

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 Monday, 15 April 2024
- 9 (The hearing starts in open session at 9.33 a.m.)
- 10 THE COURT USHER: [9:33:28] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SAMBA: [9:33:57] Good morning, everyone.
- 14 Madam Court Officer, can you please mention the case. Thank you.
- 15 THE COURT OFFICER: [9:34:03] Good morning, Madam President, your Honours.
- 16 The situation in the Central African Republic II, in the case of the Prosecutor versus
- 17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
- 18 And we are in open session.
- 19 PRESIDING JUDGE SAMBA: [9:34:17] Thank you very much.
- 20 Can I ask the parties to introduce themselves.
- 21 Madam Prosecutor, please.
- 22 MS MAKWAIA: [9:34:26] Good morning, Madam President, your Honours.
- 23 For the Prosecution this morning, myself Holo Makwaia, senior trial lawyer; and
- 24 Ms Le Bailly Brunhild, associate trial lawyer.
- 25 PRESIDING JUDGE SAMBA: [9:34:36] Thank you very much, Ms Makwaia.

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- 1 Ms Pellet, your team for the victims, please.
- 2 MS PELLET: [9:34:43](Interpretation) Thank you, Madam President. The victims
- 3 are represented by Tars Van Litsenborgh and myself Sarah Pellet, counsel for
- 4 the Office of Public Counsel for Victims.
- 5 PRESIDING JUDGE SAMBA: [9:35:00] Thank you very much, Ms Pellet.
- 6 Ms Naouri for the Defence, please.
- 7 MS NAOURI: [9:35:07](Interpretation) Good morning, your Honour, thank you.
- 8 Next to me is Defence counsel Jacobs, next to them Léa Allix and I am Jennifer Naouri,
- 9 lead Defence counsel for Mr Said.
- 10 PRESIDING JUDGE SAMBA: [9:35:20] Yes. Thank you very much, Ms Naouri.
- 11 And we note that Mr Said is in court, for the record.
- 12 Mr Said, a very good morning to you.
- 13 MR SAID: [9:35:34](Interpretation) Good morning, Madam President.
- 14 PRESIDING JUDGE SAMBA: [9:35:41] Good morning.
- 15 The Prosecution is calling P-3047 as its 26th witness.
- 16 The Chamber previously granted an application by the Prosecution to introduce
- 17 P-3047's prior recorded testimony pursuant to Rule 68(3). And that's in decision
- 18 number 555.
- 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 -- yes, Ms Naouri.
- 21 MS NAOURI: [9:36:21](Interpretation) Excuse me, Madam President. I didn't want
- 22 to interrupt you, but we don't have a French transcript. It seems to be blocked.
- 23 PRESIDING JUDGE SAMBA: [9:36:33] Madam Court Officer, can you assist, please.
- 24 THE COURT OFFICER: [9:36:37] Yes, Madam President. Immediately I will liaise
- 25 with my colleagues.

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1 (Pause in proceedings)

2 THE COURT OFFICER: [9:41:01] To my court reporter colleagues, I will proceed
3 with a test. Can you please write test, test, test, English court reporters team and
4 French one, please. Test, test, test. Thank you.

5 PRESIDING JUDGE SAMBA: [9:42:00] Okay, we'll try it again.

6 Sorry about that little technical problem, Defence.

7 As I was saying, the Prosecution is now calling on P-3047 as its 26th witness.

8 The Chamber previously granted an application by the Prosecution to introduce this
9 witness's prior recorded testimony pursuant to Rule 68(3) in decision numbered 555.

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

13 The Chamber also notes that the Common Legal Representative of Victims made
14 a request to examine P-3047 for 30 minutes in relation to the following topic:

15 The harm he suffered as a result of the events falling within the scope of the witness's
16 expected testimony, and reparations.

17 The parties did not object to the Common Legal Representative's request, so
18 the Chamber agrees that the proposed topics relate to P-3047's interest and
19 accordingly authorises the Common Legal Representative to question this witness for
20 no more than 30 minutes.

