

Trial Hearing

(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 Maria del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Monday, 22 July 2024
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:20] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:35:37] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case. Thank you.
15 THE COURT OFFICER: [9:35:56] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case the Prosecutor v. Mahamat
17 Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session
19 PRESIDING JUDGE SAMBA: [9:36:09] Thank you very much.
20 May I ask for representations, starting with the Prosecution, Ms Makwaia.
21 MS MAKWAIA: [9:36:15] Thank you, Madam President, your Honours.
22 For the Prosecution this morning, myself, Ms Makwaia, Mr Kamran Choudhry,
23 Ms Marie Ka, and our intern, Mr Mamadou Fofana. Thank you.
24 PRESIDING JUDGE SAMBA: [9:36:31] Thank you very much, Ms Makwaia.
25 Ms Pellet for the victims, please.

1 MS PELLET: [9:36:39](Interpretation) Thank you, Madam President. Victims are
2 represented today by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at the
3 OPCV.

4 PRESIDING JUDGE SAMBA: [9:36:52] Thank you very much, Ms Pellet.
5 Ms Naouri for the Defence. And welcome back to the courtroom.

6 MS NAOURI: [9:36:55](Interpretation) Thank you very much, Madam President.
7 Good morning. Next to me, Mr Jacobs. And next to him, Capucine Banet. And I
8 am Jennifer Naouri, lead counsel for Mr Said.

9 PRESIDING JUDGE SAMBA: [9:37:07] Thank you very much, Ms Naouri.
10 And for the record, we do take note that Mr Said is in court here with us.

11 A very good morning to you, Mr Said. I hope you had a good weekend.

12 MR SAID: [9:37:18](Interpretation) Yes. Good morning, Madam President.

13 PRESIDING JUDGE SAMBA: [9:37:23] Now the Prosecution is calling P-0491 as its
14 44th witness.

15 The Chamber previously rejected an application by the Prosecution to introduce
16 P-0491's prior recorded testimony pursuant to Rule 68(2)(b), and instead authorised
17 him to appear via Rule 68(3). Now, this is in decision numbered 507.

18 I would like to draw the Defence's attention to paragraph 103 of that decision.

19 It is the Chamber's understanding that this witness will be testifying in French via
20 video link. So I remind everyone of the importance of the need to speak slowly and
21 to observe the five-second rule between questions and answers.

22 Now, before commencing, the Chamber notes briefly that protective measures are
23 confirmed for this witness by virtue of decision numbered 605 and that the VWU
24 recommends certain special measures.

25 Now before I go further, for the Defence, paragraph 103 of our decision in respect of

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 the application for Rule 68(2)(b) by the Prosecution was to do with us ruling that we
2 rather have a Rule 68(3) application, so that certain concerns of the Defence can be
3 brought up by the Defence in cross-examination, particularly so as it relates to dates
4 on certain associated materials of this witness.

5 Can the court officer please connect us to the witness, please.

6 (The witness enters the video-link room)

7 PRESIDING JUDGE SAMBA: [9:40:39] Good morning, Mr Witness. Can you see
8 me? Can you hear me?

9 WITNESS: CAR-OTP-P-0491

10 (The witness speaks French)

11 (The witness gives evidence via video link)

12 THE WITNESS: [9:40:45](Interpretation) Yes, I can see you. Yes, I can see you and I
13 can hear you.

14 PRESIDING JUDGE SAMBA: [9:41:07] Now, Mr Witness, you're going to testify
15 before the International Criminal Court.

16 On behalf --

17 THE WITNESS: [9:41:18](Interpretation) Yes.

18 PRESIDING JUDGE SAMBA: [9:41:20] You're going to testify before the
19 International Criminal Court.

20 On behalf of the Chamber, I'd like to welcome you to this courtroom.

21 THE WITNESS: [9:41:30](Interpretation) I thank you. I thank you.

22 PRESIDING JUDGE SAMBA: [9:41:32] Good.

23 Now, Mr Witness, you should have in front of you the solemn undertaking which
24 every witness who testifies before the Court must agree to. Can you read that out
25 for us, please.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 THE WITNESS: [9:41:56](Interpretation) Yes. Yes, of course.

2 Solemn declaration: I declare solemnly that I will speak the truth, the whole truth and
3 nothing but the truth.

4 PRESIDING JUDGE SAMBA: [9:42:13] Thank you very much, Mr Witness.

5 Now, do you understand and agree to what you just read out?

6 THE WITNESS: [9:42:26](Interpretation) Yes.

7 PRESIDING JUDGE SAMBA: [9:42:27] Good.

8 THE WITNESS: [9:42:29](Interpretation) To speak the truth.

9 PRESIDING JUDGE SAMBA: [9:42:31] Very good. We will continue.

10 Now, Mr Witness, let me explain to you the protective measures the Chamber has put
11 in place for your testimony.

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

13 Now this means that no one outside the courtroom can see your face or hear your real
14 voice during your testimony.

15 There will also be the use of pseudonym and in accordance with that, we shall all
16 refer to you only as "Mr Witness" to make sure that --

17 THE WITNESS: [9:43:32] Okay.

18 PRESIDING JUDGE SAMBA: [9:43:33] -- to make sure that the public does not know
19 your name.

20 THE WITNESS: [9:43:39] Okay.

21 PRESIDING JUDGE SAMBA: [9:43:40] When you answer questions that will not
22 give away who you are, we will do so in open session, which means that the public
23 can hear -- which means that the public can hear what is said inside the courtroom.

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

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 session.

2 THE WITNESS: [9:44:25](Interpretation) Okay.

3 PRESIDING JUDGE SAMBA: [9:44:26] And, lastly, I have a few practical matters
4 you should have in mind when giving your testimony. Everything that we say here
5 in the courtroom is written down and interpreted. It is therefore important to speak
6 slowly and clearly.

7 Please speak into the microphone and only start speaking when the person asking
8 you the question has finished. To allow for the interpretation, we all have to wait
9 a few seconds before starting to speak.

10 If you have any question yourself, or if you need a break, raise your hand so we know
11 that you wish to say something.

12 Further, we hope that there are no issues --

13 THE WITNESS: [9:45:32] Okay.

14 PRESIDING JUDGE SAMBA: [9:45:32] We hope there are no issues with the video
15 link. However, if there are any issues with the technology, we will do our level best
16 to make sure that it's sorted out as quickly as possible.

17 Have you --

18 THE WITNESS: [9:45:52](Interpretation) Thank you.

19 PRESIDING JUDGE SAMBA: [9:45:53] Do you understand all that I have said,
20 Mr Witness?

21 THE WITNESS: [9:45:59](Interpretation) Yes, I've understood you well. Yes, very
22 well.

23 PRESIDING JUDGE SAMBA: [9:46:04] Thank you very much.

24 So I'm going to turn over to the Prosecution and invite them to put questions to you
25 in chief.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 Mr Prosecutor, your witness, please.
- 2 MR CHOUDHRY: [9:46:23] Thank you very much, Madam President.
- 3 If we could please start in a private session, just to identify the witness, for
- 4 approximately three minutes.
- 5 PRESIDING JUDGE SAMBA: [9:46:36] Yes.
- 6 Madam Court Officer, can we go into private session briefly, please.
- 7 (Private session at 9.46 a.m.)
- 8 THE COURT OFFICER: [9:46:45] We're in private session, Madam President.
- 9 PRESIDING JUDGE SAMBA: [9:46:48] Thank you very much.
- 10 Yes, Mr Choudhry, your witness, please.
- 11 QUESTIONED BY MR CHOUDHRY:
- 12 Q. [9:46:56] Good morning, Mr Witness.
- 13 A. [9:47:00] Good morning.
- 14 Q. [9:47:01] I'd like to begin with just asking you a few questions about yourself.
- 15 And can we please start by you telling the Court what your full names are.
- 16 A. [9:47:20] (Redacted)
- 17 THE INTERPRETER: [9:47:25] The witness says: (Redacted).
- 18 MR CHOUDHRY: [9:47:37]
- 19 Q. [9:47:38] What is your date of birth, please?
- 20 A. [9:47:42] (Redacted)
- 21 THE INTERPRETER: [9:48:00] The witness repeats.
- 22 MR CHOUDHRY: [9:48:03]
- 23 Q. [9:48:04] Where were you born, please?
- 24 A. [9:48:08] (Redacted)
- 25 Q. [9:48:20] Which country is that in?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 A. [9:48:24] The Central African Republic.
- 2 Q. [9:48:35] What's your ethnicity?
- 3 A. [9:48:39] (Redacted)
- 4 Q. [9:48:52] What is your religion?
- 5 A. [9:48:55] Catholic.
- 6 Q. [9:49:00] What is your current profession, please?
- 7 A. [9:49:12] (Redacted)
- 8 Q. [9:49:13] Thank you.
- 9 MR CHOUDHRY: [9:49:14] Your Honours, with that, I believe we can go back into
10 public session.
- 11 PRESIDING JUDGE SAMBA: [9:49:20] Thank you very much.
- 12 Madam Court Officer, can we go into open session, please.
- 13 (Open session at 9.49 a.m.)
- 14 THE COURT OFFICER: [9:49:28] We are back to open session, Madam President.
- 15 MR CHOUDHRY: [9:49:41]
- 16 Q. [9:49:41] Mr Witness, we're now back in public session, so that means that
17 everything you say can be heard by members of the public outside this courtroom.
18 So if I could just ask you to please be mindful that you do not say anything which
19 reveals your identity. Okay?
- 20 Mr Witness --
- 21 A. [9:50:03] Okay.
- 22 Q. [9:50:05] Mr Witness, do you recall being interviewed by investigators from the
23 Office of the Prosecutor in the year 2015?
- 24 A. [9:50:18] Yes. Yes. I was interviewed by three persons and an interpreter.
- 25 Q. [9:50:35] And do you remember providing a witness statement following those

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 interviews to the Office of the Prosecutor?

2 A. [9:50:44] Besides them, no.

3 Q. [9:50:58] Do you remember providing a witness statement about events relating
4 to this case?

5 A. [9:51:08] Yes. I made a complaint -- some complaints. But besides the persons
6 from the International Criminal Court, I did not have any interview with anyone else.

7 Q. [9:51:36] Thank you.

8 And, with that, if I could ask the court officer to kindly display tab 1. It's for the
9 witness only, not for members of the public. And the ERN is CAR-OTP-2013-0678.

10 And if I could ask the court officer to focus on the second page, which is at the top.
11 It's 2013-0679, please.

12 MR CHOUDHRY: [9:52:54] Your Honours, what I can see is a redacted copy that
13 has been uploaded on to my screen. I think what we will have to do is display from
14 our screen the version that we have. If I could just ask for 20 seconds to do that.

15 THE COURT OFFICER: [9:53:29] The Prosecution has the floor, evidence channel 2.

16 MR CHOUDHRY: [9:53:54] It's now displaying on my computer, if that's okay.

17 THE COURT OFFICER: [9:54:01] The design seat for the distribution to the
18 witness is seat 14, so it will be have to be displayed from seat 14.

19 MR CHOUDHRY: [9:54:10] Would an alternative way just be to simply call up that
20 ERN without the redaction? Would that be a possibility?

21 THE COURT OFFICER: [9:54:25] Yes, of course.

22 MR CHOUDHRY: [9:54:26] Yes, please.

23 THE COURT OFFICER: [9:54:47] We have three redacted versions; so I believe the
24 least redacted version is R-03. Should we display R-03?

25 MR CHOUDHRY: [9:55:02] If we could please try. I think that that might still have

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 a redaction on it, but if we could please try.

2 THE COURT OFFICER: [9:55:28] Evidence channel 1.

3 MR CHOUDHRY: [9:55:32] Your Honours, the technical difficulty that we are
4 having is that the seat here doesn't display the relevant drive. But I can perhaps
5 proceed in an alternative manner to just at least identify the witness.

