I have to read or when I want to look at my
21 telephone. I can see clearly in the distance, but when it comes to reading, or using
22 my telephone, then I need my glasses.

23 MR FRANÇOIS-JACQUEMIN: [15:23:20] (Interpretation) I think that we can go
24 back into open session, your Honour.

25 PRESIDING JUDGE SAMBA: [15:23:33] Okay, Madam Court Officer, can we go

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1 back into open session, please.

2 (Open session at 3.23 p.m.)

3 THE COURT OFFICER: [15:23:45] We are in open session, Madam President.

4 PRESIDING JUDGE SAMBA: [15:23:47] Thank you very much.

5 Counsel, please continue.

6 MR FRANÇOIS-JACQUEMIN: [15:23:55](Interpretation) Thank you very much,

7 your Honour.

8 Q. [15:23:58] Witness, so what type or how many vehicles were there when you

9 were arrested?

10 A. [15:24:12] When we were arrested (Redacted) from what I

11 know, there was just one vehicle. It was a family patrol vehicle. Afterwards, or

12 when we were driven to the OCRB from Ngouciment, so we were driven to the OCRB

13 central and then there were two vehicles.

14 Q. [15:24:57](Overlapping speakers)

15 THE INTERPRETER: [15:24:58] Overlapping speakers.

16 MR FRANÇOIS-JACQUEMIN: [15:24:59] (Interpretation)

17 Q. [15:24:59] ... arrest --

18 THE COURT OFFICER: [15:25:02] Overlapping speakers. Please wait between the

19 question and the answer for the interpretation. Thank you.

20 MR FRANÇOIS-JACQUEMIN: [15:25:11](Interpretation)

21 Q. [15:25:17] Please could you answer my question and just my question. I have

22 other questions to put later -- I will put them later.

23 Now this vehicle when you were arrested, was there anything written on that vehicle?

24 A. [15:25:33] I can't remember any more if there was anything written on the

25 vehicle or not.

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1 Q. [15:25:47] Thank you, witness.

2 Now, yesterday you told us, in transcript 74, the amended version thereof, page 12 in
3 French, lines 17 and 18, that the person who arrested you was named Commando; is
4 that correct?

5 A. [15:26:26] I heard this name Commando, I heard it among the people with
6 whom they had come with. When they wanted to address that person, they called
7 him "Commando". That's what I heard.

8 Q. [15:26:51] Thank you, witness.

9 Now still on transcript 74, French version, page 14, from line 25 to page 15, line 4
10 thereof, you explained to us that it was -- it was Haoussa from the -- a Haoussa from
11 the 3rd arrondissement; is that correct?

12 A. [15:21] Yes, it was several days after that I found out that he lived in the
13 Haoussa neighbourhood and he was from the Haoussa ethnic group.

14 Q. [15:27:34] Thank you very much, witness.

15 Now, today - and here I'm on transcript 75, French version, real-time version, page 6,
16 line 10 - when the Prosecutor showed you photographs you said that an office -- it
17 was the office of the person who had arrested you, when he showed you the
18 photographs and a drawing. Do you remember that, witness?

19 A. [15:28:06] The office was like the office of the person who arrested us. He was
20 the one who was the commander at the OCRB.

21 Q. [15:28:33] Thank you, witness.

22 I am now going to put questions to you with regards to what happened at the OCRB
23 Ngouciment, and I'm basing myself on the French transcript, 74, the edited version,
24 page 16 thereof, lines 4 to 9.

25 On Friday, witness, you explained to us that there were a lot of people in the cell; is

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1 that correct? The Ngouciment cell; is that correct?

2 A. [15:29:29] That's indeed what I said. There were a lot of people in the cell in
3 Ngouciment.

4 Q. [15:29:36] Thank you, witness.

5 Do you have an idea of the reasons why there were a lot of people in the cell in
6 Ngouciment?

7 A. [15:29:55] I have absolutely no idea as to the reasons why these people were
8 arrested.

9 Q. [15:30:06] I am now going to read to you -- and changing it somewhat so that
10 you can't identify who is speaking, but I'm going to read to you about a person who
11 states that he was present during your detention at the OCRB Ngouciment and who
12 came to testify here at the Court.

