

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African** Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Tuesday, 16 April 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:36] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:33:00] Good morning, everyone.
14 Madam Court Officer, can you please mention the case. Thank you.
15 THE COURT OFFICER: [9:33:09] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 For the record, the witness is in the transmission room. Thank you.
20 PRESIDING JUDGE SAMBA: [9:33:25] Thank you very much, Madam Court
21 Officer.
22 Can I ask for representation by the parties, starting with the Prosecution, please.
23 MS MAKWAIA: [9:33:33] Thank you, Madam President, your Honours. For the
24 Prosecution, myself Holo Makwaia and Brunhild Le Bailly. Thank you.
25 PRESIDING JUDGE SAMBA: [9:33:42] Thank you very much, Ms Makwaia.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Open Session)

ICC-01/14-01/21

1 Ms Pellet, your representation for the victims, please.

2 MS PELLET: [9:33:50](Interpretation) Thank you, Madam President. The victims
3 are represented by Tars Van Litsenborgh and by myself, Sarah Pellet, counsel for the
4 Office of Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [9:34:02] Thank you very much, Ms Pellet.

6 Ms Naouri for the Defence, please.

7 MS NAOURI: [9:34:08](Interpretation) Thank you, Madam President. Good
8 morning. By my side we have Dov Jacobs; by his side, Léa Allix; and I am
9 Jennifer Naouri, lead counsel for Mr Said.

10 PRESIDING JUDGE SAMBA: [9:34:24] Thank you very much, Ms Naouri.

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

12 Mr Said, a very good morning to you. I hope I see you well.

13 MR SAID: [9:34:37](Interpretation) Yes. Good morning, Madam President.

14 PRESIDING JUDGE SAMBA: [9:34:41] Good morning.

15 Good morning, Mr Witness. I hope you had a restful evening.

16 WITNESS: CAR-OTP-P-3047 (On former oath)

17 (The witness speaks French)

18 (The witness gives evidence via video link)

19 THE WITNESS: [9:34:51](Interpretation) Good morning.

20 PRESIDING JUDGE SAMBA: [9:34:53] Now, we're going to continue with your
21 cross-examination by counsel for Mr Said. We still consider you as being under oath
22 to tell the truth to this Court.

23 Counsel for the Defence, Mr Jacobs, your witness, please. And we are in open
24 session.

25 MR JACOBS: [9:35:28] (Interpretation) Thank you, Madam President.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

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

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

3 A. [9:35:37] Good morning.

4 MR JACOBS: [9:35:47](Interpretation) Madam President, in order to continue the
5 line of questioning from yesterday, I believe we should move into private session,
6 please.

7 PRESIDING JUDGE SAMBA: [9:35:57] Can we go into private session, please,
8 Madam Court Officer. Thank you.

9 (Private session at 9.36 a.m.)

10 THE COURT OFFICER: [9:36:10] We are in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [9:36:16] Thank you very much.

12 Mr Jacobs, continue, please.

13 MR JACOBS: [9:36:20](Interpretation) Thank you, Madam President.

14 Q. [9:36:24] So, Mr Witness, we're going to resume where we left off yesterday, all
15 right?

16 We were talking about (Redacted)

17 (Redacted)

18 (Redacted)

19 If you could bring up your prior statement, so CAR-OTP-2130-6904, so that's still tab
20 number 1 on our list of evidence, and at paragraph 56. Thank you.

21 So you indicate in your prior statement that, quote: "(Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)" End of quote. Can you see that paragraph, Mr Witness?

25 A. [9:38:07] Yes, I can see it.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 Q. [9:38:32] Very well. So I have a number of questions to put to you.

2 Do you remember the date at which you went (Redacted), Mr Witness?

3 A. [9:38:53] I no longer recall the date. I no longer recall.

4 Q. [9:39:01] Very well. And I'm just going to put the question to you to be sure.

5 Do you remember the date when you then went (Redacted)?

6 A. [9:39:30] I no longer recall the date. I no longer recall the date.

7 Q. [9:39:40] Very well. (Redacted)

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 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [9:42:54] Very well, Mr Witness.

10 Madam Courtroom Officer, would it be possible to show the annex to the prior
11 statement of the witness, so that would be page 6926 of this document, please.

12 Perfect.

13 So, Mr Witness, can you see this document before you?

14 A. [9:43:32] Yes, I can see the document.

15 Q. [9:43:35] Very well. So we'll start with the signature at the top.

16 Could you please scroll up somewhat. Perfect.

17 Mr Witness, do you recognise the signature on this page?

18 A. [9:43:56] Yes, I do recognise my signature.

19 Q. [9:44:03] Thank you.

20 Could we please scroll down a little bit. A little bit more, please. Thank you.

21 Do you recognise this document, Mr Witness?

22 A. [9:44:25] Yes, it is my passport.

23 Q. [9:44:28] Very well. And can you confirm that the investigators made a
24 photograph of this passport at the time of taking down your prior statement?

25 A. [9:44:45] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 Q. [9:44:50] Very well.

2 Could we please zoom in to the bottom page, that is, the lower part of the passport,
3 please. Perfect, thank you.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [9:49:02] Well, we shall carry on.

16 If we could go to the top part?

17 PRESIDING JUDGE SAMBA: [9:49:12] Exactly. I wanted to suggest that we look at
18 the top part of the passport. Thank you.

19 MR JACOBS: [9:49:30](Interpretation) Absolutely.

20 Q. [9:49:32] I don't know whether you can see the other page before you,

21 Mr Witness. There we have it.

22 Can you see it, Mr Witness?

23 A. [9:49:53] Yes, I can see it. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [9:55:01] Very well, Mr Witness.

11 We can take the document away, please.

12 Sorry, I think we need to put it back because this is the prior statement with the

13 annexes. I'm not used to this. It is not very frequent to have the annexes back in

14 the same document as the prior statement.

15 So we're going to be looking at paragraph 57, please, Madam Courtroom Officer.

16 Thank you, Madam Courtroom Officer.

17 So at paragraph 57 of your prior statement, Mr Witness, you talk about (Redacted)

18 (Redacted). Could you explain

19 to us what the BIR is? What is it?

20 A. [9:56:27] I'm sorry?

21 Q. [9:56:28] Can you see the paragraph before you where you explain that

22 (Redacted)

23 (Redacted). So I'd like to

24 know what the BIR is.

25 A. [9:56:56] Well, it's like the FACA in the Central African Republic. The BIR,

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 B-I-R, they are in Cameroon the same as the FACA are in the CAR.

2 PRESIDING JUDGE SAMBA: [9:57:15] There is no -- the BIR is not interpreted in the
3 French document in that paragraph, because I see it in the English testimony of this
4 witness as the rapid response battalion. Isn't it in the French? It is not, okay.

5 MR JACOBS: [9:57:45] (Interpretation) No, Madam President. In the French
6 version we just have BIR. So one second, with your leave.

7 And what is more, we do not have an official English version of the prior statement,
8 we only have a French statement. So if there is an English version, it was not
9 disclosed to us, we have not been made aware of its existence, just for information.

10 Unless I'm mistaken, of course, but it would seem to me that we do not have the
11 English version.

12 PRESIDING JUDGE SAMBA: [9:58:29] Is there one on the trial -- the exhibit, the
13 exhibit list from the Prosecution, like you have the French version tab 1 and maybe
14 tab 2 the English version?

15 May I ask the Prosecution why you didn't give or supply or provide the English
16 version of this witness's statement to the Defence counsel, please?

17 MS LE BAILLY: [09:59:03] (Interpretation) Of course, Madam President.

18 (Speaks English) Because it's only the French version is the -- for the accused is the
19 language that he understands, that we thought that the French was enough for them
20 to have.

21 PRESIDING JUDGE SAMBA: [9:59:07] Can you send them an English version of this
22 witness's testimony, please?

23 MS LE BAILLY: [09:59:20] Yes, of course.

24 PRESIDING JUDGE SAMBA: [9:59:22] Thank you very much.

25 Mr Jacobs, please.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [9:59:28] (Interpretation) Thank you very much, Madam President.

2 Q. [9:59:30] Mr Witness, are you still there?

3 A. [9:59:32] Yes.

4 Q. [9:59:34] Very well. So let us continue. You said that the BIR is the equivalent
5 in Cameroon to the FACA, so that's the armed forces, the Cameroonian armed forces;
6 is that right?

7 A. [9:59:49] Yes.

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 (Redacted)

24 Q. [10:02:09] Thank you, Mr Witness.

25 MR JACOBS: [10:02:20] (Interpretation) So can we please display the passport

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 page we saw earlier on. This is page 6926, please.

2 PRESIDING JUDGE SAMBA: [10:02:32] Mr Jacobs, if I may.

3 Mr Witness, can we ask that in giving your answers to counsel's questions, you talk a
4 bit more slow so that we'll help the interpreters get each and every word that you say,
5 please. Just slow down a bit. Thank you very much.