6 Q. [9:55:50] Mr Witness, you should have in front of you a document with
7 signatures and names. Do you see your name --

8 A. [9:55:59] Yes. Yes, yes, of course.

9 Q. [9:56:03] Do you see your name amongst that list, please?

10 A. [9:56:11] Yes, I can see my name.

11 Q. [9:56:25] And if we could please just scroll down to the bottom of that page.

12 A. [9:56:31] Bottom of the page.

13 Q. [9:56:40] I think your --

14 MR CHOUDHRY: [9:56:42] His initials are also redacted on this version.

15 Perhaps if we could go to page 7, which is 2013-0679.

16 Q. [9:57:09] Mr Witness, in front of you, you should see another signature. Do
17 you see that?

18 A. [9:57:17] Yes, I see it.

19 Q. [9:57:24] Do you recognise that signature, please?

20 A. [9:57:33] Yes, it is my signature.

21 Q. [9:57:37] Thank you.

22 MR CHOUDHRY: [9:57:38] And if I could ask the court officer to please remove that
23 from the screen.

24 Q. [9:57:43] Mr Witness, before coming into court today, do you recall having
25 a meeting with me in which you had the opportunity to have your statement read

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 back to you?

2 A. [9:58:03] Well, I'm not sure. Maybe, but I don't remember.

3 Q. [9:58:21] Do you recall, Mr Witness, last week having the opportunity to have
4 your statement read back to you in a language you understand virtually?

5 A. [9:58:39] Yes. Yes.

6 Q. [9:58:45] And when your statement was read back to you, did you have the
7 opportunity to make any clarifications and corrections to your statement?

8 A. [9:58:57] Yes, I made some corrections.

9 Q. [9:59:07] And do you recall signing a document with the clarifications and
10 corrections that you made to your statement?

11 A. [9:59:18] Yes.

12 MR CHOUDHRY: [9:59:25] If I could kindly ask the court officer to display tab 12,
13 please. It's CAR-OTP-00036252 and, in particular, page 4.

14 Q. [9:59:57] Mr Witness, you should have in front of you another document with
15 a signature. Do you see that?

16 A. [10:00:09] Yes, I can see that. I see that.

17 Q. [10:00:11] And do you recognise the signature, please?

18 A. [10:00:16] Yes, it's my signature.

19 Q. [10:00:22] Mr Witness, do you consent to the Judges in this case using your
20 witness statement and annexes to help them decide this case?

21 A. [10:00:37] Yes.

22 MR CHOUDHRY: [10:00:51] Your Honours, with that, the Prosecution submits that
23 the conditions under Rule 68(3) have been met and request that the witness's previous
24 recorded testimony be introduced as well as its annexes be introduced into the
25 evidence and, for the record, that would include tabs 1 through 12 of the Prosecution's

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

- 1 list of materials.
- 2 PRESIDING JUDGE SAMBA: [10:01:15] Thank you very much, Mr Choudhry.
- 3 That's the end of your chief questions to this witness?
- 4 MR CHOUDHRY: [10:01:22] Your Honour, it is.
- 5 PRESIDING JUDGE SAMBA: [10:01:23] Okay, thank you very much.
- 6 The witness being present before this Trial Chamber, and the witness having agreed
- 7 to the submission of his prior recorded testimony and associated materials, and the
- 8 Prosecution having examined this witness in chief, the Defence and the Chamber
- 9 having the opportunity to examine this witness during these proceedings, this
- 10 witness's prior recorded testimony and its associated materials are allowed into
- 11 evidence.
- 12 Now, Mr Witness, I'm going to ask the Defence to put questions to you in
- 13 cross-examination on behalf of Mr Said.
- 14 Ms Naouri, for the Defence, please, cross-examination, if you may.
- 15 MS NAOURI: [10:02:13](Interpretation) Thank you, Madam President.
- 16 The cross-examination will be carried out by Dov Jacobs.
- 17 PRESIDING JUDGE SAMBA: [10:02:23] Thank you very much.
- 18 Mr Jacobs, please, your witness.
- 19 MR JACOBS: [10:02:55](Interpretation) Thank you, your Honour.
- 20 QUESTIONED BY MR JACOBS: (Interpretation)
- 21 Q. [10:02:57] Good morning, Witness.
- 22 A. [10:03:02] Good morning.
- 23 Q. [10:03:05] My name is Dov Jacobs, and I'm going to put certain questions to you
- 24 today on behalf of the Defence team of Mr Said.
- 25 We speak the same language, so we can speak directly to each other, but as the

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 Presiding Judge explained, everything that we say is interpreted into Sango, into
2 English, into French for the Judges and other people in the courtroom.
3 So I'm going to try to speak slowly as I'm doing at the moment, and I will try to make
4 a break after your answer.

5 And I would ask you to do the same, to speak slowly and when I put a question to
6 you, just wait a few seconds before you answer so we can be sure that everything is
7 well recorded in the record.

8 A. [10:03:53] Very well.

9 Q. [10:03:56] Thank you, Witness. So let's start.

10 MR JACOBS: [10:04:00](Interpretation) Your Honour, for the start of my
11 cross-examination, we have to go into private session, if we may.

12 PRESIDING JUDGE SAMBA: [10:04:13] Yes, Madam Court Officer, could we go
13 briefly into private session, please.

14 (Private session at 10.04 a.m.)

15 THE COURT OFFICER: [10:04:28] We're in private session, Madam President.

16 PRESIDING JUDGE SAMBA: [10:04:35] Mr Jacobs, your witness, please.

17 MR JACOBS: [10:04:39](Interpretation) Thank you, your Honour.

18 Q. [10:04:49] So, witness, we are in private session, so you can answer my
19 questions completely.

20 A. [10:05:00] Yes.

21 Q. [10:05:00] I'd like to go back very quickly to your professional pathway. We
22 have this in front of us. You said that (Redacted)
23 but what profession did you carry out before that?

24 * A. [10:05:17] (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 * Q. [10:05:43] So for the transcript, I would ask you to restate your job. I understood,

2 (Redacted)

3 R. [10:05:55] That's correct. That's the name of the company and...

4 Q. [10:06:00] Ok so now, it is correct on the record. And how long did you work for them?

5 A. [10:06:13] (Redacted)

6 (Redacted)

7 Q. [10:06:34] Very well, Witness. (Redacted). Now, before the office, the

8 (Redacted), did you have another job before

9 then?

10 A. [10:06:57] Yes. I was working (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:07:18] And you -- when did you do (Redacted), Witness?

14 A. [10:07:22] Well, I worked there (Redacted)

15 (Redacted)

16 Q. [10:07:37] Very well. And so if I understand you well, (Redacted)

17 (Redacted); is that correct?

18 A. [10:07:54] Yes.

19 Q. [10:07:55] And is it a public company?

20 A. [10:07:58] (Redacted)

21 Q. [10:08:08] And who was responsible -- who was the boss of this company?

22 A. [10:08:20] (Redacted) was the boss of the company at the time.

23 (Redacted). He was the director.

24 Q. [10:08:34] And, to the best of your knowledge, did he continue to be a director

25 (Redacted)?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [10:08:43] No, because afterwards (Redacted)

2 (Redacted) who took over

3 from him.

4 Q. [10:09:03] Very well. So just so it's clear in the dossier, when you say (Redacted)

5 (Redacted), you're talking Bozizé?

6 A. [10:09:11] No. No. Djotodia. Djotodia.

7 Q. [10:09:25] Very well. And (Redacted) who took his place, do you know his

8 name, Witness?

9 A. [10:09:33] He's deceased. (Redacted). Unfortunately, he's deceased.

10 (Redacted). He died a short time ago. (Redacted)

11 Q. [10:09:52] Thank you very much. That's very clear.

12 Witness, when you met the investigators of the Office of the Prosecutor in 2015, you

13 presented them with an ID card, did you not?

14 A. [10:10:15] Yes.

15 Q. [10:10:27] If we could show tab 1.4 on our list, and that's the previous statement.

16 Tab 1 for the English version, for the Judges. * CAR-OTP-2135-2882. If we could

17 show page 2883.

18 So, CAR-OTP-2135-2882, to show page 2883.

19 Perfect. Thank you.

20 So, Witness, I don't know if you can see this on your screen. It's the first page of

21 your statement. And we can see: "Passport number/identity card: (Redacted)".

22 Now my question is, do you remember what type of identity document it was? Was

23 it a passport? Was it an ID card?

24 A. [10:11:41] No, it was a national identity card, the former one, because the cards

25 have been changed since then.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 Q. [10:11:50] Very well. And the investigators at the time, did they make a copy
2 of this ID document? Do you still have it?

3 A. [10:12:08] Well, they would have it, but I no longer have it. I've got a new card.
4 I don't have my former card anymore.

5 Q. [10:12:17] Very well. When you say "they", they have it, do you remember if
6 they made a copy of it at the time?

7 A. [10:12:28] They made a copy of it.

8 Q. [10:12:32] Very well. We're going to see if we find it in that case. Thank you
9 very much.

10 A. [10:12:41] Okay.

11 Q. [10:12:43] So, since your previous statement, you have had a new passport made
12 for you?

13 A. [10:12:54] Yes, I've just had it done for the needs of the trip. I had a passport
14 made for me. But I haven't withdrawn it yet. I think it's still in the hands of the
15 officials of the ICC in Bangui. I've got a new passport, but I haven't yet got hold of it.

16 Q. [10:13:27] When there's a break like that, Witness, I'm waiting for the
17 interpreting to finish, Witness, and that's the reason why I make a small break before
18 starting again, it's in order to put a question.

19 A. [10:13:41] Very well.

20 MR JACOBS: [10:13:47](Interpretation) Court Officer, if we could show tab 14 on my
21 notification list, CAR-OTP-00036781. CAR-OTP-00036781 at tab 14.

22 (Overlapping speakers)

23 Q. [10:14:12] *Alors, Monsieur le témoin, je ne sais pas si vous voyez devant vous un*
24 *document.*

25 PRESIDING JUDGE SAMBA: [10:14:25] Is that -- is that his new passport, Mr -- that

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 he says he has not seen before?

2 THE WITNESS: [10:14:31](Interpretation) That's the new passport.

3 MR JACOBS: [10:14:38](Interpretation)

4 Q. [10:14:40] Very well. So you indicate that you haven't seen it. Is it the first
5 time that you see this document, Witness?

6 A. [10:14:48] This is the first time that I see it.

7 Q. [10:14:51] Very well. And you've just said that it was made to come to
8 The Hague. So who paid for the administration costs in order to get this passport
9 made, Witness?

10 A. [10:15:08] Well, I was helped to pay for it. I wasn't able to pay it myself -- pay
11 for it myself.

12 Q. [10:15:21] Very well, Witness.

13 Okay, we can take this off. And I ask for the formal submission thereof. And it is
14 number 14 on our list.

15 I'm sorry, if you could put the item back on the screen, I had one last question to put.

16 And so it's tab 14. Thank you.

17 Witness, on this document it is written as profession, (Redacted).

18 (Redacted)

19 A. [10:16:03] Yes. And I said -- I said it's (Redacted)

20 (Redacted). So I was clear. And I pointed that out to them and that's something
21 that I spoke to them about. (Redacted)

22 (Redacted)

23 Q. [10:16:34] Thank you.

24 The document can be taken from the screen and thank you for having clarified this
25 point, Witness.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 Witness, we're now going to go on to another subject. We've got your previous
2 statement, and that's already in the file. I just want to put some clarification
3 questions for clarifications with regards to what you said.

4 My first question, Witness: Could you tell us which post (Redacted)
5 (Redacted) held in 2013? So what job was (Redacted) doing?

6 A. [10:17:34] He was (Redacted)
7 Bangui.

8 Q. [10:17:44] Very well. If you know, how long he had been -- he worked for that
9 (Redacted)?

10 A. [10:17:56] Well, maybe three to four years. When he started, I wasn't in Bangui
11 at that time, I was outside. And I was working on (Redacted) I spoke about a while
12 ago out in the countryside.