13 This is in the transcript of 12 October 2022, T-20, in French. ICC-01/14-01/21, T-20,
14 page 15, lines 19 to 25, and it was in open session:

15 At the OCRB in Ngouciment [...] The detainees were in a small cell and there the
16 detainees, there were about 20 of them, found themselves, the ones who had been
17 arrested the day before.

18 The witness was asked if he knew why those people had been arrested, and the
19 witness said:

20 Well, the reasons for the other detained people, well, it was because of cases of theft
21 and drug consumption.

22 Does that refresh your memory as to the reasons for many people being in the cell,
23 Mr Witness?

24 A. [15:31:51] I don't think I heard the question properly. We're having some
25 problems with the connection, but I can try to answer in light of what I did manage to

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1 hear.

2 Now, the people who were being detained, I don't know why they had been arrested.

3 There were many of these detained people; that's what I know. We were amongst
4 these people.

5 When my wife went to the OCRB trying to find out why we had been arrested, those
6 people said to her that the reasons for our arrest were different.

7 I don't know whether I've properly understood your question. When we were
8 arrested, it was said clearly that the reasons for our arrest were different to the other
9 detained people, and, as far as I'm concerned, I don't know why I was detained -- that
10 is to say, me and my friends, why we were detained.

11 Q. [15:34:02] Thank you very much for that, Mr Witness.

12 I have no further questions for you about the OCRB in Ngouciment.

13 Now, on Friday you explained to us that you don't really remember your transfer
14 from the OCRB Ngouciment to the central OCRB; is that the case?

15 A. [15:34:34] There's a connection problem. I'm not so sure I've heard your
16 question properly.

17 Q. [15:34:55] I'll put the question to you again, Mr Witness.

18 Do you remember how many vehicles handled the transfer of you and your friends
19 from the OCRB in Ngouciment and the central OCRB?

20 A. [15:35:13] As I already told you, there were two vehicles. We were in one
21 vehicle. I was in that vehicle with my friends and there were some Seleka elements
22 with us. In the other vehicle, there were only Seleka elements and they were armed.

23 Q. [15:35:54] Thank you for that, Mr Witness.

24 I'd like to read out to you what you told us yesterday -- excuse me, rather, Friday,
25 about your arrival at the central OCRB, just to refresh your memory. Transcript 74,

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1 page 20, lines 16 to 19. And I'll quote what you said:

2 When we were arrested and taken to the central OCRB in the centre of town, the door
3 of the vehicle was [...]

4 THE INTERPRETER: [15:36:42] Correction: ... the door was opened and they got
5 us -- told us to get out.

6 Interpreter correction: The central -- the main door or gateway was open.

7 MR FRANÇOIS-JACQUEMIN: [15:36:59](Interpretation)

8 Q. [15:37:00] Do you remember how many gates there were?

9 A. [15:37:05] I remember there was a main entrance and that's the entrance that we
10 went through. There was a main entrance and the vehicles could gain access to the
11 inside of the OCRB by going through that entrance.

12 Q. [15:37:34] Thank you, Mr Witness. Where did you park -- where did the
13 vehicle park, rather?

14 A. [15:37:47] The events occurred a very long time ago. I no longer recall exactly
15 where, but I do know that the vehicle went in, and, unless I'm mistaken, when the
16 vehicle went in, it stopped on the left-hand side.

17 Q. [15:38:22] So it stopped right away as soon as it had gone into the area?

18 A. [15:38:46] When the vehicle went in, it -- well, it went -- it went in and it stopped
19 towards the end on the left-hand side as you go into the OCRB compound.

20 Q. [15:39:08] Can you see me, Mr Witness?

21 A. [15:39:27] Yes, I can see you, but -- but when I listen to you, it's -- it's kind of
22 choppy. I'm listening and I can hear you, but not all that well.

23 Q. [15:39:44] Very well, Mr Witness, I'll keep on going. If you don't understand
24 one of my questions, just tell me so and I'll repeat it.

25 Now, once the vehicle was parked, did you immediately go into the building,

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1 Mr Witness?

2 A. [15:40:01] When the vehicle went inside, we were told to get out of the car.

3 When we got out, if I remember correctly, the vehicle stopped on the left -- on the left

4 side. When we got out of the vehicle, someone called me by my name and that

5 person was in one of the cells that was facing me.