21 Now, before commencing, the Chamber notes briefly that protective measures have
22 been confirmed for this witness by virtue of decision numbered 605 and that
23 the VWU recommends measures to adapt the questioning to the needs and capacities
24 of the witness. So please keep a close eye on the witness when you are questioning
25 him and adjust your questions accordingly.

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- 1 Can the court officer please connect us to the witness.
- 2 THE COURT OFFICER: [9:44:51] Could the court officer in the field confirm
- 3 the sound is on, please. Thank you. (Interpretation) Giving a little sign by a hand
- 4 signal to show me that the witness can hear us, please.
- 5 PRESIDING JUDGE SAMBA: [9:45:12] Thank you very much.
- 6 Now, Mr Witness, good morning to you. Can you see me and can you hear me?
- 7 WITNESS: CAR-OTP-P-3047
- 8 (The witness speaks French)
- 9 (The witness gives evidence via video link)
- 10 THE WITNESS: [9:45:26](Interpretation) Yes, I can hear you.
- 11 And I can also see you.
- 12 PRESIDING JUDGE SAMBA: [9:45:33] Thank you very much.
- 13 Now, you are going to testify before the International Criminal Court. On behalf of
- 14 the Chamber I would like to welcome you to this courtroom. You should have in
- 15 front of you the solemn undertaking to tell the truth that every witness who testifies
- 16 before the Court must agree to.
- 17 Can you please read that out now for us.
- 18 THE WITNESS: [9:46:12](Interpretation) Yes.
- 19 Should I read the solemn undertaking?
- 20 PRESIDING JUDGE SAMBA: [9:46:23] Yes, please.
- 21 THE WITNESS: [9:46:38](Interpretation) I swear to tell the truth, the whole truth
- 22 and nothing but the truth.
- 23 PRESIDING JUDGE SAMBA: [9:46:48] Thank you very much, Mr Witness.
- 24 Do you understand and agree to what you just read out?
- 25 THE WITNESS: [9:47:02](Interpretation) Yes. Yes, I agree.

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1 PRESIDING JUDGE SAMBA: [9:47:07] Thank you very much.
2 Let me now explain to you, Mr Witness, the protective measures that the Chamber
3 has put in place for your testimony.
4 We have in place for you voice and face distortion for the duration of your testimony.
5 This means that no one outside the courtroom can see your face or hear your real
6 voice during your testimony.
7 There is also in place for you the use of pseudonym. In accordance with that, we
8 will all refer to you only as "Mr Witness" to make sure that the public does not know
9 your name.
10 When you answer questions that will give away who you are -- that will not give
11 away, sorry, who you are, we will do so in open session, which means that the public
12 can hear what is being said in the courtroom.
13 When you are asked to describe anything that relates specifically to you or you are
14 asked to mention facts that may reveal your identity, we will do so in private session.
15 And, lastly, I have a few practical matters you should have in mind when giving your
16 testimony.
17 Everything we say here in this courtroom is written down and recorded. It is
18 therefore important to speak clearly and at a slow pace. Speak into the microphone
19 that you have before you and only start speaking when the person asking you
20 the question is finished. To allow for the interpretation, everyone has to wait a few
21 seconds before starting to speak.
22 If you yourself have any questions and if you need a break, raise your hand so that
23 we know that you want to say something. Also, we hope that there are no issues
24 with the video link. However, if there are any issues with the technology, rest
25 assured that we will make sure that things are sorted out as quickly as possible.