13 Q. [10:18:19] And do you know if (Redacted) held a post in a ministry under
14 President Michel Djotodia -- under the presidency of Michel Djotodia?

15 A. [10:18:30] Never.

16 MR JACOBS: [10:18:42](Interpretation) Court officer, if you could show tab 22 on
17 our notification list. And it can be shown to the witness.

18 And this is CAR-OTP-2004-1926. And if we could show the page 1940, if you would
19 be so kind.

20 Q. [10:19:20] I don't know if you can see the document in front of you, Witness?

21 A. [10:19:25] (Overlapping speakers)

22 THE INTERPRETER: [10:19:26] Overlapping speakers.

23 MR JACOBS: [10:19:28](Interpretation)

24 Q. [10:19:30] Because it's a decree with a nomination -- confirmation of the post of
25 responsibility of agents in (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [10:19:37] Yes.

2 Q. [10:19:40] And if we look at page 1947, at the bottom you can see that this decree
3 is signed by Michel Djotodia on (Redacted) 2013.

4 And if we go to page 1944 --

5 A. [10:20:14] Can you go up a bit, please.

6 THE INTERPRETER: [10:20:18] Says the witness.

7 MR JACOBS: [10:20:19](Interpretation) If we could show a bit more. Go down.

8 Stop. Thank you.

9 Q. [10:20:27] So there, you see -- I don't know if you can see the: "(Redacted)
10 (Redacted)

11 (Redacted)

12 Is that (Redacted)?

13 A. [10:20:47] That would surprise me, because that's just one year after. I never
14 was working in that organisation, never. So it would surprise me. It was just one
15 year before his death. He was --

16 THE INTERPRETER: [10:20:58] He was -- corrects the interpreter.

17 THE WITNESS: [10:20:59](Interpretation) -- was never employed anywhere in the
18 administration. Maybe he could have been there without telling me. Maybe it's
19 one month from his death. And he was never (Redacted).

20 What he did, he did (Redacted).

21 Q. [10:21:31] Thank you for this clarification.

22 So this item can be taken off. I think it's -- I believe it's already submitted, so I don't
23 need to ask for the formal submission thereof.

24 Thank you, Witness, that has allowed me to clarify certain points.

25 So I'm going to put some questions by way of clarification on what happened to

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 (Redacted), Mr Witness. Is that okay?

2 A. [10:22:14] Yes.

3 Q. [10:22:17] Could you give us the date on which (Redacted) was meant to go to
4 Mbaïki, if you would be so kind?

5 A. [10:22:30] He left on Saturday the 12th, in reality, Saturday the 12th, to come
6 back Sunday the 13th.

7 Q. [10:22:48] Very well.

8 Was it Friday, 12 July or Saturday, 13 July? Because the 12th is a Friday. Was it the
9 Friday or the Saturday?

10 A. [10:23:09] No, he left on the Saturday. Saturday after work he left.

11 Q. [10:23:23] Very well. So Saturday the 13th. And did you hear when he took
12 the bus, Witness?

13 A. [10:23:34] Certainly in the afternoon, because he generally finishes with the
14 work at 1:30. So then he takes a taxi bus in order to travel, so it would be in the
15 afternoon.

16 Q. [10:23:59] Very well.

17 And I know that you weren't there, but did you hear where he took the bus from, in
18 what place in Bangui?

19 A. [10:24:11] Well, generally it was at Fatima in PK9 where he would take the bus.
20 Either in Fatima, or PK9, or Petevo, but there isn't a precise location where you can
21 take the bus. But there, I know it was Petevo and he went to -- and they arrived at
22 PK12 -- or, rather, at PK9 in the vehicle already.

23 Q. [10:24:59] Very well.

24 So in Petevo, do you know if there was a place in Petevo where there were buses,
25 where there were taxis? How was that organised, exactly?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [10:25:14] Yes, in Petevo, there are buses, there are vehicles going to Mbaïki,
2 there are motorbikes; so there is a whole station -- a type of bus station.

3 Q. [10:25:40] Very well. Like a bus station with buses, motorbikes?

4 A. [10:25:49] Yes, that's it.

5 Q. [10:25:52] Very well. Could you describe to us, if you can, where exactly in
6 Petevo you have this bus station? Is it next to a market? Where is it exactly?

7 A. [10:26:06] It is not far from the police commissariat. It's not far -- it's
8 approximately 50 metres away from the police commissariat in the 6th
9 arrondissement.

10 Q. [10:26:40] Very well, Witness. Thank you.

11 So (Redacted) went to this bus station, took a bus. Now, when did you find out that
12 (Redacted) had taken a bus in order to go to Mbaïki? When did you yourself -- when
13 were you yourself told for the first time?

14 A. [10:27:02] On Tuesday morning, very early. His wife arrived at the house in
15 order to tell me that he had left for Mbaïki, but on Monday he didn't go to work and it
16 was Tuesday morning.

17 Q. [10:27:30] Very well.

18 So, if I understand well, between Saturday and Tuesday morning, you, yourself, you
19 didn't know that (Redacted) had left for Mbaïki or that something might have
20 happened to him; is that correct?

21 A. [10:27:45] Absolutely not.

22 Q. [10:27:58] Very well. So you state that -- well, I'm going to read the transcript
23 again.

24 So you say that his wife arrived at the house. At what time did she arrive at the
25 house?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [10:28:14] Early, towards 5.30, and that was not something she habitually did.
2 She would not come to my house at that time. When I saw her, I thought perhaps
3 there was a problem in their house -- in the household, and that she was trying to find
4 some kind of arrangement to do something. Unfortunately, it was to tell me about
5 something else.

6 Q. [10:28:58] So, just so that we understand how things occurred, could you tell us
7 where you were living at that time, Witness?

8 A. [10:29:03] (Redacted)
9 (Redacted)

10 THE INTERPRETER: [10:29:22] (Redacted)

11 MR JACOBS: [10:29:23](Interpretation)

12 Q. [10:29:23] And the wife of (Redacted), where does she come from?

13 A. [10:29:27] Well, she comes from the neighbourhood. She comes from the
14 bottom of the neighbourhood (Redacted).

15 Q. [10:29:50] (Redacted)
16 (Redacted) went to Mbaïki, and afterwards -- what happens after that?

17 A. [10:30:01] So she informed me about it and then I called Mbaïki to see if, indeed,
18 he had been seen there and I was told that he had never been back to Mbaïki. He
19 never arrived in Mbaïki. And so it was from that moment that we started to search
20 everywhere.

21 Q. [10:30:35] Very well.
22 So it was early in the morning you called the family.
23 And then what did you do, Mr Witness?

24 A. [10:30:45] The first thing we did was to go see General Mazangue (Redacted)
25 (Redacted). We told him -- we asked him to try and call all police and

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 gendarmerie stations to find out if perchance he had not been arrested and thrown
2 into jail. Then I personally -- you know, the day before, that's on Monday, I was
3 coming back from a prayer meeting and I was in front of a sister's house where
4 people were weeping, because the vehicle belonging to one of the children of the
5 family had been travelling to Mbaïki and the vehicle had been stopped at PK9 and the
6 luggage in the vehicle was being searched.

7 And it is alleged that at the time -- and I wasn't there, so I cannot confirm this, it is
8 alleged that some T-shirts were found in the vehicle with the image of the former
9 President Bozizé in some of the bags of the -- one of the passengers. And they asked
10 who was the owner of the bag and nobody came forth.

11 So what happened was they took everybody out and took them away. So when I got
12 to that spot, I saw people crying, and I asked why. And they told me that the vehicle
13 which had left yesterday, had been stopped by Seleka and that all the men who were
14 in the car had been taken out and killed and the bodies thrown into the river. And
15 they were able to recover their two brothers.

16 And that is how I became aware that something had happened on the road to Mbaïki.

17 Q. [10:32:59] Thank you, Mr Witness.

18 So if I understand you well, it is on Sunday -- Sunday, 14th --

19 THE INTERPRETER: [10:33:17] The witness, interrupting --

20 THE WITNESS: [10:33:22](Interpretation) Monday. It was on Monday that I had
21 gone to the prayer meeting.

22 MR JACOBS: [10:33:27](Interpretation)

23 Q. [10:33:27] I'm sorry, I thought the prayer meeting was on Sunday. It was on
24 Monday?

25 A. [10:33:32] Yes, Monday.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 Q. [10:33:36] So on Monday, coming back from your prayers, you were in front or
2 you were passing by the house of -- or in front of the house of --

3 A. [10:33:48] Of one of my sisters of the prayer group and everybody was wailing
4 because two sons of the family had died and their bodies had been found in the river.

5 Q. [10:34:01] Very well, Mr Witness. Hold on, I have some questions for you, but I
6 have understood what you are saying. The person you talked with, what is their
7 name?

8 A. [10:34:16] The person I talked with was the owner of the vehicle and his name
9 was (Redacted). He was the owner of the vehicle and it is two of his brothers who
10 had been killed.

11 Q. [10:34:35] Very well.

12 But you say, Mr Witness, that on that day you talked to one of your sisters or was it --

13 THE INTERPRETER: [10:34:44] Overlapping speakers, Madam President. They're
14 going too fast for the interpreters.

15 THE WITNESS: [10:34:51](Interpretation) So there were people who were crying,
16 there were family members. There was the owner of the vehicle present, and that is
17 how these things were explained to us.

18 PRESIDING JUDGE SAMBA: [10:35:04] Okay. Mr Witness, you are going to testify
19 slowly. You talk at a slow pace so that the interpreters will get each and every word
20 that you say.

21 Is that okay?

22 THE WITNESS: [10:35:18](Interpretation) Yes, thank you.

23 PRESIDING JUDGE SAMBA: [10:35:22] And you wait for the question before you
24 answer. Thank you.

25 Mr Jacobs, please.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [10:35:31](Interpretation) Thank you, Madam President.

2 Q. [10:35:40] Mr Witness, I know that this is difficult because when we are
3 speaking the same language and we engage in this dialogue, we need to make an
4 extra effort to observe a break. So when you see me break, please also observe
5 a pause for a few seconds of silence.

6 Do we agree, Mr Witness?

7 A. [10:36:01] Yes.

8 Q. [10:36:03] So, Mr Witness, in your prior statement -- and I provide the references,
9 tab 1 for the English version and tab 1.4 for the French version, CAR-OTP-2135-2882,
10 at page 2885, paragraph 14 -- you say the following:

11 After I finished prayers that day on my way home I heard from the younger sister of
12 the minibus owner what had happened at PK9 [...] that her two brothers had been
13 killed. In order to confirm this I went to the vehicle owner's house and met with the
14 family.

15 PRESIDING JUDGE SAMBA: [10:37:28] Maybe, Mr Jacobs, if you could read the
16 entire paragraph so that the witness understands the point that is being made,
17 because it's a testimony that is in - pursuant to Rule 68(3) - already. If you can read
18 the entire paragraph 14 for him, then you put your question that you want to put,
19 please.

20 MR JACOBS: [10:37:50](Interpretation) Of course, Madam President, but the specific
21 point I was addressing was who he spoke to after prayers. But I can read the entire
22 paragraph.

23 Q. [10:38:07] So, Mr Witness, I will read the entire paragraph 14, so:

24 On Monday around noon, the ICRC started broadcasting messages on the radio,
25 saying that bodies had been found in the River OUBANGI and had been taken to the

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 morgue. This was broadcast on national radio and I heard it myself. After I
2 finished my prayers on that day, on my way home I heard from the younger sister of
3 the owner of the minibus what had happened in PK9 and that her two brothers had
4 been killed. In order to confirm this I went to the vehicle owner's house and met
5 with the family.

6 Now, Mr Witness, do you remember giving this statement to the investigators of the
7 OTP?

8 A. [10:39:21] Yes, I said so, but I think there is a correction to be made on the ICRC.
9 It's the Red Cross of the Central African Republic. That's what should be corrected
10 there.