6 Mr Jacobs, please.

7 MR JACOBS: [10:03:12] (Interpretation)

8 Q. [10:03:13] So if we can look at the top half of the page, the top half of the
9 passport, and would it be possible to turn the -- rotate the document twice because we
10 have a stamp that's upside down. One more time, please. Yes, thank you. That's
11 perfect. Go down a bit, please. Perfect.

12 Can you see this, Mr Witness? We're back at the passport. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:04:43] Thank you, Mr Witness.

20 We can remove this document. Madam Court Officer, can we display item

21 CAR-D33-0014-0338. Can we display it for the Court, but not for the witness, please.

22 This is tab 24.

23 Okay, can we show the witness, please.

24 Mr Witness, this is an exchange that was obtained by the Prosecutor's office of an

25 exchange that happened between two people on Facebook. You can see it displayed

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

- 1 in front of you. On this page there is the full conversation that took place on this
2 day.
3 We can go down a bit.
4 Can you see?
5 Go down. And then we can go to the next page, 0339. 0339, please. It's the correct
6 page -- oh, no, rather, the page before. I've got a problem with the way they are
7 numbered, I don't know why. So the bottom of this page, please.
8 So we can see a message that was sent (Redacted). I don't know if
9 you can read it, and it says, (Redacted)
10 (Redacted)
11 Can you see this message in blue, Mr Witness?
12 A. [10:08:34] Yes, I can see it.
13 Q. [10:08:44] Okay. (Redacted)
14 (Redacted). Do you
15 have anything to say about this?
16 A. [10:09:02] No, I have no comment on this. This has nothing to do with me,
17 nothing to do with me.
18 Q. [10:09:16] Okay. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 Q. [10:10:00] Very well. And do you know this person Jean Alesco Bouragoro?
25 A. [10:10:19] I know him. He's a police officer.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 Q. [10:10:36] Where is he a police officer, Mr Witness?

2 A. [10:10:38] He is a police officer in Bangui.

3 Q. [10:10:50] And how long have you known him, Mr Witness?

4 A. [10:11:00] The time of the Seleka. It was just at the time of the Seleka.

5 Q. [10:11:10] Yes, so in 2013. And so before March 2013, did you know him?

6 A. [10:11:16] No, I did not. I did not know him.

7 (Redacted)

8 (Redacted)

9 A. [10:11:40] *He also fled from the Seleka's actions in the country. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:12:08] And the other person that is mentioned here, Yia Gbado Vinga Vinga,

15 do you know them?

16 A. [10:12:20] No, I don't know this person. It's a fake name that was given, that

17 was put there.

18 Q. [10:12:39] Okay. Can we go to the last page of this document, please. Can we

19 scroll down a bit more, please. Thank you, stop.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 So this person also says that they were in contact with you. Do you have a comment,

25 Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 A. [10:13:38] The problem is this: He is I think using a fake name. Maybe I know
2 this person, but here they're using a fake name.

3 Q. [10:13:54] So you cannot enlighten us as to what this person is referring to when
4 (Redacted) We're just trying to understand
5 what they're referring to?

6 A. [10:14:23] It's this -- that's just their message. They might be referring to me,
7 but I don't really know what they're saying about me. It's none of my business.

8 Q. [10:14:37] Very well, Mr Witness. Thank you very much.
9 We can remove the document, Madam Court Officer.

10 MS LE BAILLY: [10:15:09](Interpretation) Madam Presiding Judge, (Speaks English)
11 I'm sorry for interrupting the Defence counsel. We would like to inform you that we
12 don't have any official English translation of this statement because it's automatic for
13 us under Rule 76 to automatically translate any English signed original statement but
14 not a signed original French statement.

15 PRESIDING JUDGE SAMBA: [10:15:31] Okay.

16 I will ask -- can I ask the Registry then to give the Defence a copy of the statement.
17 Because I know that we asked for a copy and we were afforded one by the Registry.
18 And that's one for the Registry, please.

19 THE COURT OFFICER: [10:15:45] We will proceed accordingly upon reception,
20 your Honour.

21 PRESIDING JUDGE SAMBA: [10:15:51] Thank you very much.

22 Mr Jacobs, continue.

23 MR JACOBS: [10:15:56](Interpretation) Thank you, Madam President.

24 Q. [10:16:01] Mr Witness, we will now move on to another topic, okay? Can you
25 still hear me?

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 A. [10:16:15] Yes, I can hear you.

2 Q. [10:16:16] Very well. Mr Witness, do you remember when you were contacted
3 for the first time by the investigators from the Court's office -- the Prosecutor's office?

4 A. [10:16:30] No.

5 Q. [10:16:46] All right.

6 So we have a report from the investigators which is CAR-OTP-00036279, which is tab
7 16 in our list of evidence. I'm not sure it's necessary to display it to the witness since
8 this is a document that's in English, but I will read an excerpt from it. It can be
9 displayed for the Court, I believe, but not for the witness. Perfect. Thank you very
10 much.

11 According to this investigation report, an investigator called you by phone on 18
12 June 2021 and this report states that you confirmed your identity but you refused to
13 continue on with the call. This is 18 June 2021.

14 Does this jog your memory and help you remember the date, Mr Witness?

15 A. [10:18:21] What date is this?

16 Q. [10:18:23] 18 June 2021, Mr Witness.

17 A. [10:18:36] I can no longer recall this date.

18 Q. [10:18:44] All right. That's not a problem.

19 So this same investigation report states that you confirmed your identity but declined
20 to continue the call. Can you explain to us the reason for this?

21 A. [10:19:03] I can no longer remember the date, how can I explain it to you?

22 Q. [10:19:13] All right, Mr Witness. But I'm no longer referring to the date.

23 That's not what I'm talking about. The first time the investigators called you, the
24 report explains to us that they spoke to them on the -- that they spoke to you on the
25 phone and that you refused to talk to them, you didn't want to speak to them. You

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 refused to continue to speak to them, and can you explain to us why?

2 A. [10:19:36] Because the phone was not with me. Because the phone was in the
3 hand of another person and *that person thought that it was the criminals who were
4 there at the airport, the con men. That's it.

5 Q. [10:20:04] And who is this other person who was holding the phone,
6 Mr Witness?

7 A. [10:20:08] It was my younger brother.

8 Q. [10:20:17] Just to be clear in the -- in our file, can you please give us his name?

9 A. [10:20:26] (Redacted). He's the
10 one who came to tell me that these people at the airport, that they wanted to scam me,
11 to the point that the controllers insisted and then I hung up.

12 Q. [10:21:01] All right. And the same report says that they asked your older
13 brother to convince you to speak to the investigators. Do you remember this
14 happening, Mr Witness?

15 A. [10:21:13] Yes, I remember this. I remember.

16 Q. [10:21:24] Okay. So at this point you knew that your older brother was
17 working with the investigators from the Prosecutor's office?

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:22:04] Okay. So when it comes to my question, you knew that the older
23 brother was working with the investigators for -- of the International Criminal Court?

24 A. [10:22:15] I told you that (Redacted).

25 MS LE BAILLY: [10:22:22] I'm sorry, but "working", "*travail*", is a little bit of a strong

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 word. I would like the Defence counsel to reformulate his question, please.

2 PRESIDING JUDGE SAMBA: [10:22:32] Thank you.

3 Yes, Mr Jacobs, when you say he was "working" with the OTP, what do you mean
4 "working"?

5 MR JACOBS: [10:22:39](Interpretation) *Yes, I apologise, Madam President. I
6 would correct the term: "collaborate" would have been a better word to use at that
7 time. He was interacting with the office of the Prosecutor. "interacting"?

8 *Ms LE BAILLY : [10:22:48] "Interact". "Collaboration" is also a very strong word.

9 *MR JACOBS: [10:22:54] Well, excuse me, "collaborated", because the Office of the
10 Prosecutor contacted the older brother and asked him to contact another witness to
11 convince him to speak to the OTP. I think we can speak about collaboration,
12 collaborating within the framework of the investigation.

13 MS LE BAILLY: [10:23:15] (Overlapping speakers) The investigator called the big
14 brother of the witness to get his contact details at first, so he was a point of contact, a
15 focal point.

16 PRESIDING JUDGE SAMBA: [10:23:20] Yes, I'll accept the word "contact". Even
17 "collaboration" is a little bit too much, except if you have evidence to show that. But
18 "contacting", as we have in the report you're referring to, will, I think, be a proper
19 word to use. Thank you.

20 MR JACOBS: [10:23:50](Interpretation) So if I've understood correctly what the
21 Prosecutor's office is saying to us is that this was -- he was an intermediary; is that -- is
22 that correct?

23 MS LE BAILLY: [10:23:59] (Overlapping speakers) No, as Madam President says, it's
24 just a contact, a means to contact the witness.

25 MR JACOBS: [10:24:07](Interpretation) I'll continue, Madam President, in any case.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [10:24:17] Carry on, please. Continue, please,
2 Mr Jacobs.