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- 1 We do take note that you have the field court officer in court with you, Mr Witness.
- 2 I just want to remind you that your questions are put to you from this courtroom and
- 3 we expect your answers to us. The court -- the legal officer is there just to help you.
- 4 Have you understood all that we have said, Mr Witness?
- 5 THE WITNESS: [9:50:31](Interpretation) Yes, I have understood.
- 6 PRESIDING JUDGE SAMBA: [9:50:35] Thank you very much.
- 7 We will start with your testimony and I'm going to call the Prosecution to start
- 8 leading you in evidence-in-chief.
- 9 Madam Prosecutor, your witness, please.
- 10 MS LE BAILLY: [9:50:49](Interpretation) Thank you, your Honour.
- 11 QUESTIONED BY MS LE BAILLY: (Interpretation)
- 12 Q. [9:50:57] Good morning, Mr Witness.
- 13 A. [9:50:59] Good morning.
- 14 Q. [9:51:00] My name is Brunhild Le Bailly and I'm going to be asking you
- 15 questions for the Office of the Prosecutor this morning. If one of my questions isn't
- 16 clear, I will reword it. Please don't hesitate to ask me this. Is that okay?
- 17 A. [9:51:16] Yes, okay.
- 18 MS LE BAILLY: [9:51:20](Interpretation) Your Honour, can we go into a private
- 19 session for the next few questions.
- 20 PRESIDING JUDGE SAMBA: [9:51:29] Certainly.
- 21 Madam Court Officer, can you get us into private session, please.
- 22 Thank you.
- 23 (Private session at 9.51 a.m.)
- 24 THE COURT OFFICER: [9:51:46] We're in private session, Madam President.
- 25 PRESIDING JUDGE SAMBA: [9:51:51] Thank you.

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- 1 Madam Prosecutor, can you continue, please, with your questions.
- 2 MS LE BAILLY: [9:51:57](Interpretation) Yes. Thank you.
- 3 Q. [9:51:59] Mr Witness, can you please give us your full name.
- 4 A. [9:52:07] (Redacted)
- 5 Q. [9:52:14] And what is your birthday?
- 6 A. [9:52:18] (Redacted)
- 7 Q. [9:52:24] What is your place of birth and the country of your birth?
- 8 A. [9:52:30] (Redacted)
- 9 Q. [9:52:36] Very well. Thank you.
- 10 Madam President, with your permission, we can go back into open session for
- 11 the next questions.
- 12 PRESIDING JUDGE SAMBA: [9:52:45] Thank you very much, Madam Prosecutor.
- 13 Madam Court Officer, can we go back into open session, please.
- 14 (Open session at 9.53 a.m.)
- 15 THE COURT OFFICER: [9:53:03] We are back to open session, your Honours.
- 16 PRESIDING JUDGE SAMBA: [9:53:06] Thank you.
- 17 Madam Prosecutor, you may continue, please.
- 18 MS LE BAILLY: [9:53:09](Interpretation) Thank you.
- 19 Q. [9:53:13] Yes. So, Mr Witness, do you remember being heard by members
- 20 of the Prosecutor's office?
- 21 A. [9:53:24] Yes. I remember that.
- 22 Q. [9:53:30] Do you remember when you were heard by them?
- 23 A. [9:53:35] I forget the date.
- 24 Q. [9:53:40] Do you remember that following these hearings you submitted
- 25 a written statement to the Office of the Prosecutor?

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- 1 A. [9:53:51] Yes.
- 2 Q. [9:53:53] And have you reread and signed this statement?
- 3 A. [9:53:58] Yes. I signed it. I read it and signed it.
- 4 Q. [9:54:07] Very well. And do you remember whether you also submitted
- 5 documents during these hearings?
- 6 A. [9:54:23] I can't recall. Actually, I was shown documents and I confirmed their
- 7 documents. I approved them.
- 8 Q. [9:54:45] Okay. And so I will now show you a document and you'll tell me if
- 9 you recognise it.
- 10 Court officer, can you please show us the document on tab 1, whose ERN, which is
- 11 confidential, is CAR-OTP-2130-6904. And I'm referring to the cover page ERN 6904.
- 12 Can you see the document that is displayed in front of you, Mr Witness?
- 13 A. [9:55:38] Yes.
- 14 Q. [9:55:41] Do you recognise this document?
- 15 A. [9:55:48] It's not being displayed.
- 16 Q. [9:55:53] Okay. Let's give it a moment and it should be displayed.
- 17 Can you see the document on your screen, Mr Witness?
- 18 A. [9:56:11] Yes, I see the document.
- 19 Q. [9:56:16] Do you recognise this document?
- 20 A. [9:56:18] Yes, I recognise it.
- 21 Q. [9:56:26] So now can we display the bottom of this page. Thank you.
- 22 A. [9:56:34] Yes, I recognise this.
- 23 Q. [9:56:37] Can you recognise a name and a signature at the bottom of this page?
- 24 A. [9:56:42] Yes, I recognise it. I signed it myself.
- 25 Q. [9:56:50] I will now show you another page of the same document.