11 Q. [10:39:49] Yes, indeed, Mr Witness, you made that correction and it has been
12 well taken down.

13 But my question is in relation to your statement that you heard from the younger
14 sister of the minibus's owner, what had happened at PK9. Can you give us her name,
15 Mr Witness?

16 A. [10:40:07] Her name is (Redacted)
17 (Redacted). So when we got to her place, we found out this
18 thing had happened. But the owner of the vehicle -- her brother, his house is just
19 behind hers.

20 Q. [10:40:37] Very well. So you go to see the owner of the minibus. You gave us
21 his name a short while ago, (Redacted). Is that correct?

22 A. [10:40:46] Yes, that is correct.

23 Q. [10:40:59] Did you know him from before?

24 A. [10:41:02] Yes, I knew him from before. Yes.

25 Q. [10:41:15] Very well.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 As far as you know, what was his occupation in 2013? And I'm referring to

2 (Redacted).

3 A. [10:41:27] (Redacted)

4 (Redacted)

5 Q. [10:41:51] Very well. And he also owned the minibus. Do you know whether
6 he owned other minibuses, Mr Witness? That gentleman?

7 A. [10:42:02] No, that is the only one he owned.

8 Q. [10:42:17] Very well.

9 In addition to being (Redacted), do you know that he was appointed an
10 (Redacted) from August 2013?

11 A. [10:42:37] I am not aware of that.

12 Q. [10:42:48] Very well. So you go to see him on Monday, the 15th. What did he
13 tell you, (Redacted)? What did he tell you about his minibus?

14 A. [10:43:03] He advised me to go to the morgue where some bodies had been
15 brought from the river. And so that is what we did.

16 Q. [10:43:19] But before that, did he tell you what he knew about what may have
17 happened with the minibus?

18 A. [10:43:30] He -- yes, he informed me or he explained to me that the luggage in
19 the car had been searched and that allegedly in the bags of one of the travelers, they
20 had found T-shirts with the image of President Bozizé, and so the soldiers wanted to
21 find out who was the owner of that bag and nobody owned up. So they took out all
22 the men, took them away, and -- claiming to be taking them to the president of the
23 republic at Camp de Roux.

24 Q. [10:44:18] So did (Redacted) tell you how he had come by that information since
25 he wasn't there on that day?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [10:44:32] Well, there were people who were there. It was a checkpoint. It
2 was a checkpoint where people went through all the time on their way to Mbaïki. It
3 was a very busy checkpoint, and people were there and they would have known
4 what was happening necessarily.

5 Q. [10:44:55] Very well, but it's okay if you do not remember. I can understand that.
6 All I'm trying to do is get as much information as possible.
7 Did (Redacted) tell you specifically who had told him what had happened? Did he
8 mention a name?

9 A. [10:45:11] No. No. He simply told me that those were the explanations that
10 were provided to him.

11 Q. [10:45:29] How -- how did (Redacted) become aware that (Redacted) may have
12 been in the minibus, Mr Witness?

13 A. [10:45:51] He did not know that he was in the bus. He asked me to go check
14 because he was inferring that if he had travelled to Mbaïki on that day, he may have
15 been in the vehicle. That's why he asked me to go check.

16 Q. [10:46:20] Very well. So if I understand properly, the owner of the minibus did
17 not know who the passengers in his minibus were on 13 July?

18 A. [10:46:34] No, he was not in a position to know because he wasn't there when
19 they were boarding the bus.

20 Q. [10:46:43] Thank you, Mr Witness.

21 Did he tell you what happened to the minibus itself? The vehicle? Did he explain
22 to you what happened to the vehicle?

23 A. [10:47:01] No.

24 Q. [10:47:18] Very well.

25 So that was on the 15 July, Monday, and he asks you to go check at the morgue. But

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 at that time, you did not know whether (Redacted) had been in the bus?

2 A. [10:47:51] We did not know. So after that, we went to the morgue to begin
3 with, and we were told that some bodies had indeed been brought.

4 Q. [10:48:05] I'm sorry, Mr Witness, I want to go systematically. I just want to
5 interrupt you and proceed systematically. Give me one second.

6 So now we're talking about Monday 15 July, and at that time you did not know that
7 (Redacted) had travelled to Mbaïki. And when you talked to the owner of the
8 minibus, you find out that something had happened and on that Monday, 15 July,
9 you didn't think that you needed to go to the morgue because (Redacted) had
10 travelled to Mbaïki.

11 Can you confirm that?

12 A. [10:48:47] No, no, I couldn't go there because I wasn't aware. I had not yet been
13 informed that he had disappeared.

14 Q. [10:48:59] Very well. So Monday 15 July, when you talked to the family of the
15 owner of the minibus, you don't know anything else; is that correct, on that day?

16 A. [10:49:16] Nothing.

17 Q. [10:49:20] Very well.

18 Now, Tuesday 16 July -- a short while ago you told us that the wife of (Redacted)
19 comes to see you very early in the morning and that you then call (Redacted)
20 (Redacted). My question is: After that, what did you do? Did you do anything else
21 before going to the morgue?

22 A. [10:49:50] No, apart from informing (Redacted) so that
23 we could start searching. (Redacted)
24 wondering whether anybody may have seen him anywhere by chance and
25 so -- whether he had been seen dead or alive and that if anybody had seen him dead

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 or alive, they should please make that known to us.

2 Q. [10:50:35] Very well.

3 So after talking to the (Redacted) family, you go to (Redacted)

4 (Redacted)

5 A. [10:50:50] (Redacted) was not -- or is not very far from the Ledger Hotel, around
6 the ministry of transport.

7 Q. [10:51:10] Very well.

8 At what time did you go (Redacted)?

9 A. [10:51:17] We went there very early, around 8 a.m.

10 Q. [10:51:24] When you say "we" went very early, who was with you, Mr Witness?

11 A. [10:51:38] My children, my children and myself. My children.

12 Q. [10:51:47] Just to be clear, how did you go there? What means of
13 transportation?

14 A. [10:51:54] I had a car. I owned a car.

15 Q. [10:52:03] Very well.

16 (Redacted). At what time

17 do you leave (Redacted)?

18 A. [10:52:21] Immediately after (Redacted), we left. And the
19 people from (Redacted) also recommended that we should check at the morgue.

20 Q. [10:52:39] Very well.

21 In your prior statement, at paragraph 16, you explain that on that morning, you went
22 to see the owner of the minibus, (Redacted). I want to ask you at what time you did
23 so? Was it before going to (Redacted) or after?

24 A. [10:53:06] Very early in the morning, before. Very early in the morning.

25 Q. [10:53:15] Very well.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 So after (Redacted)'s wife came to see you, you went to see the owner of the minibuses;
2 is that correct?

3 A. [10:53:27] Mm-hmm. Exact. Yes.

4 Q. [10:53:31] So you talked with him on Monday, the 15th, and then you go back to
5 see him on Tuesday the 16th in the morning. Why do you go back to see him if you
6 had already found out what had happened on the 15th? Why did you go back to the
7 owner of the minibuses, Mr Witness?

8 A. [10:54:01] It was to confirm that, indeed, there was this incident. And he is the
9 one who confirmed to us that we should check at the morgue because there would
10 certainly be some other corpses at the morgue.

11 Q. [10:54:23] Very well.

12 So the owner of the minibuses advises you go to the morgue, but you decide to go to the
13 (Redacted), first. Is that how it happened?

14 A. [10:54:36] Yes.

15 Q. [10:54:47] Very well.

16 So if I understand you clearly, after (Redacted), you went directly to the morgue; is
17 that correct?

18 A. [10:55:01] Yes.

19 Q. [10:55:09] So you and your children?

20 A. [10:55:13] My children and I, yes.

21 Q. [10:55:22] Thank you.

22 Can you give us the names and the ages of your children, Mr Witness?

23 A. [10:55:29] For now, what I can say, that at that time, the eldest was (Redacted)
24 (Redacted). So he was much younger than that, yes.

25 Q. [10:56:03] Thank you, Mr Witness. My question was quite simple -- well, let

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 me put a very simple question to you: how many children do you have and how
2 many came with you? Rather, how many children do you have?

3 A. [10:56:19] (Redacted)

4 Q. [10:56:33] Can you give us just the names of the (Redacted)?

5 A. [10:56:40] (Redacted)

6 Q. [10:57:09] Thank you, Mr Witness. So (Redacted) of you arrived at the morgue
7 that morning. Do you remember at what time you got to the morgue?

8 A. [10:57:17] It was around 7.30 when we arrived at the mortuary, but the morgue
9 attendant did not want to open the morgue for us. He didn't want to open.

10 I need -- I need a break.

11 PRESIDING JUDGE SAMBA: [10:57:47] Certainly, Mr Witness, and at this stage I
12 will ask --

13 THE WITNESS: [10:57:52](Interpretation) One minute, I need one minute, please.

14 PRESIDING JUDGE SAMBA: [10:57:55] Yes, certainly --

15 THE WITNESS: [10:57:59](Interpretation) One minute, I need one minute to ease
16 myself.

17 PRESIDING JUDGE SAMBA: [10:58:11] Yes, please. Please go ahead, Mr Witness.
18 Go ahead.

19 At this stage I will adjourn the matter for 30 minutes.

20 We come back at around 11.30.

21 THE COURT USHER: [10:58:23] All rise.

22 (Recess taken at 10.58 a.m.)

23 (Upon resuming in open session at 11.33 a.m.)

24 THE COURT USHER: [11:33:48] All rise.

25 Please be seated.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [11:34:10] Good morning again, everyone.
- 2 We are in open session, just so we know.
- 3 Mr Jacobs, your witness.
- 4 Mr Jacobs, may I ask how much more time you need with this witness, maybe
- 5 roughly?
- 6 MR JACOBS: [11:34:27](Interpretation) Thank you, your Honour. I think I will
- 7 need this session and, depending on the answers of the witness, perhaps a bit of
- 8 tomorrow morning. But I will try to finish today, but I can't guarantee it a hundred
- 9 per cent at this stage, your Honour.
- 10 PRESIDING JUDGE SAMBA: [11:34:47] Noted.
- 11 Your questions, please, to the witness. Thank you very much.
- 12 MR JACOBS: [11:34:54](Interpretation) Thank you. For the follow-up of my
- 13 questions, we need to go into private session.
- 14 PRESIDING JUDGE SAMBA: [11:35:05] Madam Court Officer, can we go into
- 15 private session, please. Thank you.
- 16 (Private session at 11.35 a.m.)
- 17 THE COURT OFFICER: [11:35:18] We are now in private session, Madam President.
- 18 PRESIDING JUDGE SAMBA: [11:35:21] Thank you.
- 19 Mr Jacobs, your witness, please.
- 20 MR JACOBS: [11:35:24](Interpretation) Thank you, Madam President.
- 21 Q. [11:35:27] Good morning again, Witness.
- 22 A. [11:35:31] Good morning.
- 23 Q. [11:35:34] So we're going to continue calmly with the sequence of 16 July, the
- 24 day of 16 July.
- 25 A. [11:35:47] Very well.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 Q. [11:35:49] I would just like to clarify a question of time. * Before the break, you
2 told us, and here I'm referring to, in the record page -- it was 99 page 32 line 10, and
3 you said that you went to (Redacted) at 8 o'clock. And page 34, lines 10 to 11, you said
4 you went to the morgue at 7:30, but I understood you went to the morgue after
5 (Redacted), so later than 8 o'clock. Do you remember at what time you went to the
6 morgue?

7 A. [11:36:36] Perhaps there's some confusion. I went to the morgue -- (Redacted)
8 before the morgue.

9 Q. [11:36:44] So you went to (Redacted) before the morgue. So if you went to
10 (Redacted) at 8 o'clock, I understand that you went to the morgue later, after
11 8 o'clock?