6 I wanted to head towards the person - the person who had called out to me - to find

7 out who this person was. A few seconds later, the people who had brought us asked

8 me to go back to where I was and they took us into the building, which was on the

9 right-hand side, and that building -- to gain access to that building, you had to take

10 a flight of stairs.

11 Q. [15:41:20] Thank you, Mr Witness.

12 I'd like to show you something from your previous statement; namely, something that

13 you said to the investigators from the OTP.

14 Tab 1.3, CAR-OTP-2135-2824, page 2831, paragraph 31.

15 CAR-OTP-2135-2824, page 2831, paragraph 39.

16 It's not necessary to show this document to the public.

17 PRESIDING JUDGE SAMBA: [15:42:35] 39 or 31?

18 MR FRANÇOIS-JACQUEMIN: [15:42:42](Interpretation) 39, your Honour.

19 Q. [15:43:04] Mr Witness, you said:

20 "We couldn't see anything whilst we were in the underground cell. We could only

21 hear voices."

22 Is that correct, Mr Witness?

23 A. [15:43:19] Yes, that's correct. That's what I said.

24 Q. [15:43:35] So everything you have told us about what you saw or heard, it's -- it

25 wasn't really what you saw at the time when you went into the underground cell, it

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1 was what you heard; is that correct?

2 A. [15:43:53] Yes, that's right. That's what I said. When we were in the
3 underground cell, we couldn't see what was going on outside, but we would hear
4 everything that was being said outside.

5 Indeed, there were people talking - two people - and they were saying, "There are
6 people in the underground cell". And the other person said, "No, there is no one."
7 But the other person insisted saying, "Yes, there are people in the underground cells,
8 the ones who are destined to die."

9 That's what we heard. And we were terrorised -- terrified.

10 Q. [15:44:57] Now, if I've understood what you said on Friday, when you got to the
11 underground cell, there was already one person there; is that correct?

12 A. [15:45:10] Yes, that's right; that's what I said. There was one person who was
13 already in the underground cell. After what happened during the day, at night, they
14 brought out the person who was in the underground cell, who -- who had been there
15 before we got there, but I don't know what his name was.

16 Q. [15:45:49] Thank you, Mr Witness. And no one else came when you were
17 being detained in that underground cell; is that correct? Mr Witness, no one else?

18 A. [15:46:33] I didn't hear the question very well. I really haven't understood the
19 question. Could you repeat the question for me and then I'll -- I can answer.

20 Q. [15:46:48] Of course, Mr Witness. No one else was detained in the
21 underground cell after that; is that correct? I'm talking about the -- about the time
22 during which you were detained, of course.

23 A. [15:47:15] I didn't hear the beginning of your question. There were some
24 connection issues. I just heard the end of the questions. Could you please repeat
25 your question.

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1 Q. [15:47:35] God willing, you will understand me this time, Mr Witness,
2 hopefully.

3 No one else was taken to the underground cell during your detention, Mr Witness; is
4 that correct?

5 A. [15:48:05] No. When we were taken to that underground cell, there was one
6 person who was already there before us. Afterwards, someone came and got him
7 and he was taken away, but after that no one else was brought into the cell.

8 Q. [15:48:23] Thank you very much, Mr Witness.

9 Now, in your previous statement, you said that some investigators asked you if there
10 were Rwandan detainees at the OCRB and you had no recollection of any such thing.
11 Now, is that correct, Mr Witness?

12 A. [15:48:52] I haven't really understood your question. But I think -- I think I told
13 you that I didn't know whether there were other detained people who were
14 foreigners with -- on the premises of the OCRB at that time.

15 Q. [15:49:24] Yes, that's right. To your knowledge there were no Rwandan
16 detainees at that time?

17 A. [15:49:42] I have no idea. We were in an underground cell. We couldn't
18 know what was going on on the premises at the time. To tell you the truth, we just
19 heard a few scraps of conversation here and there, but those conversations didn't
20 have to do with us. Our concern was our fate and how we were going to get out of
21 there. We didn't have any other information about other detainees.

22 Q. [15:50:24] Thank you, Mr Witness.

23 I would now like us to hark back to something that you said on Friday; namely, the
24 night when one of the people you were being detained with was taken out of the cell
25 for a number of hours. And I'd like to read to you your previous statement to

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1 refresh your memory and then I'll be asking you a series of questions.