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1 So can we please display the page ERN 6919 of this very same document.

2 Mr Witness, do you recognise this signature?

3 A. [9:57:21] Yes, I recognise it.

4 Q. [9:57:27] And the date beneath the signature, is it you who wrote this date?

5 A. [9:57:36] Yes.

6 Q. [9:57:38] So is this the statement that you provided to the Prosecutor's office in
7 August 2021?

8 A. [9:57:47] Yes.

9 Q. [9:57:48] Very well. So before I'll proceed with my procedural questions I'd
10 like us to go back to a date that you provided in your statement in paragraph 20,
11 page 6908.

12 I wanted to ask you if you recall the day of your meeting with {PFR: (Redacted)} and
13 Mr Nouradine?

14 I apologise, Madam President, can we quickly go into private session, because
15 the date might be identifiable.

16 PRESIDING JUDGE SAMBA: [9:58:33] Madam Court Officer, can we go into private
17 session briefly, please.

18 (Private session at 9.58 a.m.)

19 THE COURT OFFICER: [9:58:49] We are back to private session, your Honours.

20 PRESIDING JUDGE SAMBA: [9:58:53] Thank you very much.

21 Madam Prosecutor, carry on, please.

22 MS LE BAILLY: [9:58:58](Interpretation) Thank you, your Honour.

23 Q. [9:59:02] Mr Witness, let's continue. I apologise for this interruption.

24 Do you want me to repeat the question?

25 A. [9:59:09] Yes.

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1 Q. [9:59:11] Can you tell the Court what the date was of your meeting with
2 (Redacted) and Mr Nouradine?

3 PRESIDING JUDGE SAMBA: [9:59:28] Sorry, can I ask the court officer to put
4 the document up again for the witness and particularly so paragraph 20 referred to by
5 the Prosecution. Thank you.

6 THE COURT OFFICER: [9:59:40] It's on evidence 1 channel, your Honour. It
7 should be now.

8 PRESIDING JUDGE SAMBA: [9:59:44] For the witness, not for me.

9 THE COURT OFFICER: [10:00:00] It is there, Madam President.

10 PRESIDING JUDGE SAMBA: [10:00:01] Thank you very much.
11 Madam Prosecutor, carry on, please.

12 MS LE BAILLY: [10:00:05](Interpretation)

13 Q. [10:00:06] Mr Witness, can you see paragraph 20, which is displayed before you?

14 A. [10:00:12] Yes. (Redacted).

15 Q. [10:00:19] Is that --

16 A. [10:00:21] That is the date.

17 Q. [10:00:22] Is that the date at which you met (Redacted) Mr Nouradine?

18 A. [10:00:27] Yes. Yes.

19 THE INTERPRETER: [10:00:31] Message from the English booth: Could counsel
20 please be requested, and the witness, to respect the pause so that we can interpret.
21 Thank you very much.

22 THE COURT OFFICER: [10:00:45] Just a reminder for the Prosecution to wait before
23 question and answer. Thank you very much.

24 MS LE BAILLY: [10:00:51](Interpretation)

25 Q. [10:00:55] So could you please tell the Court the date at which you were arrested

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1 and detained at the OCRB.

2 A. [10:01:08] (Redacted)

3 Q. [10:01:16] Could we please bring up for the witness, in order to assist him and to
4 refresh his memory, paragraph 41 at the page 6911, ERN 6911.

5 Mr Witness, can you see the date that is brought up here at paragraph 41, the date
6 that you provided with regards to Mr Nouradine when he interviewed you at the
7 OCRB?

8 A. [10:02:04] Yes, it was (Redacted).

9 Q. [10:02:13] So it was the day after your meeting with (Redacted) and
10 Mr Nouradine, you told us that you met (Redacted) and Mr Nouradine in (Redacted),
11 but here it is said that it was in (Redacted), so what is the correct date, Mr Witness?