12 A. [11:37:01] After 8 o'clock, yes, that is correct.

13 Q. [11:37:03] And if you remember, how much time do you need to go from the
14 (Redacted) to the morgue, Witness?

15 A. [11:37:13] It's not that far. 10 minutes, 15 minutes, quarter of an hour.

16 Q. [11:37:29] Very well. So when you went to the morgue, what happened there?
17 Who did you speak to?

18 A. [11:37:41] I spoke to *morguier* to see if he could open it up and to see if there was
19 a body there -- to see the bodies that were there. It was the person in charge of the
20 morgue that we spoke to.

21 Q. [11:38:10] Well, I would expect that not anybody can just say -- ask that the
22 morgue be opened up. They don't just show all of the bodies that are in the morgue,
23 so what did you say in order to see the bodies, Witness?

24 A. [11:38:26] Well, he said that there were bodies there which had been taken out of
25 the river, and what he wanted to do was to get people to identify them, to see -- for

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 example, by relatives.

2 Q. [11:38:45] Do you remember the name of the person in charge of the morgue?

3 A. [11:38:49] No.

4 Q. [11:38:54] Very well. And so at that time you were shown the bodies. How
5 many bodies did the head of the morgue show you?

6 A. [11:39:23] (Redacted). There were two others which were being taken out of
7 the water by the Red Cross, but within the morgue itself, there was (Redacted)
8 there.

9 Q. [11:39:37] Very well. So if I understand well, you arrived and the boss of the
10 morgue immediately showed you (Redacted); is that correct?

11 A. [11:39:55] Well, first of all, he didn't want to, but because we insisted on it, and
12 particularly the wife insisted, then he decided to open it up.

13 I just want to say that these are -- these are bodies which are lying on straw. They
14 are not in the blocks.

15 Q. [11:40:36] So in your previous statement and paragraph 17 thereof.

16 And I'll give the -- this is tab 1.4 for the -- and it's 1 for the English version,

17 CAR-OTP-28 and it's on page -- so * CAR-OTP-2135-2882 at page 2885, and you
18 explain at the beginning of the paragraph, you say:

19 "This morning on the Tuesday -- that morning on the Tuesday -- so That morning (the
20 Tuesday), I went to morgue with other members of my family in order to identify the
21 body. At the start, they didn't want to let us see it. And we had to ask the
22 ICRC" - you corrected this in French - "We had to ask the CRC to intervene. And
23 finally, we were allowed to see the body and I identified it as being (Redacted)."

24 And I'll just stop there for the moment.

25 Now, you state here that you asked the ICRC to intervene; do you remember that,

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 Witness?

2 A. [11:42:24] Yes. Yes, because it's the Red Cross that is responsible for
3 transporting the bodies from the river to the morgue. And when they were asked, it
4 was their intervention which made it possible for them to take the bodies out of the
5 river and to bury them.

6 Q. [11:42:56] So how did you ask the ICRC to intervene? Were they physically
7 present at the location? Did you call somebody? What exactly happened?

8 A. [11:43:12] No, we called them. They have their office and you call them.
9 They're there permanently. You can call them to carry out an intervention.

10 Q. [11:43:26] Very well. I'm trying to understand, Witness. When you say you
11 can call them, they have their office. Where? In the hospital? Where in Bangui?

12 A. [11:43:35] No, not in the hospital. It's quite far from the hospital. It's in a
13 different neighbourhood, not at the hospital. But they intervene. During this
14 period, they would regularly intervene at the hospital because there were often cases.

15 Q. [11:43:54] Very well. You were at the hospital and the head of the morgue
16 refused to show you the body. And at that point you telephoned the Red Cross such
17 that they would come; is that correct?

18 A. [11:44:08] Yes.

19 Q. [11:44:12] How did you know their telephone number, Witness?

20 A. [11:44:17] Well, the morgue, they know the number.

21 Q. [11:44:24] Very well. So it was the head of the morgue who gave you the
22 number for the Red Cross?

23 A. [11:44:35] That's correct.

24 Q. [11:44:39] And you say that their office is a bit far. So how long did it take the
25 people from the Red Cross to get there? Was it half an hour, one hour?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [11:45:00] Thirty minutes, approximately. From the base of the Red Cross to
2 the hospital until the morgue, 30 minutes.

3 Q. [11:45:26] Okay. So the people from the Red Cross came to the morgue and
4 the -- they told the mortuary boss to let you see the body; is that correct?

5 A. [11:45:39] Yes. And we identified the body with regards to the clothing and his
6 wife knew what clothing he had been wearing and, as such, it was possible for her to
7 identify him.

8 Q. [11:45:59] So you told me before the break that you went to the morgue yourself
9 with (Redacted) and now you say that the wife of (Redacted) was there?

10 THE INTERPRETER: [11:46:12] Overlapping speakers.

11 MR JACOBS: [11:46:16] (Interpretation)

12 Q. [11:46:16] When did you arrive at the morgue?

13 A. [11:46:19] She arrived after us, everybody was there going -- they all went to the
14 morgue, all of the family, practically.

15 Q. [11:46:28] Yes, but you arrived first with your children?

16 A. [11:46:32] We arrived first.

17 Q. [11:46:41] And how much time afterwards did the wife of (Redacted) arrive?

18 A. [11:46:47] Straight afterwards. When -- we came back from (Redacted),
19 and then we went there and she had already arrived. We almost met her at the
20 location.

21 Q. [11:47:18] I would ask you to slow down a bit, Witness, and to speak a bit louder
22 so that everything can be correctly noted in the transcript.

23 A. [11:47:28] Okay.

24 THE INTERPRETER: [11:47:29] Could the witness also be asked again to leave a
25 pause.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [11:47:33](Interpretation)

2 Q. [11:47:33] I now understand that you say that the wife of (Redacted) had already
3 arrived at the morgue when you arrived?

4 A. [11:47:41] Yes.

5 Q. [11:47:44] And who else was present from your family, Witness?

6 A. [11:47:52] I have to tell you there were a lot of people, almost all the members of
7 the family, everybody was coming. That's what happened. Everybody wanted to
8 know what had happened. Almost all the family was there. Everybody was
9 coming to go to the morgue. Everybody.

10 Q. [11:48:21] So I just want to have an idea of the situation. When you say "all the
11 family was there", was that 10 people, 20 people, 30 people?

12 A. [11:48:31] No, a bit more than that, because I said that we weren't able to take
13 the body home because it was in the morgue and they had to -- you had to make
14 a -- you had to get a coffin to move the body so all the people came to the morgue, all
15 the family came to the morgue. All the relatives.

16 Q. [11:49:09] So more than 30 people were present, we're talking about Tuesday
17 morning, the 16th, 16 July; is that correct?

18 A. [11:49:18] That is correct.

19 Q. [11:49:40] And when you say it was necessary to have a box or to take the body
20 away, at what time did you -- when did you do that, to bury the body, when did you
21 do that?

22 A. [11:49:54] Well, when we identified the body. (Redacted)
23 (Redacted) had asked us to accompany them to
24 get wood in order to make a coffin, to make a box because a normal coffin wouldn't
25 be able to take the body. You had to make a special box, like toolbox, in order to put

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 the body into. So everybody was there. Nobody was at home. Everybody had
2 come there because from there, from the morgue to the -- the body was taken directly
3 to the cemetery.

4 Q. [11:50:51] okay. So just to understand the sequence, everybody is there,
5 including (Redacted) and you go to get wood. How much time did you need to
6 make this coffin, Witness?

7 A. [11:51:08] Well, a box like that, two hours, three hours. You need the materials
8 and you need the wood, et cetera. You have to find a carpenter who is able to make
9 it. It takes some time. And that means that during this entire time we were waiting
10 at the morgue because you couldn't carry the body in the state it was to the -- to home.
11 So the body had -- was going to be taken directly to the cemetery.

12 Q. [11:51:56] Thank you, Witness.

13 So what time was it when you finished making the coffin? Because if I've
14 understood it correctly, you arrive at 8 o'clock and you need 30 minutes for the Red
15 Cross to turn up. Was it towards 12 that the coffin was ready?

16 A. [11:52:19] No, that was the afternoon when we took the body. It was
17 (Redacted).

18 Q. [11:52:41] Very well. Do you remember what time you took the body of
19 (Redacted) in order to bury it?

20 A. [11:52:52] Well, I couldn't tell you that exactly. Must have been * (Redacted),
21 (Redacted). And it was necessary to have the availability of the
22 Red Cross because without the Red Cross it would have been really difficult to bury
23 the body.

24 Q. [11:53:24] So it was the Red Cross that helped you. Did they help you to
25 transport the body for the burial?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [11:53:33] The Red Cross transported the body to the cemetery and buried the
2 body because things were moving everywhere. It was terrible.

3 Q. [11:53:51] The investigators of the Office of the Prosecutor, did they ask you to
4 take -- to take you where (Redacted) was?

5 A. [11:54:00] No.

6 Q. [11:54:13] Very well. So if we go back to the day of the burial, so -- you say that
7 you identified the body. Who identified the body? There were a lot of you at the
8 location. Was it you or was it another member of the family?

9 A. [11:54:38] His wife. He was unrecognisable, but his wife was able to recognise
10 him more easily.

11 Q. [11:54:58] Very well. And you yourself, did you see the body on that day?

12 A. [11:55:02] Yes, of course. I was there.

13 Q. [11:55:07] Very well. But when you say you were there, well, all -- did all
14 members of the family see the body?

15 A. [11:55:26] Yes, of course. Everyone. All the relatives were there.

16 Q. [11:55:45] Very well.

17 Witness, I'm going to show you a photograph. It's a photograph that you know
18 normally, but it's the photo of the body of (Redacted). I prefer to warn you before
19 showing it.

20 Court officer, if you could show tab 2 on our identification list, CAR-OTP-2013-0686.

21 I don't know if the witness sees the photograph or not?

22 A. [11:56:49] Not yet. Yes.

23 Q. [11:56:56] I think it has appeared?

24 A. [11:56:58] Yes, yes.

25 Q. [11:57:00] Witness, have you seen this photograph before?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 A. [11:57:03] Yes, of course.
- 2 Q. [11:57:07] Did you take this photograph, Witness?
- 3 A. [11:57:18] No. (Redacted)
- 4 Q. [11:57:27] (Redacted)
- 5 A. [11:57:32] Indeed.
- 6 Q. [11:57:35] And you yourself, how did you obtain a copy of this photograph?
- 7 A. [11:57:55] He gave it to me. I asked him to give it to me. I wanted to put
- 8 together a case file and he gave it to me.
- 9 Q. [11:58:09] So when did he give it to you, Witness?
- 10 A. [11:58:14] On location at the site because he developed it straight away and he
- 11 got it done straight away.
- 12 Q. [11:58:30] Very well. So (Redacted), what type of camera did he have?
- 13 Was it a modern one, was a digital one or was it an old one where you had to shoot
- 14 the photographs?
- 15 A. [11:58:50] It was a digital camera.
- 16 Q. [11:59:02] Very well. And, to be more precise, was it a real camera, was it a
- 17 telephone?
- 18 A. [11:59:11] No, it was a real camera.
- 19 Q. [11:59:32] Thank you. So he took the photograph on that day and you say he
- 20 developed it immediately, so what does that mean? He didn't print it at the hospital,
- 21 did he? When did he print it, if it was a digital photograph?
- 22 A. [11:59:57] There are studios, there are studios everywhere where you can go and
- 23 they can do the film.
- 24 Q. [12:00:07] So you're telling me that on the day, on 16 July, you're given a copy, a
- 25 printed copy of this photo, if I understand that correctly?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [12:00:20] On that day I received two copies of photos, that one and the one
2 which was done by the Red Cross. Because you got a second photograph from a file
3 where there are two young people from the Red Cross with the coffin.