3 MR JACOBS: [10:24:38](Interpretation)

4 Q. [10:24:39] Do you remember what your older brother told you in order to
5 convince you to speak to the investigators of the Office of the Prosecutor?

6 A. [10:24:53] He didn't speak to me. He spoke to my younger brother, and it's my
7 younger brother who then came to see me and said, "Ah, these are the people from
8 the UN who are calling you about people from Seleka, so you need to speak to them."

9 Q. [10:25:13] All right. So how was your first physical meeting with the
10 investigators from the OTP organised?

11 A. [10:25:33] I don't know how they organised the programme of their missions,
12 but they called me in the evening one day to tell me -- to ask me if I'm (Redacted)
13 I said, "Yes, it's me." They gave me a meeting at (Redacted) at a given time
14 and we met there. And it is during these meetings (Redacted) that I delivered the
15 statement that you have been reading.

16 Q. [10:26:12] Yes, there's something that you said that was not transcribed. You
17 said that they gave you a meeting at (Redacted), but we didn't manage to note the
18 word you used. Can you tell us (Redacted)?

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SAMBA: [10:26:52] Can the witness tell the Court where the
22 meeting was held, your first meeting with the investigators of the Office of the
23 Prosecutor, where in *(Redacted)?

24 THE WITNESS: [10:27:21](Interpretation) (Redacted)

25 (Redacted), that is where the first meeting took place.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [10:27:39] Thank you very much.

2 Mr Jacobs, please continue.

3 MR JACOBS: [10:27:57](Interpretation)

4 Q. [10:27:58] Did your brothers or other people accompany you for this meeting
5 with the representatives of the OTP to -- when your declaration -- where your
6 statement was taken?

7 A. [10:28:07] What?

8 Q. [10:28:08] Did your brothers, your younger and older brothers, did they go with
9 you to meet the representatives of the OTP?

10 A. [10:28:16] No, not at all.

11 Q. [10:28:32] Very well. So we already -- earlier on, we already spoke about the
12 picture of the passport we saw. So you can confirm that the investigators did not
13 take another picture of an ID where you can see your head, your face, your name?

14 A. [10:28:54] No.

15 Q. [10:29:05] Did the investigators ask you any questions to which you answered
16 by "yes" or by "no"?

17 A. [10:29:27] Yes; for example, a few. Everything that you've said to me, there's
18 no questions that have a yes or no answer.

19 Q. [10:29:45] Okay. So maybe I'll ask you another question that will help clarify
20 this one.

21 Did the investigators before they spoke to you, did they know things about what had
22 happened to you? Did they ask you to confirm certain things -- that this and this
23 happened and can you confirm this to be true?

24 A. [10:30:10] No, there were no such questions, no questions. Well, there were
25 images, there were pictures of Nouradine, of Djotodia and so on. And they -- and

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 they'd say, "This is Nouradine" and I'd show them Nouradine in the pictures and then
2 I'd say, "I know this, this person. All the people that are there, I know them, I know
3 them." These were pictures that they showed me.

4 Q. [10:30:49] Very well. And you brought documents with you when you went to
5 see the investigators. We have already seen the press article. There were other
6 documents that you brought such as the photograph of your brother and the emails.
7 How did you know which type of documents that you had to bring with you on that
8 day of your interview with the investigators?

9 A. [10:31:19] Well, the problem is that as I knew that they were investigators who
10 were going to be putting questions to me about everything, I had all those documents
11 on me. *I took all the documentation that happened to be there by chance. All the
12 documents from the vehicles, from Djotodia, from the Seleka, all of that I had taken
13 with me.

14 Q. [10:31:53] Very well. Just to understand correctly, you say, "All the documents
15 of the vehicle, all of that, I took that with me." So I understand that on the day of
16 your interview with the investigators, you took with you documents concerning your
17 vehicles; is that correct?

18 A. [10:32:07] Yes. Yes, yes.

19 Q. [10:32:19] Very well, and do you recall whether the investigators took any
20 photographs, because they do not appear in the annex to your statement?

21 A. [10:32:28] Well, once I got there, it was as if they hadn't come for the documents
22 concerning the vehicles, because they didn't even put questions to me in that regard.

23 Q. [10:32:49] Very well. Thank you very much for those points of clarification,
24 Mr Witness.

25 Now, if we could please bring up the prior statement of the witness. So I'll give the

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 number again, CAR-OTP-2130-6904. And if we look on the first page - if we zoom in
2 somewhat, please, perfect - we can see the number of your passport, (Redacted).

3 Can you see that, Mr Witness?

4 A. [10:33:43] Yes.

5 THE INTERPRETER: [10:33:46] Repetition from the booth: (Redacted).

6 MR JACOBS: [10:33:54](Interpretation)

7 Q. [10:33:55] So that is the number of the passport that you had with you on the
8 day that you provided your prior statement in the year 2021; is that correct?

9 A. [10:34:12] Yes.

10 Q. [10:34:13] Very well. Madam Courtroom Officer, could we please bring up the
11 request to participate as a victim, so that's CAR-OTP-00025572. So that's tab 13, I
12 apologise.

13 And it would be page 00011. Thank you. If we could zoom in somewhat, please.

14 Perfect, thank you.

15 So this is the copy of the passport that you presented when you filled in your request
16 to participate, Mr Witness. Can you see that?

17 And if we look at the number in the -- we can see it's the same number, so (Redacted),
18 top right-hand corner. Mr Witness, can you see that?

19 A. [10:35:48] Yes, I can.

20 Q. [10:35:50] Very well, so you presented the same passport to the investigators
21 from the OTP and to the legal representatives of victims when you filled in your
22 request to participate; is that correct?

23 A. [10:36:06] Yes.

24 MR JACOBS: [10:36:08] So Madam Courtroom Officer, could we please scroll down
25 a little bit. Perfect.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 Q. [10:36:22] Very well. So we can see the information pertaining to you, your
2 profession. We can see the date of issuance, (Redacted). Can you see that,
3 Mr Witness?

4 A. [10:36:42] Yes.

5 Q. [10:36:44] Mr Witness, I would like to understand something. If you had this
6 passport issued (Redacted), I'd like to understand how it is possible that there are
7 stamps dating back to (Redacted) in this very same passport that you showed to the
8 investigators of the OTP that they photographed?

9 A. [10:37:12] No, it's not the same passport. The passport that -- well, the passport
10 that I showed to the investigators was not this passport. It is not this one.

11 Q. [10:37:38] Very well, we're trying to understand. You're saying that when you
12 saw the investigators from the OTP, you had two passports in your possession; is that
13 correct?

14 A. [10:37:47] Yes, I have two passports.

15 Q. [10:38:00] Very well. And the investigators did not take any photographs of
16 the one that we see displayed on the screen here, did they?

17 A. [10:38:10] The passport that I gave to the investigators has already expired.
18 This one has also just expired.

19 Q. [10:38:36] Very well. And do you still have the passport which contains the
20 stamps that shows your travelling, your moving around (Redacted)?

21 A. [10:38:49] No.

22 Q. [10:38:55] So you did have it in 2021 to show it to the investigators, but you no
23 longer have it; is that correct?

24 A. [10:39:05] Indeed. Because the passport, when it has expired, you can no
25 longer travel with it.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 Q. [10:39:21] Thank you, Mr Witness.

2 We can remove the document from the display, Madam Courtroom Officer. Thank
3 you. Now, Mr Witness, when you met with the investigators from the OTP and when
4 you provided your statement, did you receive any money to reimburse your -- for
5 your travel, for your travel expenses?

6 A. [10:39:57] Yes.

7 Q. [10:40:04] Do you remember the amount?

8 A. [10:40:17] I don't know. That's a very long time ago. I've forgotten the
9 amount, but it wasn't over 5,000.

10 Q. [10:40:27] Thank you. And did the investigators provide you with a telephone
11 in order to make it easier to contact you?

12 A. [10:40:41] No.

13 Q. [10:40:46] So yesterday you told us -- and that was transcript real-time T-65,
14 French version, page 19, from line 27 onwards -- and you, in response to a question,
15 said: "Since you have started with this witness business, I have benefited from a
16 number of things, neurologists, to treat me up to now, and I'm still following the
17 treatment."

18 A. [10:41:21] (Overlapping speakers)

19 Q. [10:41:23] Please wait for the interpretation, Mr Witness, all right?

20 A. [10:41:34] All right.

21 Q. [10:41:37] Very well, Mr Witness. I was going to put that question to you. So
22 could you tell us a little bit more about when this started. You said that you
23 benefited from a number of things. Can you tell us when that started, Mr Witness?

24 A. [10:42:01] I don't have my health diary with me here, so I don't know exactly
25 how it started, but it started in that month, in the month of April.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 Q. [10:42:20] *Very well. So when you say that "I benefited from a number of
2 things", you mean that they paid for neurologists and treatment on your behalf is that
3 right ?

4 A. [10:42:37] I was taken to a consultation on two occasions and then when coming
5 out of that consultation, I was taken to the pharmacy in order to buy the medication.