2 This is tab 1, and this is tab 1.3, English version, CAR-OTP-2135-2824. It's not
3 necessary to show it to the public.

4 And I'd like to rely upon page 2831 and 2832, more specifically, paragraph 43.

5 And, I will make a few minor changes just to make sure that no names are revealed.

6 I apologise, I do need to mention the names.

7 MR FRANÇOIS-JACQUEMIN: [15:52:00](Interpretation) Your Honour, if we could
8 go into private session.

9 PRESIDING JUDGE SAMBA: [15:52:04] Yes. Madam Court Officer, could we go
10 into private session, please.

11 (Private session at 3.52 p.m.)

12 THE COURT OFFICER: [15:52:12] We are in private session, Madam President.

13 PRESIDING JUDGE SAMBA: [15:52:22] Thank you very much.

14 And, counsel, I'll want you to keep an eye on the time as you deal with that
15 question -- your next question. Thank you.

16 MR FRANÇOIS-JACQUEMIN: [15:52:32](Interpretation) Thank you, your Honour.

17 Q. [15:52:42] You mentioned (Redacted), Mr Witness, and you said this:

18 "He told me that the Séléka had hooded him when he was leaving the OCRB and [...]

19 they had taken him close to the Prime Minister's Office. He said that he was able to

20 work out the route of the vehicle even though he had been hooded. At the

21 Prime Minister's Office a man came to the (Redacted) sitting

22 in to interrogate him. If I remember correctly, (Redacted) that he

23 thought that the man in question was Nouradine Adam, Minister for Internal Security

24 at the time; he had recognised his voice and his accent because he had already heard

25 Nouradine Adam speak in public in performing his ministerial functions. (Redacted)

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1 (Redacted) man questioning accused him of being an associate of

2 Ngaïkosset."

3 That's the end of the quote from your statement, Mr Witness. Paragraph 43.

4 Mr Witness, can you confirm that you remember (Redacted) you that he

5 had been hooded when they took him out and put him in the vehicle and took him

6 somewhere?

7 A. [15:54:20] When he was taken out of the hole, he wasn't hooded. But he told us

8 that when they put him in the vehicle, that's when they put a hood on his head and

9 they took him out of the OCRB. Once he came back to the hole, I asked him and he

10 explained to me what had happened. He said that he had been hooded and the

11 hood remained on until he returned to the OCRB.

12 Q. [15:55:08] You're confirming that you remember he said to you that he

13 recognised the person who was asking him questions, thanks to what he heard. Do

14 we agree on that point?

15 MR FRANÇOIS-JACQUEMIN: [15:55:59](Interpretation) Perhaps, we will have

16 more luck tomorrow morning, your Honour. Would you like me to keep on going

17 under these conditions, or would you like me to call it a day?

18 PRESIDING JUDGE SAMBA: [15:56:10] Well, let's see if he can answer that one last

19 question. We are close to time anyway.

20 Mr Witness, can you hear us?

21 Well, he'll have to come up again so that --

22 Can you get us to open session so that when he comes up, we'll round up.

23 THE WITNESS: [15:56:52](Interpretation) I don't hear you very well, I can't hear you

24 very well. We're having some problems with the network. I'm trying. I'm really

25 trying to hear and understand your question, but -- well, the image is frozen right

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1 now. I can't see you.

2 (Open session at 3.57 p.m.)

3 THE COURT OFFICER: [15:57:27] We are now in open session, Madam President.

4 PRESIDING JUDGE SAMBA: [15:57:30] Well, Mr Witness, can you hear me -- at

5 least just hear me? Can you hear me?

6 Mr Witness, can you hear me?

7 (Discussion between the Chamber and the court officer)

8 PRESIDING JUDGE SAMBA: [16:03:17] I'm sorry, I think we will have to leave it at

9 this. I've asked the court officer to relay a message to the court officer in the field

10 for -- to warn the witness not to discuss his testimony when he leaves his location and

11 to remind him that he'll still be on oath.

12 So I'm going to adjourn this matter and ask that we meet tomorrow at 9.30, when we

13 shall continue with his cross-examination.

14 Thank you very much.

15 THE COURT USHER: [16:03:47] All rise.

16 (The hearing ends in open session at 4.03 p.m.)