4 Q. [12:00:42] I'm coming to that, Witness.

5 Madam Court Officer, could you scroll down a little bit so we can see the bottom part
6 of the photograph.

7 Now, Witness, I don't know whether you see to the right of the photograph a date.

8 Can we zoom into that date, please.

9 Mr Witness, can you see?

10 A. [12:01:24] No.

11 Q. [12:01:34] Now, we see a date bottom right, "19 7 2013". That appears to be
12 19 July 2013. I understand this to be the date on which the photo was taken?

13 A. [12:01:51] The photograph was printed. And I agree with you, yes.

14 Q. [12:01:59] So when you say you agree with me, I understand that this
15 photograph was taken on 19 July 2013?

16 A. [12:02:17] No, it was taken on the day, on the 16th, but it was printed on the 19th.
17 That's how you need to understand this. Because after the 16th there was no more
18 dead body, the corpse was no longer there. It had been buried. It had been buried
19 on the 16th, * so there couldn't have been any corpse available on the date after the
20 16th.

21 Q. [12:02:50] Sorry, I'm waiting for the interpretation to be finished.

22 But, Mr Witness, a short time ago you told me that (Redacted)
23 gave you the picture on the 16th, so it was printed on the 16th. And now you claim
24 that it may have been printed on 19 July?

25 A. [12:03:10] There must be a problem with the dates, because he's the one who

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 printed the photographs and they were printed before the burial of the body.

2 Q. [12:03:34] I will return to this matter of the date shortly, but turning to the burial,
3 do you have a document from the Red Cross or from the mayor's office testifying to
4 the fact that (Redacted) was buried on 16 July?

5 A. [12:03:54] We have a death certificate only, not a certificate of burial. Nothing
6 for the burial.

7 Q. [12:04:05] Very well. So you don't have any certificate of burial?

8 A. [12:04:10] No, no.

9 Q. [12:04:21] Thank you, Mr Witness.

10 This photograph can be now removed and I believe it is already submitted under
11 Rule 68.

12 Could we then pull up tab 3 on our list of notification, our list of materials, please. *
13 CAR-OTP-2013-0687.

14 Can you see the photograph, Mr Witness, or not yet?

15 A. [12:05:00] I see it now. Thank you.

16 Q. [12:05:04] This is the other photograph you were talking about a few minutes
17 ago; is that correct?

18 A. [12:05:15] Yes, that's it.

19 Q. [12:05:21] Very well. Do you recognise anybody on this photograph,
20 Mr Witness?

21 A. [12:05:27] No, I don't recognise anybody. These are people from the Red Cross.
22 I don't know them. They are people who came to help us. They simply came to
23 assist us. But in the background, that's where the morgue is, the interior part of the
24 morgue.

25 Q. [12:05:51] Very well. If I understand well, the people around the morgue are

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 people from the Red Cross and then the others are people you don't know, is that
2 what you're saying?

3 A. [12:06:04] No, maybe not necessarily people I don't know, might be relatives.
4 But since I don't see the faces clearly, I am not in a position to identify them.

5 Q. [12:06:19] Very well. No problem, Mr Witness.

6 But if you go to the left of the document, on the left side, you will see a date,
7 16 July 2013. Can you see that date, Mr Witness, at the bottom, 16 July 2013?

8 A. [12:06:39] Mm-hmm.

9 Q. [12:06:42] My question then for you is when, as far as you know, was this
10 photograph taken?

11 A. [12:06:51] As I told you a short while ago, all those photographs were taken by
12 the latest on the 16th, because after the 16th the body was no longer there. So they
13 were taken on the 16th. They might have been printed later, but the pictures were
14 taken on the 16th because it was on the 16th that the body was buried.

15 Q. [12:07:16] Very well. Mr Witness, who took this photograph?

16 A. [12:07:20] It must be people from the Red Cross. I don't know exactly, but it
17 must have been by people from the Red Cross. You understand that these were
18 difficult times for me and I could not be able to attend to everything at the same time.
19 That would have not been possible.

20 Q. [12:07:39] I understand that, Mr Witness.

21 This photograph should be removed, please. Thank you, Madam Court Officer.

22 I can see the witness.

23 So these photographs, Mr Witness, did you have them on -- in printed format on a
24 piece of paper?

25 A. [12:08:25] Yes. I no longer have them, but I think you must have them in the

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 ICC files.

2 Q. [12:08:39] Very well. So you handed over those photographs to the OTP of the
3 ICC?

4 A. [12:08:47] Yes.

5 Q. [12:08:59] You say that you no longer have those photographs today. How
6 come?

7 A. [12:09:07] I only have photographs in black and white, not in colour. But the
8 photographs from the people of the Red Cross, I no longer have them. Yes, the
9 photograph would be people from the Red Cross.

10 Q. [12:09:32] (Redacted)
11 (Redacted), but you no longer have the photographs today?

12 A. [12:09:41] Yes. Yes, (Redacted)
13 (Redacted), and so on and so forth, but I no longer have
14 the photographs.

15 Q. [12:09:58] Very well. And you do not know when you lost them. Would it
16 have been after you met with the investigators of the OTP in 2015?

17 A. [12:10:13] I no longer had the photographs after that. I only had the other
18 photograph, but in black and white.

19 Q. [12:10:38] Very well. Let us move on to another aspect of that day.
20 So we were at the mortuary about 10, then you saw the body, and at (Redacted) you
21 took the body for burial. Between those two time frames, what do you do, did you
22 go fetch the timber or did you do something else?

23 A. [12:11:17] I remained at the morgue while another team went to fetch the timber.

24 Q. [12:11:25] And what did you do while you were waiting?

25 A. [12:11:30] We had nothing else to do. We were just waiting to be able to take

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 the body away, which was already decomposing.

2 Q. [12:11:43] Very well.

3 Madam Court Officer, could we display tab 4 on our list of material,

4 CAR-OTP-2013-0688. I know I rushed the number a little bit. Repeat,

5 CAR-OTP-2013-0688.

6 I'm waiting for the document to be displayed for the witness.

7 Now, Mr Witness, you have a document before you. Take a moment, look at it.

8 And please, court officer, could you scroll down for the witness.

9 A. [12:13:12] That's fine.

10 Q. [12:13:16] Maybe you want to scroll down to the very bottom of the document.

11 Thank you. And then scroll up now, please.

12 I'm sorry, please show the very top of the document, please. Thank you.

13 Have you ever seen this document before, Mr Witness?

14 A. [12:13:53] Yes.

15 Q. [12:13:55] Can you explain to us what it is.

16 And please kindly scroll down to show us the title.

17 A. [12:14:08] It's a medical certificate on the type of death. What we did was we

18 called on a forensic doctor to examine the body and he is the one who issued this

19 report, or this certificate, should I say.

20 Q. [12:14:30] Very well.

21 So please can you take the document off the screen, but we will have to display it

22 again, and so I want to ask the witness questions so that he can be in a position to see

23 me while I speak with him.

24 Now, Witness, you told us that you called for a forensic doctor. At what time, at

25 what point did you call for him? Is it when you identified the body and the entire

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 family came around? What time? At what time did you do this and how did it
2 happen?

3 A. [12:15:10] We identified the body and then (Redacted)
4 (Redacted) is the one who contacted the forensic doctor.

5 Q. [12:15:26] Very well. I just want to follow the sequence of events. At what
6 time did she arrive at the hospital?

7 And I'm talking here about (Redacted).

8 A. [12:15:38] She arrived and she -- I'm the one who called her and she came with
9 her collaborators. I told them and then -- I told them we were at the mortuary, at the
10 morgue and then they all came, all of them came together and each person tried to do
11 whatever they could do.

12 Q. [12:16:04] Very well. (Redacted)
13 arrives at the morgue. How much time after you called her did she arrive at the
14 morgue?

15 A. [12:16:25] It didn't take her too long to arrive. You see, she was at the -- at
16 work. It was a working day during the week and her office was not too far from the
17 hospital.

18 Q. [12:16:44] So she arrives, and did you immediately decide to call a forensic
19 doctor?

20 A. [12:16:50] She's the one who decided and I tell you again that I did not have the
21 money to pay for the services of a forensic doctor.

22 Q. [12:17:04] But in your prior statement, Mr Witness, at paragraph 18, you say that
23 "with the help of (Redacted) -- no, rather, (Redacted) I contacted a forensic doctor."
24 So you contacted the doctor yourself?

25 A. [12:17:26] No, maybe the idea wasn't very well drafted. She is the one, she is

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 the one who called, she is the one. I don't even know that doctor.

2 Q. [12:17:47] So you are correcting your prior statement on this point?

3 A. [12:17:51] Yes, I am making that correction. She's the one who contacted him,
4 and I don't know him.

5 Q. [12:18:01] Were you there when the doctor arrived?

6 A. [12:18:03] Yes. And he asked all of us to step outside. He wanted to be all by
7 himself.

8 Q. [12:18:22] How long did the examination last, Mr Witness?

9 A. [12:18:27] About an hour, an hour, maybe.

10 Q. [12:18:45] That doctor who (Redacted) called, where was he based and where
11 did he work?

12 A. [12:18:54] I've already told you that I don't know him. I don't know where he
13 worked.

14 Q. [12:19:03] Very well. In your statement you say that the doctor drafted a report.
15 How did you come by a copy of that report, Mr Witness?

16 A. [12:19:16] He handed the report to the relatives -- in fact, to (Redacted), who
17 handed it over to the family or to the relatives.

18 Q. [12:19:34] Very well.

19 Could we go back to tab 4, please, and display it. That is the medical certificate on
20 the type of death.

21 Mr Witness, if we scroll to the bottom of the document -- I'm sorry, let's scroll up a
22 little bit because I have a question on that first part. Yes, at the beginning. Thank
23 you, perfect.

24 We see here, Mr Witness, that (Redacted) was a general practitioner, not a forensic
25 doctor. Can you see that, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [12:20:37] Please, I'm sorry, can you -- what is the difference?

2 Q. [12:20:45] I didn't hear your question.

3 A. [12:20:49] What is the different between a GP and a forensic doctor? Can a GP
4 not be a forensic doctor? Can you explain that to me, please.

5 Q. [12:21:00] I don't know the specific specialisation of this doctor, Mr Witness,
6 I am simply pointing your attention to what is written in the certificate. But some
7 people, some individuals can be both, so let's not engage in any technical discussion
8 on that point at this level.

9 So if we scroll down to the bottom of the document you can see, Mr Witness, that
10 there is a date, "Issued in Bangui, on 15 July 2013". So according to this document,
11 the medical certificate was issued not on 16 July, when you were at the morgue, but
12 the day before, that's 15 July. Can you explain to us this discrepancy?

13 A. [12:21:52] I am not able to. It might be a mistake on his part.

14 PRESIDING JUDGE SAMBA: [12:21:57] Yes, I mean, this witness did not prepare
15 this document, Mr Jacobs. He is not the author of this exhibit that we have before us
16 and I think he has said it in testimony.

17 MR JACOBS: [12:22:16] (Interpretation) Madam President, yes, indeed, but we are
18 taking advantage of the presence of the witness who provided this document to the
19 investigators. Maybe his memory could be jogged, maybe he would remember the
20 dates, maybe he could provide us with other information in relation to this date, even
21 though he was not the author.

22 So because he's here, we take advantage of his presence to find out if there's
23 additional information, but if he doesn't have any, that's fine too.

24 Let me further add that we do not -- as far as we know, the -- the Prosecutor did not
25 seek to find the doctor or provide any information to substantiate this document.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 The only person we can deal with is the witness who can help us to identify the
2 source and the authenticity of this document. That is why I'm putting these
3 questions to the witness to find out whether he knows anything.

4 PRESIDING JUDGE SAMBA: [12:23:17] You can go ahead and put the question but
5 that's how I look at the document and, at the end of the day, I mean, it will be our
6 duty to look at all of these and analyse them and of course make sense of what all of
7 these documents make.

8 Yes, Mr Choudhry, do you have anything to say?

9 MR CHOUDHRY: [12:23:35] Your Honour, Only really to pick up the point that
10 your Honour makes. The objection that I would put is that the witness has already
11 answered the question at page 56, line 22. His answer reads in the English
12 transcript:

13 "I am not able to. It might be a mistake on his part."