6 Q. Very well. And on each occasion it was not you who paid, i.e. for the
7 consultation and the medication, was it?

8 A. [10:43:14] No. It was they who paid.

9 Q. [10:43:20] Do you remember the amounts?

10 A. [10:43:26] For the consultation it was in a clinic, so for a consultation it is
11 15,000 and I was taken on two occasions. So 30,000, and then for the medication, it's
12 11,600 and something. And I was given -- or paid, they paid for two boxes of
13 Depakine for me.

14 PRESIDING JUDGE SAMBA: [10:44:08] Mr Jacobs, when you say the witness said
15 yesterday, I think that was in answer to a question put by his representative, Ms Pellet.
16 When you say he said yesterday to us that he was paid, can the witness tell us what
17 he means by that. Is it the reimbursement that he received? Is it -- you know, what
18 does he mean that he was paid? I mean reimbursement for transport cost, is that
19 what he means by that payment? Or what other payment, if any, is he talking
20 about?

21 Yes, Mr Witness, can you answer, please.

22 THE WITNESS: [10:45:21](Interpretation) Medicine or medication was paid and my
23 transport was also paid for.

24 PRESIDING JUDGE SAMBA: [10:45:36] Thank you very much. We just wanted to
25 some clarification because of the word "paid". Mr Jacobs, you may continue, please.

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [10:45:58] (Interpretation) Very well.

2 One second, please, Madam President. I'm just perusing my questions to see where
3 I'm going next in order to try and conclude.

4 Q. [10:46:30] Now, Mr Witness, at the time when you spoke to the investigators of
5 the OTP in 2021, did you tell them that you wanted or intended to participate as a
6 victim in the proceedings?

7 A. [10:46:49] Indeed.

8 Q. [10:46:59] And did they put you in contact with anybody at that moment in
9 time?

10 A. [10:47:06] No.

11 Q. [10:47:19] Very well. And when were you put in contact with somebody in
12 order to go through the procedure of becoming a participating victim?

13 A. [10:47:32] They were the ones who called me. They called me back.

14 Q. [10:47:47] To make sure, when you say "they are the ones who called me", can
15 you please tell us who called you, Mr Witness?

16 I don't know if you heard my question, Mr Witness.

17 A. [10:48:20] What did you say?

18 Q. [10:48:21] I was asking you -- you said "they are the ones who called me". I just
19 want things to be clear. When you say "they", who are "they", the ones who called
20 you, Mr Witness?

21 A. [10:48:36] The representatives of ...

22 THE INTERPRETER: [10:48:41] Inaudible.

23 PRESIDING JUDGE SAMBA: [10:48:49] Mr Witness, we understand you may not
24 know the name of the person who called you. We are not asking about the name.

25 But are you talking about the investigators or the representatives of the victims?

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 THE WITNESS: [10:49:11](Interpretation) The legal representatives of victims, or the
2 legal representative, singular, of victims called me.

3 MR JACOBS: [10:49:27] (Interpretation)

4 Q. [10:49:29] Very well. And so the individual who called you was a lady or a
5 gentleman?

6 A. [10:49:39] It was a gentleman.

7 Q. [10:49:44] Was it counsel or Maître Dibert-Bekoy?

8 A. [10:49:53] It was he who called me, Maître Dibert-Bekoy, yes.

9 Q. [10:50:02] Very well. And can you explain to us how your meeting was
10 organised in order to fill in your request to participate, was that in the offices of
11 Maître Bekoy?

12 A. [10:50:20] I no longer recall.

13 Q. [10:50:37] Very well. Well, was it in an office?

14 A. [10:50:41] Yes, it was in an office.

15 Q. [10:50:55] Can you remember who was in attendance when you filled in that
16 request to participate?

17 A. [10:51:13] No.

18 Q. [10:51:24] I would like for us to please display the request to participate, so
19 that's CAR-OTP-0002-5572, that's tab 13. Do you recognise this form, Mr Witness?
20 Can I move on to the next page, Mr Witness, is that all right?

21 A. [10:52:38] Yes, you can move on to the next page.

22 Q. [10:52:41] So could we please bring up page 6. Could we please go down to the
23 bottom of the page. Do you recognise the signature?

24 A. [10:53:06] Yes, I do recognise my signature.

25 Q. [10:53:12] Very well. And when we see the rest of the request, we can see that

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Private Session)

ICC-01/14-01/21

1 it's typed up. Was it you who typed up this request to participate or was it
2 somebody else, Mr Witness?

3 A. [10:53:34] I was the one who typed it up.

4 Q. [10:53:41] So I understand that you were the one sitting behind the computer
5 filling in the request to participate on the computer; is that correct, Mr Witness?

6 A. [10:53:57] Yes.

7 Q. [10:53:59] Very well. So in this very same document I would like for us to
8 display page 3, please. Can we please go down to the bottom of the page.

9 So you indicate here that since the year 2017, you have epileptic attacks when you
10 come under a great degree or amount of stress. Can you see that, Mr Witness?

11 A. [10:55:13] Yes, I can see it.

12 Q. [10:55:14] Very well. Have you seen a doctor in order to establish a diagnosis
13 for these epileptic attacks?

14 A. [10:55:35] Well, I was the one who said it was an epileptic fit, but I'm following
15 the treatment they have given me. It's recent. At the end of each month it happens.
16 And it hits me. You know, I have -- I feel terribly tired for three or four days.

17 Q. [10:56:21] Thank you, Mr Witness, for this clarification. That's very useful. So
18 if I understand, in 2017, you were the one who used the term "epileptic fit". It is not
19 a doctor who said that that was what was wrong with you; is that correct?

20 A. [10:56:40] Yes. I don't know whether this condition is epilepsy or not.

21 Q. [10:56:51] Madam Courtroom Officer, the document can be removed, please.
22 Thank you, Mr Witness, for your answers.

23 Madam President, that concludes my examination of the witness.

24 PRESIDING JUDGE SAMBA: [10:57:29] Thank you very much, Mr Jacobs.

25 Prosecution, any questions in re-examination, please. And we're still in private

Trial Hearing
WITNESS: CAR-OTP-P-3047

(Open Session)

ICC-01/14-01/21

1 session.

2 MS LE BAILLY: [10:57:40] (Interpretation) Madam President, we have no further
3 questions for the witness.

4 PRESIDING JUDGE SAMBA: [10:57:47] Thank you very much.

5 Madam Court Officer, can you get us into open session, please.

6 (Open session at 10.57 a.m.)

7 THE COURT OFFICER: [10:57:59] We are back to open session, your Honours.

8 PRESIDING JUDGE SAMBA: [10:58:07] Thank you very much.

9 Can I ask Judge Flores Liera, do you have any questions for this witness?

10 JUDGE FLORES LIERA: [10:58:14] Thank you, Madam President.

11 No questions from my side.

12 PRESIDING JUDGE SAMBA: [10:58:19] Judge Ugalde, any questions for this
13 witness, please?

14 JUDGE UGALDE: [10:58:23] Thank you, Madam President.

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

16 PRESIDING JUDGE SAMBA: [10:58:29] Okay.

17 Mr Witness, we wish to thank you very much. We've come to the end of your
18 testimony, and we as a Chamber wish to thank you for your cooperating with us and
19 for helping us to get all of these statements or testimonies that hopefully will help us
20 when we come to a judgment.

21 We do wish you well in your future endeavours and we ask that you go back home
22 safe. Thank you very much.

23 (The witness is excused)

24 PRESIDING JUDGE SAMBA: [10:59:02] We'll end this session for this morning

25 here and we expect at the next session to start off with the Prosecution's 27th witness

1 at 11:30.

2 So I rise the Court and ask that we come back at 11:30. Thank you very much.

3 THE COURT USHER: [10:59:25] All rise.

4 (Recess taken at 10.59 a.m.)

5 (Upon resuming in open session at 11.45 a.m)

6 THE COURT USHER: [11:45:33] All rise.

7 Please be seated.

8 PRESIDING JUDGE SAMBA: [11:46:03] Good morning, everyone.

9 Madam Court Officer, can you please mention the case.

10 THE COURT OFFICER: [11:46:10] Good morning, Madam President, your Honours.

11 The situation in the Central African Republic II, in the case of the Prosecutor versus

12 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.

13 And we are in open session.

14 THE INTERPRETER: [11:46:29] Message from the English booth: Apologies, we

15 can hear the *perroquet* at the remote location, which will interrupt the interpretation.

16 Thank you.

17 PRESIDING JUDGE SAMBA: [11:46:42] Thank you, Madam Registry.

18 Court Officer, is there any way you can deal with that, please, before we proceed.

19 THE COURT OFFICER: [11:46:50] The problem should be solved by now,

20 Madam President. Let's check. Thank you.

21 PRESIDING JUDGE SAMBA: [11:46:55] Thank you very much.

22 Can I ask counsel for all the parties to introduce themselves, please, starting with

23 the Prosecution.