12 PRESIDING JUDGE SAMBA: [10:02:34] Maybe the correct year. The correct year.

13 MS LE BAILLY: [10:02:41](Interpretation)

14 Q. [10:02:42] So you heard what Madam President just said. We want to be sure
15 to clarify the year when you met for the first time Mr Nouradine and the very same
16 year that you were detained at the OCRB.

17 A. [10:02:58] (Redacted).

18 Q. [10:03:01] Very well. That's clear now. Thank you very much.

19 Madam President, I'm going to now be continuing with the requirements of
20 the Rule 68(3) with regards to this witness.

21 Mr Witness, now, before appearing before the Court today, in order to testify, did you
22 have the opportunity to reread and peruse your statement during a preparation
23 session with the OTP?

24 Madam President, we can now go back to open session for the continuation of my
25 procedural questions, please.

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1 PRESIDING JUDGE SAMBA: [10:03:53] Madam Court Officer, can we go back into
2 open session, please.

3 (Open session at 10.04 a.m.)

4 THE COURT OFFICER: [10:04:08] We are back to open session, Madam President.

5 PRESIDING JUDGE SAMBA: [10:04:10] Thank you very much.

6 Madam Prosecutor, continue, please.

7 MS LE BAILLY: [10:04:15](Interpretation) Thank you.

8 Q. [10:04:18] So, Mr Witness, we are back in open session so let us resume.

9 Did you have the opportunity to reread and peruse your document, your statement
10 during a preparation session with the OTP before testifying today?

11 A. [10:04:37] Yes.

12 Q. [10:04:41] And during that preparatory session, did you have any opportunity
13 to bring any corrections or points of clarification to your prior statement?

14 A. [10:04:55] It was not I who brought the corrections. I did the corrections, but
15 I don't know whether they actually amended it or not.

16 Q. [10:05:06] Very well. I'm going to be showing you a document and we'll be
17 able to go through it together.

18 Madam Courtroom Officer, could we please bring up the document at number 10 of
19 our list, and the ERN, which is confidential in nature, is CAR-OTP-00036203 at the
20 cover page, the very first page, that is, 0001.

21 So, Mr Witness, can you see the document displayed before you?

22 I'm going to be reading the title of this document. So Annex A,
23 register -- preparatory register for witnesses for the preparation of P-3047.

24 Do you recognise this document?

25 A. [10:06:23] Yes, I do recognise it.

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1 Q. [10:06:27] So could we please bring up the second page of this very same
2 document.

3 Mr Witness, do you recognise your signature?

4 A. [10:06:45] Yes, I do.

5 Q. [10:06:54] Are these the correction notes that you provided to the Office of the
6 Prosecutor on 6 March 2024?

7 A. [10:07:02] Yes.

8 Q. [10:07:05] Very well. So you did indeed note down all your corrections and
9 clarifications in addition to your prior statement and I would like to know whether, to
10 the best of your knowledge, you told the whole truth when you provided all of this
11 information?

12 A. [10:07:27] Yes, that's me. It is I who did this.

13 Q. [10:07:35] And so, to wrap up, there's one more procedural question that I
14 would like to put to you. I would like to know whether you are in agreement that
15 the judges use your prior statement and the annexes with the clarifications and
16 corrections that you provided and that we reviewed together, whether you would
17 consent for this being entered into evidence for this case.

18 A. [10:08:07] They should be used with the modifications that I -- amendments that
19 I provided. I was the one who provided those amendments.

20 Q. [10:08:16] Yes, indeed, we shall be tendering your prior statement and
21 the modifications and clarifications that you furnished.

22 A. [10:08:25] Yes.

23 Q. [10:08:28] Very well. Thank you, Mr Witness. Thank you for your testimony,
24 and that concludes my questioning for today.

25 Madam President, your Honours, I believe that this satisfies the procedural

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1 requirements under Rule 68(3), unless any contrary indications from your part.

2 PRESIDING JUDGE SAMBA: [10:08:48] Thank you very much, Madam President.

3 Having met the requirements of Rule 68(3), the Chamber allows the introduction of

4 P-3047's prior recorded testimony and the annexes and clarifications provided.

5 If you don't have any more questions, as you've said, Madam Prosecutor, I'll ask Ms

6 Pellet for the victims to put questions to this witness, please. Thank you very much.

7 MS PELLET: [10:09:34](Interpretation) Thank you, Madam President.

8 *So I would like to maintain my request dated 11 April 2024 that you have granted

9 this morning. And as my colleague from the OTP have just satisfied the requirements

10 of Rule 68(3), then *my questions will be limited to the harm suffered by the witness

11 and the impact of the described events on his life and that of his family members.