14 PRESIDING JUDGE SAMBA: [12:23:56] Yes, I heard that. That was the last he
15 made, in fact, before Mr Jacobs made his last comment before I reacted. So let's
16 continue. Thank you very much, Mr Choudhry.

17 Yes, Mr Jacobs.

18 Yes, Mr Witness, what do you want to say? I see your hand up.

19 THE WITNESS: [12:24:23](Interpretation) I need -- I need a break, please.

20 PRESIDING JUDGE SAMBA: [12:24:27] Certainly, Mr Witness. We'll wait for you.
21 Thank you. Go ahead.

22 THE WITNESS: [12:24:34](Interpretation) Thank you.

23 (The witness exits the video-link room)

24 (Pause in proceedings)

25 (The witness enters the video-link room)

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [12:26:32] Welcome back, Mr Witness.
- 2 Mr Jacobs, please continue.
- 3 Sorry, Mr Jacobs, let me listen to the witness.
- 4 Yes, Mr Witness, what do you want to say?
- 5 THE WITNESS: [12:26:43](Interpretation) (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 PRESIDING JUDGE SAMBA: [12:27:04] No worries, Mr Witness. That's
- 10 understood very well. (Redacted)
- 11 (Redacted)
- 12 Thank you very much for your understanding.
- 13 Mr Jacobs, please.
- 14 MR JACOBS: [12:27:36](Interpretation) Thank you, Madam President.
- 15 Court officer, could you please display document CAR-OTP-2044-0573. That would
- 16 be tab 21 - sorry, I didn't mention that - page 0634, please. Perfect.
- 17 Q. [12:28:36] If we look at this register, which appears to be a register from the
- 18 morgue, Mr Witness?
- 19 A. [12:28:46] I don't know this document.
- 20 Q. [12:28:49] Of course, but I have only one question about this document. At line
- 21 359 you see (Redacted). Maybe we can zoom in to line 359. And if we follow that
- 22 line, on the name of the contact - one, two, three, four, five, six, seventh column - we
- 23 see a name (Redacted). My question is who is (Redacted), if you
- 24 know?
- 25 A. [12:29:31] No, I don't know that person. It's not somebody I know within the

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 family. I don't know.

2 Q. [12:29:36] So you don't know. And the contact person in relation to (Redacted)
3 would be a family member whom you don't know; is that what you're saying?

4 A. [12:29:46] Somebody may have been there at the time the body was being
5 dropped off, that must be -- that might have been that person. I don't know that
6 person.

7 Q. [12:30:14] Court officer, could you please scroll up to the top of the page.

8 Thank you. Can you zoom in to the column after "Diagnostic Service", fifth column
9 from the end.

10 You see here that the column bearing the name of (Redacted) is captioned "Identity of
11 relative and telephone number", so this person should be a relative of the deceased
12 person.

13 A. [12:30:55] (Redacted). I don't know. I don't know all the
14 relatives (Redacted)
15 (Redacted)

16 Q. [12:31:20] Very well. What I'm trying to understand is that you explained that
17 you arrived very early at the morgue with your children and that his wife also came
18 quite quickly. And now, while the person, the contact person on the morgue's
19 registry is neither you nor his *femme*, nor somebody else -- nor his wife, rather, nor
20 somebody else whom you would know. I don't understand?

21 A. [12:31:46] This body was dropped off at the morgue before we were informed of
22 the situation, so people brought the body to the morgue. And would this have been
23 one of the persons who brought the body to the morgue? Would it have been
24 someone from the Red Cross? Would it be a relative? I don't know. But that's the
25 name that must have been taken down at that time, that is at the time when the body

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 was being dropped off at the morgue.

2 Q. [12:32:20] Thank you, Witness, for having made this clarification.

3 We can take away the document, court officer.

4 If we could now show tab 5 on our list of documents, CAR-OTP-2013-0689.

5 Do you see this document, Witness?

6 A. [12:33:10] Yes.

7 Q. [12:33:14] Have you seen it before?

8 A. [12:33:17] Yes.

9 Q. [12:33:33] So this is the death certificate of (Redacted); is it not?

10 A. [12:33:38] Yes.

11 Q. [12:33:39] So if we can go down towards the bottom of the document.

12 So I have a question, Witness. Here you can see that the death was declared on

13 (Redacted) 2013. If we go up a bit more. (Redacted)

14 A. [12:34:18] I'm not there.

15 Q. [12:34:19] You can see (Redacted)

16 (Redacted)?

17 A. [12:34:33] Yes, I can see that. Yes, what's the problem with that?

18 Q. [12:34:37] No, I just want to put a question. (Redacted)

19 (Redacted), Witness?

20 A. [12:34:45] Well, (Redacted)

21 (Redacted)? If it was in the hospital, the doctor would have made the declaration,

22 but you go through the neighbourhood chief or the town hall and you point out that

23 this person has died and you draw up a death certificate. I don't see what the

24 problem is with that.

25 Q. [12:35:22] Witness, there's no problem, I'm just trying to understand (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 THE INTERPRETER: [12:35:32] Overlapping speakers.

4 THE WITNESS: [12:35:36](Interpretation) I can't know everything, (Redacted)

5 (Redacted)

6 (Redacted). So if there

7 was something -- so there was this decree that you were showing me a moment ago, it

8 reminds me of that, on that document.

9 MR JACOBS: (Interpretation)

10 Q. [12:36:09] Do you want us to show you that document again?

11 A. [12:36:12] Yes, please. If you could go up a bit, please.

12 Q. [12:36:20] It's disappeared.

13 So if we could go to the top of the document. Is that it?

14 A. [12:36:26] Yes, yes. (Redacted).

15 Q. [12:36:40] If we could go down, Madam.

16 A. [12:36:45] "Profession: (Redacted)", whereas on the decree you had a moment

17 ago it was marked (Redacted), and that was on the other

18 declaration. Where did that decree come from?

19 Q. [12:37:08] Yes. Yes, I hear you well. The comments that you are saying are

20 noted for the case record.

21 So on the document that we have before us, you're the person who provided it to the

22 investigators of the Office of the Prosecutor, did you not?

23 A. [12:37:23] Yes, at the same time, exactly at the same time as the rest of the case

24 file.

25 Q. [12:37:33] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 A. [12:37:49] What documents do you mean? Given what was happening in the
3 country at the time, given the situation, everybody was aware that it was a
4 catastrophic situation in the country, and particularly in PK9. Everybody knew that.

5 Q. [12:38:11] So you're telling us you arrive at the town hall -- and I don't know if
6 the witness can see me because I see a blue screen there?

7 A. [12:38:22] I don't see you. Now I do.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:40:01] Thank you very much, Witness. It's very important for us to have
24 the whole dossier for us.

25 (Redacted). Do you still have this certificate?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [12:40:12] It's the document that made it possible for me to have the -- it was the
2 document that made it possible for me to have the death certificate at the town hall,
3 that's the document that the town hall made in order to have the death certificate.

4 THE INTERPRETER: [12:40:41] Some of the answer was inaudible.

5 MR JACOBS: [12:40:45](Interpretation)

6 Q. [12:40:45] Very well. So this document, which is established by the *chef de*
7 *quartier*, the neighbourhood chief, you don't have it anymore; is that correct?

8 A. [12:40:55] No.

9 Q. [12:41:10] Thank you, Witness, for this clarification.

10 So I'm now going on to another subject, namely, (Redacted)

11 (Redacted)

12 And if we look at lines 8 to 13: (Redacted)

13 (Redacted)

14 (Redacted)

15 T-99, page 8, lines 13 to 15.

16 A. [12:41:42] Well, there's a mistake there. I said that (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:42:50] Thank you for this clarification, Witness.

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 met -- I'm sorry, I'm coming, (Redacted)?

2 A. [12:43:14] Yes. (Redacted) who were there.

3 MR JACOBS: [12:43:35] (Interpretation) So if we could show, court officer, tab 9 on
4 our list of materials, CAR-OTP-2005-0612, page 0617.

5 Thank you.

6 Q. [12:44:17] We can see here "(Redacted)". Can you see the
7 document, Witness?

8 A. [12:44:33] Yes, I can see it.

9 Q. [12:44:42] Very well. So if we go down a bit in the document, you can see 2013,
10 (Redacted)

11 (Redacted)

12 So just a question by way of clarification, if we go down a bit further. Thank you.

13 You can see here that there is a question and answer, or this is attributed to:

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [12:46:11] Thank you, Witness.

19 So this document can be taken off now. I think it's already -- has already been
20 submitted so there's no need for formal submission thereof.

21 Witness, did you know that there was (Redacted)

22 (Redacted)

23 A. [12:46:51] They arrived before me and I never saw them again -- or they arrived
24 at my house, but I never saw them again. They never came back.

25 Q. [12:47:07] Very well, Witness.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 (Redacted) and that's at
2 tab -- well, tab 6 on our list of materials, CAR-OTP-2013-0690.
3 A. [12:47:55] I'm just looking at that.
4 PRESIDING JUDGE SAMBA: [12:48:03] Yes, yes, Mr Witness, we are listening to
5 you.
6 THE WITNESS: [12:48:11](Interpretation) I'm just looking at -- can I just take the
7 medicine, please, medication? I have tablets.
8 PRESIDING JUDGE SAMBA: [12:48:20] Certainly, Mr Witness.
9 Go ahead and take your tablets, please.
10 (The witness exits the video-link room)
11 (Pause in proceedings)
12 (The witness enters the video-link room)
13 PRESIDING JUDGE SAMBA: [12:50:43] Welcome back, Mr Witness.
14 THE WITNESS: [12:50:48](Interpretation) Thank you.
15 PRESIDING JUDGE SAMBA: [12:50:50] Good.
16 Mr Jacobs, please continue.
17 MR JACOBS: [12:50:55] (Interpretation) Thank you, your Honour.
18 Q. [12:51:02] So, Witness, normally you should have a document on the screen in
19 front of you and that is Bangui, (Redacted)
20 (Redacted)
21 (Redacted)
22 A. [12:51:31] Yes, I am the one who wrote it.
23 Q. [12:51:33] Very well. Very well. And following, following the alleged
24 incidents, alleged to have taken place in PK9, an investigation was opened, was it
25 not?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [12:52:20] Who was going to carry out an investigation? Because at that time,
2 was there gendarmes, were there police, were there soldiers? Who could carry out
3 an investigation?

4 MR JACOBS: [12:52:41] (Interpretation) Court officer, we can take this document
5 away. It's already submitted, I believe.

6 And we would like to show a video to the witness. Could we have control of it,
7 please. And so this is at tab 20 on our list of materials, CAR-OTP-2023-3178.

8 And I'm giving the information for the transcript for the interpreters and that is tab
9 20.1, CAR-D33-0014-1067. And for the English, it's 20.2, CAR-D33-0014-1068.

10 THE COURT OFFICER: [12:54:05] The video is on evidence channel 2 and the
11 transcript on evidence channel 1, for the interpretation. Thank you. And the
12 Defence has the floor.

13 MR JACOBS: [12:54:19] (Interpretation) Thank you, court officer.

14 Q. [12:45:20] So we're going to show you a small video of approximately a minute,
15 if that's okay, Witness.

16 A. [12:54:27] Yes.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [12:54:30] (Interpretation of the video excerpt)

19 "If I wish to express myself directly to press it's because in the last 48 hours bodies
20 have been discovered of some of our co-citizens around the hotel Oubangui with
21 regular frequency. These bodies were in a state of advanced putrefication floating in
22 the Oubangui river and they have been taken out and transported to the morgue of
23 the community hospital. These are bodies which had been tied up with rope. Two
24 of them had already been identified and recovered by their relatives. The three
25 others are awaiting identification.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 This, whatever the case, is one of the horrific crimes which will not remain
2 unpunished. A judicial investigation has already been opened in order to clarify the
3 circumstances and the facts in -- related to these acts of barbarism and in order to
4 determine who could be responsible therefor. With regards to the families, may they
5 receive the expression of our sincere compassion at this moment of despair. To
6 finish, justice will be issued and it will show an example of rigor. Thank you."