24 MS MAKWAIA: [11:47:05] Good morning, Madam President, your Honours.

25 For the Prosecution, myself, Holo Makwaia, senior trial lawyer; and

1 Ms Le Bailly Brunhild, associate trial lawyer. Thank you.

2 PRESIDING JUDGE SAMBA: [11:47:15] Thank you very much, Ms Makwaia.

3 Ms Pellet, your representation for the victims, please.

4 MS PELLET: [11:47:21](Interpretation) Thank you, Madam President.

5 The victims are still represented by Tars Van Litsenborgh and Sarah Pellet, counsel

6 for the Office of Public Counsel for Victims.

7 PRESIDING JUDGE SAMBA: [11:47:34] Thank you very much, Ms Pellet.

8 Ms Naouri for the Defence, please.

9 MS NAOURI: [11:47:43](Interpretation) Thank you, Madam President.

10 On my right, Maître Jacobs. Next to him, Elina Legat. Behind me there is Léa Allix.

11 And myself, I am Jennifer Naouri, lead Defence counsel for Mr Said.

12 PRESIDING JUDGE SAMBA: [11:47:59] Thank you very much, Ms Naouri.

13 I note for the record that Mr Said is in court. Good morning again, Mr Said.

14 MR SAID: [11:48:14](Interpretation) Yes, good morning, Madam President.

15 PRESIDING JUDGE SAMBA: [11:48:20] We note that this witness has a Rule 74

16 counsel, who was appointed by the Registry in filing number 739. Maître Mocpat

17 will assist P-2251 through his testimony.

18 So far, the Chamber has not yet received any specific request pursuant to Rule 74.

19 But we count on Maître Mocpat to remain vigilant and to let the Chamber know if

20 there is a risk that the witness may incriminate himself.

21 If you believe, counsel, that there is a need for you to consult with your client, please

22 raise your hand or inform the court officer.

23 The Prosecution is calling P-2251 as its 27th witness. The Chamber previously

24 granted an application by the Prosecution to introduce P-2251's prior recorded

25 testimony pursuant to Rule 68(3) in decision numbered 571.

1 It is the Chamber's understanding that this witness will be testifying in Sango. I
2 remind everyone of the importance of the need to speak slowly and to observe
3 the five-second rule between questions and answers.
4 Before we connect to the witness -- are we connected to the witness?
5 THE COURT OFFICER: [11:50:09] No, Madam President. I need to call him to
6 the transmission room.
7 PRESIDING JUDGE SAMBA: [11:50:12] Before we connect to the witness, I want to
8 point out that today we will start implementing the new procedure for the formal
9 submission of evidence, which was outlined in the Chamber's email of 2 April 2024.
10 As explained in paragraph 9 of this streamlined procedure, once you have finished
11 using an item, you must state on the record if you wish that item to be formally
12 submitted. If there is no objection from the opposing party, the court officer will
13 then automatically change the status of the item as formally submitted in eCourt. If
14 there are objections, the Chamber will deal with them and instruct the court officer
15 accordingly.
16 To be clear, if you have used an item that has already been formally recognised as
17 formally submitted, you need not ask for this again.
18 As noted in the streamlined procedure, for items that were included as associated
19 material in the calling party's request pursuant to Rule 68 of the Rules, the procedure
20 remains unaltered. As soon as the conditions of Rule 68(3) of the Rules are met and
21 the Chamber has formally authorised the introduction of the witness's prior recorded
22 testimony, all items included in the list of associated material are, in principle, also
23 considered as formally submitted. If the calling party does not want a particular
24 item to be formally submitted they must state so clearly before the Chamber rules on
25 the conditions of Rule 68(3) being met.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 If any of the parties wish to use an item that was introduced as associated material via
2 Rule 68(3) during the hearing, they are free to do so. There is no need to then still
3 ask for the formal submission of such items.

4 I trust that this is all clear and that everyone understands what is expected of them.

5 In any case, we will try the new approach with this witness and deal with any issues
6 if and when they arise.

7 Madam Court Officer, can you connect us to the witness, please.

8 THE COURT OFFICER: [11:54:11](Interpretation) Can the court officer on the
9 ground please confirm the arrival of the witness in the -- to the transmission room.

10 (The witness enters the video-link room)

11 PRESIDING JUDGE SAMBA: [11:55:13] Thank you very much.

12 May I also confirm with Rule 74 counsel as to whether or not he was connected before
13 the witness came into the transmission room.

14 Can you confirm that, counsel?

15 MR MOCPAT: [11:55:38](Interpretation) Yes, obviously.

16 PRESIDING JUDGE SAMBA: [11:55:47] Thank you very much.

17 Now, Mr Witness. Good morning to you. Can you hear me? Can you see me?

18 WITNESS: CAR-OTP-P-2251

19 (The witness speaks Sango)

20 (The witness gives evidence via video link)

21 THE WITNESS: [11:55:59](Interpretation) Yes, I can hear you and I can see you.

22 PRESIDING JUDGE SAMBA: [11:56:05] On behalf of the Chamber I would like to
23 welcome you to the courtroom.

24 THE WITNESS: [11:56:18](Interpretation) Thank you.

25 PRESIDING JUDGE SAMBA: [11:56:21] You should have in front of you,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 Mr Witness, the solemn undertaking to tell the truth that every witness who testifies
2 before this Court must agree to. Can you please read that out for us.

3 THE WITNESS: [11:56:45](Interpretation) Yes, I can read it.

4 I solemnly declare that I will tell the truth, nothing but the truth and the whole truth.

5 PRESIDING JUDGE SAMBA: [11:57:07] Thank you very much, Mr Witness.

6 And do you understand and agree to what you just read out?

7 THE WITNESS: [11:57:25](Interpretation) Yes, I have understood.

8 PRESIDING JUDGE SAMBA: [11:57:30] Good. We will continue.

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

11 We have in place for you voice and face distortion, which means that no one outside
12 the courtroom can see your face or hear your real voice during your testimony.

13 We also have in place for you the use of pseudonym. In accordance with that, we
14 will all refer to you only as "Mr Witness", to make sure that the public does not know
15 your real name. When you answer questions that will not give away who you are,
16 we will do so in open session, which means that the public can hear what is being
17 said in the courtroom.

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

21 I also have a few practical matters you should have in mind when giving your
22 testimony: Everything we say here in this courtroom is written down and
23 interpreted. It is therefore important to speak clearly and at a slow pace. Please
24 speak into the microphone that you have before you and only start speaking when
25 the person asking you the question has finished.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 To allow for the interpretation, everyone has to wait a few seconds before starting to
2 speak.

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

5 Furthermore, we hope that there are no issues with the video link. However, if there
6 are any issues with the technology, rest assured that we will make sure that things are
7 sorted out as quickly as possible.

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

9 THE WITNESS: [12:00:34](Interpretation) Yes, I understand you well.

10 PRESIDING JUDGE SAMBA: [12:00:39] Thank you very much.

11 So we will start with your testimony and I will ask the Prosecution to lead you in
12 evidence.

13 MS LE BAILLY: [12:00:48](Interpretation) Thank you, Madam President.

14 QUESTIONED BY MS LE BAILLY: (Interpretation)

15 Q. [12:01:01] Good morning, Mr Witness.

16 A. [12:01:05] Good afternoon.

17 Q. [12:01:06] My name is Madam Le Bailly and I'm going to be putting questions
18 for you for the OTP. If one of my questions is not clear, please don't hesitate to tell
19 me so and I shall rephrase; do you agree?

20 A. [12:01:24] Yes, I have understood.

21 MS LE BAILLY: [12:01:30](Interpretation) Madam President, could we please go
22 briefly into private session for the identification of the witness.

23 PRESIDING JUDGE SAMBA: [12:01:36] Certainly.

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

25 (Private session at 12.01 p.m.)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

- 1 THE COURT OFFICER: [12:01:53] We are in private session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [12:01:56] Thank you.
- 3 Counsel, please continue.
- 4 MS LE BAILLY: [12:01:59](Interpretation) Thank you very much.
- 5 Q. [12:02:05] Mr Witness, could you please tell us -- give us your full name.
- 6 A. [12:02:17] My name is (Redacted)
- 7 (Redacted)
- 8 Q. [12:02:31] Very well. What is your date of birth?
- 9 THE COURT OFFICER: [12:02:36] Pause between question and answer, please.
- 10 THE WITNESS: [12:02:44](No interpretation)
- 11 MS LE BAILLY: [12:02:48](Interpretation)
- 12 Q. [12:02:49] I'm going to repeat my question, Mr Witness.
- 13 What is your date of birth?
- 14 A. [12:03:00] (Redacted)
- 15 (Redacted)
- 16 Q. [12:03:25] Very well. And what is your place of birth?
- 17 A. [12:03:33] (Redacted).
- 18 Q. [12:03:41] very well.
- 19 Madam President, with your permission we will go back in open session, please, for
- 20 the rest of my questions.
- 21 PRESIDING JUDGE SAMBA: [12:03:49] Thank you very much.
- 22 Madam Court Officer, can we go into open session, please.
- 23 (Open session at 12.04 p.m.)
- 24 THE COURT OFFICER: [12:04:05] We are back to open session, Madam President.
- 25 PRESIDING JUDGE SAMBA: [12:04:09] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 Counsel, continue, please.

2 MS LE BAILLY: [12:04:11](Interpretation) Very well.

3 Q. [12:04:17] Mr Witness, do you remember having been questioned by members
4 of the Office of the Prosecutor?

5 A. [12:04:32] Yes, I do remember.

6 Q. [12:04:39] Do you remember the dates upon which you were interviewed?

7 A. [12:04:52] After all these years, I have forgotten the specific days, but if you have
8 any questions to put to me, I would be in a position to answer them.

9 Q. [12:05:07] Very well. Thank you, Mr Witness.

10 Do you remember, after these interviews, whether you provided a written statement?

11 A. [12:05:22] Yes, I do remember. During those interviews, they wrote down
12 everything that I said on paper.

13 Q. [12:05:34] Very well. Do you also remember having reread and signed that
14 written statement?

15 A. [12:05:49] Yes, I do remember. Last month they called me, we talked. I
16 remember that they had drafted all those documents.

17 Q. [12:06:08] Yes. It is true that we met again recently.

18 But to come back to your written statement, do you remember having, at the time of
19 the interviews, provided any annexes, documents that you furnished in addition to
20 this written statement?

21 A. [12:06:37] Thank you. I do remember that I provided annexes and that they
22 showed them to me.

23 Q. [12:06:48] So, Mr Witness, I would now like to show you a document and ask
24 you whether you recognise it.

25 Madam Courtroom Officer, could we please bring up the document at tab 1 and

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 the ERN, which is confidential in nature, and that has not yet been acknowledged as
2 formally admitted is CAR-OTP-2093-0045, and at the cover page, please. So that's
3 0045 of that document.

4 Mr Witness, can you see the document displayed before you?

5 A. [12:07:45] Yes, I can see it.

6 Q. [12:07:51] Do you recognise this document?

7 A. [12:08:04] I do recognise this document.

8 Q. [12:08:15] Now, Madam Courtroom Officer, could you please bring up
9 the page 0046 of this very same document.

10 Now, Mr Witness, could you please look at the top of this document. Do you
11 recognise a signature?

12 A. [12:08:48] Yes, I am the one who signed this document.

13 Q. [12:08:55] Is your signature on the first or the last line?

14 A. [12:09:11] My signature is the one on the last line.

15 Q. [12:09:19] Very well. I'm going to be showing you another page of this very
16 same document.

17 Madam Courtroom Officer, could you please bring up 0082 of this very same
18 document.

19 THE COURT OFFICER: [12:09:53] There is no page 82. Could you please clarify,
20 please.

21 MS LE BAILLY: [12:10:02](Interpretation) Well, it's the last page of this document
22 and the number is 0082.

23 THE COURT OFFICER: [12:10:18] There we are. Very well.

24 MS LE BAILLY: [12:10:24](Interpretation)

25 Q. [12:10:25] Mr Witness, do you recognise this signature?

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 A. [12:10:38] Yes, I do recognise it. I recognise the signature.

2 Q. [12:10:47] *And do you recognize the handwritten date below your signature.

3 A. [12:11:03] Yes, I do recognise that date.

4 Q. [12:11:09] Is this indeed the statement that you provided to the Office of the
5 Prosecutor in September 2018?

6 A. [12:11:23] Yes, it is indeed.

7 Q. [12:11:29] Very well. So I'm going to be putting a question to you now.

8 Do you recall having already testified before this Court?

9 A. [12:11:50] Yes, I do remember. I came for the first time and met with
10 the judges.

11 Q. [12:12:05] Do you remember which case that was in, which case you testified in?

12 A. [12:12:23] It was in the Patrick Ngaïssona and Rombhot Yekatom case. I
13 testified in that case.

14 Q. [12:12:40] Do you remember the date of your testimony?

15 A. [12:12:54] As to the date, I have forgotten it, but I do know that I had come here
16 to testify.

17 Q. [12:13:05] Very well.

18 Now, for the record, the transcript for the testimony of the witness during the case
19 Yekatom and Ngaïssona are to be found in tabs 2 to 5 of the list and the associated
20 documents can be found in tabs 12 to 20 of that list. I'm going to continue with my
21 procedural questions, Madam President, in 17 to 22 of those tabs.

22 Now, Mr Witness, I now have some questions to put to you about another document.

23 Before you came to testify before this Court, did you have the opportunity to reread
24 your -- your prior statement and its annexes and your testimony before the Yekatom
25 and Ngaïssona case and your preparation session via video link for the Court with

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 the Office of the Prosecutor and associated documents?

2 A. [12:14:17] Yes, the members of the OTP did that and we met over video link as
3 we are doing now. We spoke~-- we spoke at length with regard to that document.

4 Q. [12:14:36] And during that preparatory session did you have the opportunity to
5 bring any corrections or point of clarification whenever that was necessary?

6 A. [12:14:55] What are you talking about? Can you remind me, please, what
7 you're talking about.

8 Q. [12:15:05] Of course, Mr Witness. Now, during that preparatory session you
9 had the opportunity to reread all of your relevant documents, your prior statement,
10 your annexes and associated documents. Did you at that moment in time bring any
11 points of correction or clarification to those documents and their contents?

12 A. [12:15:38] I believe that I have just told you that we met last month. But
13 yesterday we also met, but we didn't have the opportunity to reread the documents.
14 But I know that everything that I stated appears in those documents. So if there are
15 any amendments, I will accept them. If there are any points of clarification, I will
16 bring them.

17 Q. [12:16:09] Indeed, yes, we did meet yesterday for a courtesy visit.
18 Now I would like once again to show to you a document and ask whether you
19 recognise it.

20 Madam Courtroom Officer, could we please bring up the document at tab 24 from
21 our list of evidence, and it is a confidential document in nature and it has not yet been
22 formally admitted to the case file. CAR-OTP-00036201 and can we have a look at the
23 first page of that document, please.

24 Mr Witness, can you see that document that is up on the screen before you?

25 A. [12:16:59] Yes, I can see it only too well. It's very visible. This is annex A.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 Q. [12:17:09] Yes, indeed, I'm going to reread the title to you, Annex A to
2 the register -- the preparatory register of witnesses for the preparation of
3 Witness P-2251.

4 So you do recognise this document well, do you, Mr Witness?

5 A. [12:17:30] Yes, indeed I do.

6 Q. [12:17:40] Madam Courtroom Officer, could we please bring up the last page of
7 that document, so that would be page 5, please. The last page. There we are.

8 So, Mr Witness, do you recognise this signature?

9 A. [12:18:22] This is indeed my signature on this document.

10 Q. [12:18:32] Now, Mr Witness, are these indeed the correction and clarification
11 notes that you submitted to the Office of the Prosecutor on 5 March 2024?

12 A. [12:18:52] Indeed, these are the documents that we perused in the months of
13 February and March.

14 Q. [12:19:08] Indeed, the preparatory session did last for a number of days.

15 Now, Mr Witness, we have indeed taken note of all your corrections and clarifications,
16 in addition to your prior written statement and your testimony before the Court, so I
17 would like to ask you whether you have told the whole truth to the best of your
18 knowledge and recollection when you provided all of this information?

19 A. [12:19:46] Yes. As I have always said to you, I have undertaken to speak
20 the truth and the whole truth, and everything that I stated is nothing but the truth.
21 When you put questions, I am ready to answer you. If I do not have any answer to
22 give you, then I'll say that you're off subject or that the subject is irrelevant.

23 Q. [12:20:16] Very well. So, now to wrap up with my questioning, I just have one
24 more procedural question to put to you.

25 I would like to know whether you agree that the judges use all of your documents,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/21

1 that is to say, your prior witness statement, the annexes, the transcripts of your
2 witness testimony and the documents that we have just perused together as items of
3 evidence in this case; do you consent?

4 A. [12:20:46] Yes, of course. I consent to this, as my statement can be used as
5 evidence in order for justice to be served. And what is more, it is for sustainable and
6 durable peace in the Central African Republic.

7 Q. [12:21:12] Thank you very much Mr Witness.

8 This concludes my questioning of the witness, Madam President, your Honours.

9 I believe that that satisfies the requirements of Rule 68(3) of the Rules of Procedure
10 and Evidence, unless instruction to the contrary on your part. So I would formally
11 like to submit to the record and -- all of the documents submitted by the witness that
12 have not formally yet been acknowledged that is to say documents 1 to 22 and 24.
13 That is to say, all of the documents, with the exception of item 23 on the list.

14 PRESIDING JUDGE SAMBA: [12:21:59] Thank you very much, counsel.

15 The conditions of Rule 68(3) having been met, it is our decision that this witness's
16 testimony -- prior recorded testimony now forms part of the evidence before this
17 Court, together with its annexes, clarifications and other associated documents as
18 mentioned. Thank you very much.