7 MR JACOBS: [12:56:15] (Interpretation)

8 Q. [12:56:17] So, Witness, according to the information we have, this is a video -- or
9 this speech was broadcast on 16 July 2013 and it was the prosecutor of the republic,
10 Alain Tolmo. So were you aware of this video, 16 July 2013 -- so the investigation
11 was opened on 16 July 2013. Were you aware of this video?

12 A. [12:56:49] No, I wasn't. I can't be aware of everything that is happening. At
13 that time there was a difficult situation, horrible and the other matters were not of
14 interest at all.

15 Q. [12:57:09] Absolutely, Witness. I can understand the situation in which you
16 were. It's just to know if you knew about this.

17 And I've finished with this item, Madam Court Officer, and we would ask for the
18 formal submission thereof, and it's 20 on our list of notification, CAR-OTP -- so I
19 suppose that we will ask for the -- so that's CAR-OTP-2023-3178 and I suppose we'll
20 ask for the formal submission of both transcripts, namely tab 20.1 and 20.2.

21 So a last question that I'd like to put about (Redacted) or the discussions that you had.
22 In your previous statement, you stated, and this is in paragraph 29, that you had
23 previously (Redacted)
24 (Redacted), and that was some time in
25 2014, and that you corrected that in your preparation and you said that it was MISCA

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 and not MINUSCA, and that you hadn't complained, but the -- that you had been
2 (Redacted). And when you said that they interviewed you, did they take a
3 statement from you?

4 A. [12:59:02] Yes, they made a statement on the record.

5 Q. [12:59:14] So the MISCA, they took your statement in 2014; is that correct?

6 A. [12:59:22] Yes.

7 Q. [12:59:30] And do you have a copy of that statement?

8 A. [12:59:35] I can't have that. I don't even know if the MINUSCA have it. They
9 have left since then.

10 I don't know if the police of the MISCA --

11 THE INTERPRETER: [12:59:54] Corrects the interpreter,

12 THE WITNESS: [12:59:56] (Interpretation) -- are still there or if they have it since
13 then, since the arrival of the MINUSCA.

14 MR JACOBS: [13:00:03] (Interpretation)

15 Q. [13:00:04] Very well, Witness.

16 MR JACOBS: [13:00:08] (Interpretation) Your Honour, I see the time, but I've almost
17 finished, so with your indulgence, in a few minutes I can finish with the
18 cross-examination.

19 PRESIDING JUDGE SAMBA: [13:00:17] Please go ahead. We'll ask for the Registry
20 to accommodate us a little bit.

21 Go ahead, Mr Jacobs.

22 MR JACOBS: [13:00:29] (Interpretation) Thank you, Madam President.

23 Q. [13:00:43] Mr Witness, I have two or three small questions still for you.

24 Now, in your prior statement, you say at paragraph 26, same references, that three or
25 four weeks after (Redacted), you went to Camp de Roux to find out if you could

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 locate the minibus. And my question to you is why, why would you go three weeks
2 after the death of (Redacted), that's towards the end of July, to look for the minibus of
3 (Redacted)-- at Camp de Roux?

4 A. [13:01:29] If the minibus were at Camp de Roux, then it would mean that the
5 people were effectively presented to the head of state, as the claim had been made,
6 and that the owner of the vehicle could somehow be -- have been arrested. And if
7 the car wasn't there, then it would be the same thing they have done before, people
8 are killed, they become the spoils of war. And that's exactly how things were being
9 done. So if the vehicle were not found at the Camp de Roux, it would mean that
10 when those acts were committed, the vehicle itself would have been collected as a
11 spoil of war.

12 And so that is how I got to understand ultimately that maybe the president of the
13 republic never saw those people and so the leader of those people did whatever he
14 wanted to do or whatever they wanted to do.

15 So I was assisted by some individual who was in charge of rehabilitation works at
16 Camp de Roux, so when I asked him, he said there were so many people and that it
17 was not possible to identify everything, that there was Seleka, and here and there, so
18 he asked if I could come in and check. And I went in and checked and there
19 was -- there was nothing. So the idea was, going by experience, I wanted to find out
20 whether the vehicle had actually been taken to the palace as the allegations had been
21 made.

22 Q. [13:03:28] Thank you very much, Mr Witness, for those clarifications.
23 I want to stop a little bit for interpretation.

24 Now I move to my penultimate question.

25 Madam Court Officer, could you please display tab 18 on our list of materials,

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

- 1 CAR-OTP-00000613, page 3, please. This can be shown to the witness.
- 2 Mr Witness, you will see a document that was prepared by the investigators of the
- 3 OTP ascribing a number of phone numbers to you and I simply want you to confirm
- 4 whether these are your numbers or not.
- 5 The first number you see is (Redacted).
- 6 A. [13:04:29] That's my number. That's my number.
- 7 Q. [13:04:35] Very well. Did you use this number in 2013?
- 8 A. [13:04:38] Yes. I still use it to this day.
- 9 Q. [13:04:47] Very well. The second number we see here is (Redacted). Same
- 10 question, is this your number?
- 11 A. [13:04:57] Yes, it used to be my number, but I no longer use it.
- 12 Q. [13:05:04] Very well. Did you have that number in 2013?
- 13 A. [13:05:11] Yes, it was my number in 2013, I think.
- 14 Q. [13:05:19] Thank you very much, Mr Witness, for your help.
- 15 I would like the document to be taken off and I request its formal submission. Tab
- 16 18, CAR-OTP-00000613.
- 17 Now, a few last questions, Mr Witness.
- 18 After the events, did you maintain contact with (Redacted), the owner of the
- 19 minibus?
- 20 A. [13:06:04] Not regular contacts, but I don't have any particular problems with
- 21 him. We run into each other every now and then and we chat, we have
- 22 conversations, but we are not together on a daily basis and I don't have any problems
- 23 with him.
- 24 Q. [13:06:25] Did you continue to make -- or take any initiatives together in relation
- 25 to what happened with the minibus?

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 A. [13:06:40] No, no.

2 Q. [13:06:43] So -- very well. After you talked with MISCA in 2014, you no longer
3 (Redacted)?

4 A. [13:06:54] No, no, nothing more. Well, we all mourned in our own different
5 ways in our own different places.

6 Q. [13:07:15] Thank you, Mr Witness.

7 Last question: Did the investigators of the OTP, from the time you first met them in
8 2015, have they covered any expenses for you, like such as medical expenses?

9 A. [13:07:32] Medical expenses, no. Medical? Medical expenses, the
10 investigators? No.

11 Q. [13:07:41] The OTP in general, for example, your current health problems, who
12 is paying for your health care, medication and doctors?

13 A. [13:07:53] Yes, they have helped me. They have helped me somewhat. By the
14 way, and I'm happy for that, thankful for that, they got me some medication.

15 Q. [13:08:10] Very well. If you are aware, do you know how much the OTP has
16 spent on your hospital fees and so on and so forth?

17 A. [13:08:23] I only had some medication because (Redacted)
18 (Redacted). And they bought the medication
19 for me. That's all.

20 Q. [13:08:38] Thank you, Mr Witness.

21 MR JACOBS: [13:08:42] (Interpretation) Madam President, that was my last
22 question.

23 PRESIDING JUDGE SAMBA: [13:08:45] Thank you very much, Mr Jacobs.

24 Mr Choudhry, do you have any question in re-examination of this witness, please.

25 MR CHOUDHRY: [13:08:54] No further questions, your Honour.

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [13:08:57] Yes.

2 And we have no questions from the bench for you, Mr Witness. So on behalf of the
3 Chamber, I thank you very much for helping us get the story of what happened in the
4 Central African Republic, best as you have testified to, before us. We do very much
5 appreciate your help.

6 We wish the best of luck in all that you do out there and we ask that you take good
7 care of yourself and we wish you good health, so don't be sick, (Redacted)
8 (Redacted)

9 THE WITNESS: [13:09:38](Interpretation) Thank you. Thank you very much.
10 Thank you.

11 PRESIDING JUDGE SAMBA: [13:09:42] Yes.

12 THE WITNESS: [13:09:44](Interpretation) So does this mean that this is finished?
13 I am done? Is this all for the discussions, my testimony? So this is it?

14 PRESIDING JUDGE SAMBA: [13:10:03] Yes, yes, Mr Witness.

15 THE WITNESS: [13:10:07](Interpretation) Madam President, I don't -- I'm
16 wondering whether I can listen to the rest of the proceedings, or is this it, is it over for
17 me?

18 PRESIDING JUDGE SAMBA: [13:10:19] This is over for you, Mr Witness. We've
19 finished taking your testimony. We will meet here again another day, but that will
20 be listening to some other person or persons. For you, yours is done so we wish you
21 the best of luck and you are released. Thank you very much.

22 THE WITNESS: [13:10:41](Interpretation) Thank you. Thank you very much.
23 Goodbye.

24 (The witness is excused)

25 (The witness exits the video-link room)

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [13:11:28] Can we open the session, please.

2 (Open session at 1.11 p.m.)

3 THE COURT OFFICER: [13:11:39] We are now in open session and the video link
4 has been disconnected. Thank you.

5 PRESIDING JUDGE SAMBA: [13:11:46] Thank you very much, Madam Court
6 Officer.

7 And for the Prosecution, we understand we should be listening to the 45th
8 Prosecution witness, and that is P-0664. The Chamber and the Defence are very
9 much ready and waiting to hear, and even the victims representative, we are all ready
10 to hear P-0664.

11 Tell us something, Madam Prosecutor.

12 MS MAKWAIA: [13:12:17] Yes, your Honours, the Prosecution intended to call
13 P-0664 as its alternate witness. As indicated last week, the witness has refused to
14 testify through AVL. His passport and visa as issued are still at the location where
15 the visa has been issued, but not collected. For that reason, your Honours, the
16 witness cannot travel to The Hague to come and testify. And because he's refused to
17 testify through AVL, the Prosecution does not have a witness to be heard for the
18 remaining 12 hours of the judicial calendar.

19 PRESIDING JUDGE SAMBA: [13:13:02] Is there any way that he'll be -- I mean, is
20 there any way that he'll be here this week? Because this is the only block we have.
21 Are you saying -- I mean, leaving aside the 12 hours, because if you say 12 hours, I'm
22 going to understand that maybe by Wednesday we could hear him.

23 MS MAKWAIA: [13:13:23] Our colleagues in VWS had indicated earlier they didn't
24 have the capacity to collect the passports before the 4th and 8th of August. So I still
25 haven't heard feedback, but I simply think it won't be possible to hear him this block

Trial Hearing
WITNESS: CAR-OTP-P-0491

(Open Session)

ICC-01/14-01/21

1 because no passports would be collected between this time frame.

2 PRESIDING JUDGE SAMBA: [13:13:50] We get the message. So on that note,
3 because if you say there's no way till August -- 4th and 8 August, that's well into the
4 vacation period, so we'll only meet here again after the recess, is that what you're
5 saying for your Prosecution witnesses, any of them?

6 MS MAKWAIA: [13:14:15] Yes, Madam President. Unfortunately, the two that
7 were available and prepared, 664 and 834, both refused to testify AVL, so the only
8 other way is to have them here. So, no, the Prosecution doesn't have any more
9 witnesses before the recess.

10 PRESIDING JUDGE SAMBA: [13:14:34] We do take note of that.
11 So I'm going to adjourn until we hear from the Prosecution after recess hopefully.
12 And I want to wish everybody happy recess, including our investigators and our
13 security people.

14 And Mr Said, please recover well by the time we meet again.

15 Happy recess. Bye.

16 THE COURT USHER: [13:15:02] All rise.

17 (The hearing ends in open session at 1.15 p.m.)