19 Ms Naouri -- Mr Witness, the counsel for the Defence will put questions to you in
20 cross-examination, and we expect you to cooperate with counsel. And as you've
21 taken your oath to tell the truth, we expect just that of you. Thank you very much.

22 Ms Naouri, your witness, please.

23 MS NAOURI: [12:22:50](Interpretation) The cross-examination of this witness will
24 be led by Maître Jacobs, your Honour.

25 PRESIDING JUDGE SAMBA: [12:23:10] Mr Jacobs, your witness now, please.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

- 1 MR JACOBS: [12:23:23](Interpretation) Thank you, Madam President.
- 2 QUESTIONED BY MR JACOBS:(Interpretation)
- 3 Q. [12:23:29] Good afternoon, Mr Witness.
- 4 A. [12:23:35] Good afternoon.
- 5 Q. [12:23:40] My name is Dov Jacobs and today I'm going to be putting questions to
- 6 you on behalf of the Defence for Mr Said.
- 7 As we are being interpreted and everything that we say is being transcribed, I'm
- 8 going to be speaking slowly like this and I'm going to wait a little bit after your
- 9 answers. And I would request that you do likewise, namely that you wait for a few
- 10 seconds after my questions in order for everything to be interpreted.
- 11 Do you agree, Mr Witness?
- 12 A. [12:24:32] Yes, I have understood only too well.
- 13 Q. [12:24:41] Very well.
- 14 Madam President, for my first questions could we please move into private session.
- 15 PRESIDING JUDGE SAMBA: [12:24:47] Yes, certainly.
- 16 Madam Court Officer, can you move us into private session, please. Thank you.
- 17 (Private session at 12.25 p.m.)
- 18 THE COURT OFFICER: [12:25:07] We are in private session, your Honours.
- 19 PRESIDING JUDGE SAMBA: [12:25:10] Thank you.
- 20 Mr Jacobs, you can continue, please.
- 21 MR JACOBS: [12:25:15](Interpretation)
- 22 Q. [12:25:24] Now, Mr Witness, your father was (Redacted); is that correct?
- 23 A. [12:25:35] I can confirm that.
- 24 Q. [12:25:41] Could you please tell us what his profession was.
- 25 A. [12:25:53] (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 Q. [12:26:04] Very well. And how many brothers and sisters do you have,
2 Mr Witness?

3 A. [12:26:25] (Redacted).

4 Q. [12:26:47] Very well. And amongst (Redacted)
5 (Redacted), were there any of them who were working for the FACA or the police in
6 2013, Mr Witness?

7 A. [12:27:10] No. None of my brothers were part of either the FACA or
8 the Central African police.

9 Q. [12:27:32] Now, to understand the temporal scope of your response, I'm going to
10 ask you: In 2013, your response was that they were not part of the -- either
11 the FACA or the police in 2013. And since that date, is that still the case?

12 A. [12:27:56] That is correct, precisely. Since the year 2013, none of my brothers
13 have been part of the security forces in the Central African Republic. (Redacted)
14 (Redacted)

15 Q. [12:28:23] Thank you very much. That's very clear.

16 Now, I would like for us to have brought up your prior statement, please.

17 So that is the French version, tab 1.3, CAR-OTP-2107-6230, tab 1 for the English
18 version. And could we please bring up paragraph 13. Thank you.

19 I'm sorry, let me give you the page. It's 6243.

20 THE INTERPRETER: [12:29:21] Correction: 6233.

21 MR JACOBS: [12:29:22](Interpretation)

22 Q. [12:29:23] Now, Mr Witness, in your prior statement you indicated that after
23 having attended the *lycée*, you said that:

24 "I then went back -- I then returned to (Redacted) and started farming and hunting for
25 wild animals. I also sold items in places such as Dekoa, Sibut, Botangafo, Bandoro,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 Bossembele, Yaloke and Bouca. I would travel in commercial trucks to reach these
2 places."

3 I'm going to stop there for now.

4 So my question to you, Mr Witness, is, did you carry out this work of selling goods
5 alone or did you have associates or partners?

6 A. [12:30:25] You know, this activity of selling things in different places, doing this
7 work we met different people and we made up a group of travelling salesmen. But
8 it was not an association or we did not -- we didn't have important funds that we put
9 together to finance our activities. We were just friends or acquaintances and that's
10 how we carried out our work together.

11 Q. [12:31:08] So you were a group of people and you would -- carried out these
12 trips to sell goods together; is that correct?

13 A. [12:31:29] I promised to tell the truth and nothing but the truth. And so, when
14 we were carrying out this activity, we made up a group, and, in each location, those
15 who had sold all their goods would go back, whereas those who still had goods to sell
16 would continue selling, and that's how we carried out this activity.

17 Q. [12:32:05] It's very clear, Mr Witness. Thank you very much.

18 Now, you also -- you stated that you would go to these places with a company vehicle
19 or truck. Who did this truck belong to?

20 A. [12:32:28] *It's not a company vehicle. You know, we don't have a commercial
21 company in the Central African Republic. Anyone with a business can buy goods and
22 sell them on. So we used state-owned vehicles to go from one location to another. If
23 there were poor sales in one location, we would use the same vehicles to go to another,
24 and that is how these activities were carried out.

25 Q. [12:33:16] So you're talking about public transport vehicles, so you were taking

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 public transportation between the different towns; is that correct?

2 A. [12:33:33] That is indeed correct.

3 Q. [12:33:52] *So to refer to the timeline in 2012 and early 2013, how often did you
4 travel to Bangui?

5 A. [12:34:18] I would only come to Bangui when I was looking to refill my -- my
6 stocks to sell things. *And then I'd go to Bokangolo, Bouca, Dekoua, Kaga-Bandoro
7 and Batangafo. Then I'd go back home.

8 Q. [12:34:57] Very well. So do you have any idea of how much time you needed
9 to sell all your goods and go back to Bangui? Was this several days, several weeks
10 or several months?

11 A. [12:35:21] Yes, it could take a while. These trips could take two or three
12 months before going back to Bangui. It wasn't an issue of hours or weeks.

13 Q. [12:35:51] And where would you stay when you would go to Bangui at that time;
14 so this is before March 2013, so meaning in 2012 and 2013?

15 A. [12:36:14] Thank you. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [12:36:55] A final question, a last question on this topic. Do you have any idea
19 of what your monthly income was at this time, the income you made from selling
20 goods?

21 A. [12:37:25] You know, our business wasn't really that big. We had a capital of
22 something like a 140, 150,000 francs and I used to travel with this sum of money,
23 buying and selling goods, and I would make a profit from these sales that I would use
24 in order to meet my needs.

25 Q. [12:38:06] Thank you very much, Mr Witness.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:39:20] Thank you, Mr Witness.

9 Now, since we are still in private session, I'd like to go back to your birth date. You
10 mentioned it earlier today in answering the OTP. You stated that your birth date
11 was (Redacted); is that the case, Mr Witness?

12 A. [12:39:47] Yes, that is correct.

13 Q. [12:39:54] I'm still looking at the prior statement. Can we go back to the first
14 page of that, please.

15 I apologise, second page, please.

16 Can you scroll down a bit so we can see the birth date, please. Thank you.

17 So here, on your prior statement, it is written (Redacted). Can you see this
18 Mr Witness? I don't know if you see it displayed on your screen or not.

19 A. [12:40:50] Yes, I can see this date. However, when I was contacted in March, I
20 asked them to correct this date and to write (Redacted). I explained to them why I
21 had written (Redacted).

22 Q. [12:41:14] Well, we'll get to that, Mr Witness. Thank you very much.

23 Can we please go to page 11 of your prior statement. This is page 6233.

24 I'm told that this is page 4, paragraph 11. I see that the page numbers aren't
25 appearing. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 So I don't know if you can see this, Mr Witness. In paragraph 11 you speak about
2 your birth date. And in the second part of the paragraph, you say:

3 "... I checked recently and it seems that my correct date of birth is (Redacted)
4 (Redacted), my date of birth is
5 marked as (Redacted), but this is also an error."

6 I'm not sure whether you can see this, Mr Witness.

7 A. [12:42:58] Yes, I can see this. But let me repeat to you, when we met
8 late -- when we met lately, I showed my documents in order to show that I was born
9 in (Redacted). What you can see on this document here is information that was
10 given by my mother's older sister. But when I was in *Bokangolo, I met others who
11 were born on the same date as me and it was (Redacted).

12 And I took this date and (Redacted).

13 Q. [12:43:56] Very well, Mr Witness.

14 So just a follow-up question: In your prior statement, it says that the birth date on
15 (Redacted).

16 Do you know why the wrong date is inscribed on (Redacted)?

17 A. [12:44:33] (Redacted) the date of (Redacted) is not mentioned. It's (Redacted).

18 That's the date I gave them. If you think this is false, I will bring all the documents
19 to you tomorrow pertaining to (Redacted)

20 (Redacted)-- they asked me questions in 2018, but (Redacted)

21 (Redacted). I can show it to you

22 soon. I don't know if this is a typo, or what.

23 Q. [12:45:21] Thank you, Mr Witness. This is very useful and we'd be very happy
24 at the Court if we could see the document. And as you've said, and I'm quoting your
25 prior statement to you, these are your words as they were written down by

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 the Prosecutor's office, and that's what I'm reading back to you, so it would be good
2 to correct them if there is an error.

3 MS LE BAILLY: [12:45:46] I would like to insist on the Defence counsel to be truthful
4 and, for the sake of completeness, that the statement has now clarification and
5 correction on the record, so when he cites a paragraph or some portion, he needs also
6 to go to the equivalent in the correction and clarification annex.

7 PRESIDING JUDGE SAMBA: [12:46:08] Thank you very much.

8 In any event, the witness has promised to bring (Redacted) for us
9 tomorrow.

10 So, Mr Witness, when you come to Court tomorrow, if you have (Redacted), as you've
11 promised to bring, bring (Redacted), please bring it for us.

12 Mr Jacobs, please continue, thank you.

13 We take note of the clarifications made by the witness, in any event.

14 Mr Jacobs, please.

15 MR JACOBS: [12:46:40](Interpretation) Thank you very much, Madam President.

16 Q. [12:46:45] So I wanted to refer to the witness preparation where he does not
17 bring forth any clarifications as to (Redacted).

18 Mr Witness, during your preparation with the OTP -- this is tab 24 in our evidence list,
19 the ERN is CAR-OTP-00036201, page 3. And if we could scroll down to the second
20 part of the -- second half of the page, please. That is perfect. Thank you.

21 So here you explain, or what is noted, that:

22 "I'd like to clarify that my birth record was burnt in a fire in (Redacted) so I didn't
23 know my birth date. But after researching with my classmates in school who were
24 born in the same year, some confirmed to me that I was born in (Redacted)."

25 And that is what you stated a few weeks ago. Can you confirm this, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 A. [12:48:25] Yes, I accept what I said, that is why I'm sticking to this date of
2 (Redacted) that you displayed.

3 Q. [12:48:48] Very well. Two questions: First of all, you stated a bit earlier, so
4 I'm going to cite the real-time transcript, page 57, line 13, this is the French transcript,
5 page 57, line 13, you stated, when I asked you the question:
6 "Yes, I see this, but let me repeat that when we met recently I showed my documents
7 to show that I was born in (Redacted)."

8 This is what has been written in the French transcript.

9 So which documents are you referring to when you say this? What documents did
10 you provide to show that you were born in (Redacted), Mr Witness?

11 A. [12:49:43] (Redacted). I -- (Redacted)
12 (Redacted), that is the date (Redacted) that is noted on
13 (Redacted).

14 Q. [12:50:11] Very well. And so when you provided (Redacted) recently, did
15 the investigators or anyone take a picture of this -- of (Redacted)?

16 A. [12:50:33] What I brought them, I brought them (Redacted), they saw it, but they
17 didn't take a picture. If I remember correctly, they asked me for it and I showed
18 them (Redacted) in March when we met and they took note of that.

19 Q. [12:51:01] Thank you very much. A last question on this point.

20 Can we maybe display once again paragraph 11 of the prior statement, tab 1.3 of our
21 evidence list. And this would be page 3. Thank you very much.

22 At the end of paragraph 11, I don't know if you can see it, Mr Witness, but it says that:

23 "I showed (Redacted) to the investigators but I preferred that they do not take a photo
24 of (Redacted)." And my question to you is why did you not want them to take
25 a picture of (Redacted)?

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [12:52:01] Sorry, maybe, Mr Jacobs, if you can read
2 that particular paragraph starting on the end, (Redacted)
3 you know, so that he understands maybe the question you want to ask in the end.
4 MR JACOBS: [12:52:34](Interpretation) Certainly, Madam President.
5 Q. [12:52:37] Mr Witness, this is the paragraph we discussed earlier. I'm going to
6 give you a bit more of an overall reading of it to give you some context.
7 So you stated in your prior statement: (Redacted)
8 (Redacted), my date of birth is marked as (Redacted), but this is also an
9 error. I showed (Redacted) to the investigators, but I prefer that they do not take
10 a photo of (Redacted)."
11 So my question was: Can you explain to us why you didn't want the investigators to
12 take a picture of (Redacted)?
13 A. [12:53:34] Thank you very much.
14 I think (Redacted)
15 (Redacted)
16 (Redacted). I just showed them the document so they could take note of it, (Redacted)
17 (Redacted) to see my date of birth. But when you ask me questions, you ask me
18 different questions, I don't know how to answer you.
19 PRESIDING JUDGE SAMBA: [12:54:24] Mr Jacobs, if only we can move on.
20 So can I ask this witness to bring (Redacted) he is referring to for us tomorrow so that
21 we can make progress.
22 Mr Witness, can you bring (Redacted) for us tomorrow so that the Defence counsel
23 can look at it.
24 Mr Jacobs, please.
25 MR JACOBS: [12:54:50](Interpretation) Thank you, Madam President.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 Q. [12:55:01] So I'm going to move on to another topic.

2 PRESIDING JUDGE SAMBA: [12:55:26] Mr Jacobs, maybe before you go to another
3 topic, I note that we have little time, just to have clarity on this particular topic, and
4 that is for the witness.

5 What counsel just read out to you is for you to understand that on this (Redacted) in
6 paragraph 11 of your statement, the date of birth inscribed thereon is (Redacted).

7 The information you have given us is that your date of birth is in (Redacted).

8 That is the reason why he is asking you. So if you are talking about (Redacted)

9 (Redacted) that you gave or you showed to the investigators in 2018 when your

10 statement was taken, that is the information we want, (Redacted) that you said you

11 would bring. Okay? Do you understand?

12 THE WITNESS: [12:56:45](Interpretation) Yes, I have understood. I'm referring to

13 (Redacted). This is what you asked me for and I will bring (Redacted)

14 (Redacted). I'll bring it to you tomorrow. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted). But you cannot take a photo of (Redacted) because I don't -- I'm afraid

20 people might be able to hear about it or see it and that people might be able to see it.

21 But I can show it to you, because, you know, (Redacted)

22 (Redacted), but I don't want my face to be shown to everyone because (Redacted)

23 (Redacted). So

24 that's why I'm very careful. I don't know if you've understood everything that I

25 have said. But if you have questions to put to me, you can ask me and I will answer

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 them. Thank you.

2 PRESIDING JUDGE SAMBA: [12:58:32] No, that's very understandable, Mr Witness.

3 We are -- we all here are obliged to protect you so that you do not run into trouble

4 with even your authorities. But (Redacted) that you are talking about in

5 paragraph 11, you say (Redacted)

6 (Redacted)?

7 THE WITNESS: [12:59:09](Interpretation) (Redacted), I -- I don't know.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SAMBA: [12:59:54] Okay. Thank you very much. We'll do

14 just that tomorrow.

15 Mr Jacobs, you were about starting another line of questioning, but it's almost 1 --it's

16 1 o'clock now. I don't know whether you want to say anything in conclusion. And

17 we'll ask the Registry to accommodate us for a minute or two, if you may.

18 MR JACOBS: [13:00:21](Interpretation) Yes, indeed. I'm not going to start on a new

19 topic now, but just a last question as a follow-up to the previous line of questioning, if

20 you allow me, Madam President.

21 Q. [13:00:35] Mr Witness, before 2017 did you have another ID document,

22 a national ID document, a passport, anything like that?

23 A. [13:00:52] No. As I've always stated to you, my birth certificate and other

24 documents that would have allowed for my identification had perished in a fire in

25 (Redacted) and we found refuge elsewhere. When the Seleka arrived, as I said, they

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/21

1 destroyed everything and I had no document to identify myself with. When we fled,
2 those who still had their birth certificates helped me to be able to establish my own
3 birth date thanks to their age. And that's how I established this new document and
4 that's how I could establish a new birth certificate, by referring to those who were
5 together with me.

6 Q. [13:01:54] Thank you, Mr Witness.

7 Thank you, Madam President.

8 PRESIDING JUDGE SAMBA: [13:01:57] Thank you very much, Mr Jacobs.

9 Mr Witness, we are going to stop here for now with your testimony. We're here to
10 protect you, as I said, in respect of any document you may want to share with us
11 tomorrow. We will not take copies. And I will ask that you do not discuss
12 anything that has happened here, your testimony here, when you leave that office in
13 which you are now testifying, with anybody.

14 You will still be under oath, so when we meet here tomorrow at 9.30 we'll continue
15 with your cross-examination. Thank you very much.

16 I will rise the Court and ask that you come tomorrow at 9.30, please.

17 THE COURT USHER: [13:02:41] All rise.

18 *(The hearing ends in private session at 1.02 p.m.)*