12 QUESTIONED BY MS PELLET: (Interpretation)

13 Q. [10:10:08] Good morning, Mr Witness.

14 A. [10:10:10] Good morning.

15 Q. [10:10:10] We do know each other, but for the record I would like to specify that I am

16 your legal representative and you have been admitted to participate in this -- in these

17 proceedings on 8 November last on the basis of a form that we filled in on 5 April 2022. * In

18 this regard, Madam President, I also refer to paragraphs 30 and 31 of our written pleadings,

19 number ICC-01/14-01/21-78_Red.

20 So, Mr Witness, before I start putting questions to you, and as Madam President just said this

21 morning, I would like to remind you that if some of my questions are identifying or could be

22 identifying, I will be requesting that we move into private session and at that moment in time

23 you will be free to provide any information whatsoever that you deem to be useful in

24 response to my questions.

25 However, if you believe that your response could be identifying and that we are in

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1 open session, then I would request that you raise your hand before you answer any of
2 my questions; is that clear? Have you understood?

3 A. [10:11:33] Yes, I have.

4 MS PELLET: [10:11:47](Interpretation) Madam President, for my first question I
5 would request that we move into private session, please.

6 PRESIDING JUDGE SAMBA: [10:11:56] Madam Court Officer, can we move into
7 private session shortly, please.

8 (Private session at 10.12 a.m.)

9 THE COURT OFFICER: [10:12:11] We are in private session, your Honours.

10 PRESIDING JUDGE SAMBA: [10:12:14] Thank you very much.

11 Ms Pellet, continue, please.

12 MS PELLET: [10:12:20](Interpretation) Thank you, Madam President.

13 Q. [10:12:23] Mr Witness, in your prior statement that has just been admitted into
14 evidence, you explained that during the (Redacted) interview by Nouradine Adam
15 (Redacted) you were bleeding profusely as a result. Were you -- or did you receive
16 any medical treatment at the OCRB during your detention subsequent to this beating
17 that you received?

18 A. [10:12:56] No, I did not receive any treatment. I did not receive any treatment.

19 MS PELLET: [10:13:07](Interpretation) I do apologise, Madam President, I would
20 request that we move back into open session now, please.

21 PRESIDING JUDGE SAMBA: [10:13:15] Thank you very much.

22 Madam Court Officer, can we go back into open session, please.

23 (Open session at 10.13 a.m.)

24 THE COURT OFFICER: [10:13:37] We are back to open session, your Honours.

25 PRESIDING JUDGE SAMBA: [10:13:39] Yes.

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1 Ms Pellet, continue, please.

2 MS PELLET: [10:13:43](Interpretation) Thank you, Madam President.

3 Q. [10:13:46] Now, Mr Witness, you explained that you did not receive any medical
4 treatment during your detention at the OCRB. Did you receive any medical
5 treatment once you were or had been released from the OCRB?

6 A. [10:14:03] Once I was released, I immediately went to {ICR: (Redacted)} via
7 the road and that is where I received some treatment.

8 Q. [10:14:17] And, Mr Witness, are there any scars that you bear subsequent to
9 the beatings that you received at the OCRB?

10 A. [10:14:30] Yes, I still have scars on my forehead. These scars.

11 Q. [10:14:38] Thank you, Mr Witness.

12 Mr Witness --

13 A. [10:14:41] These scars that are visible.

14 Q. [10:14:44] -- do you still think about these events that lead to your being a victim
15 in 2013?

16 A. [10:14:57] I'm sorry?

17 Q. [10:14:58] I'm going to put the question to you again.

18 Do you ever think back to the events that led to your being a victim in the year 2013?

19 A. [10:15:14] Yes, it completely, you know, put my life on its head and I think about
20 it all the time.

21 Q. [10:15:26] And what do you think when you, you know, go over those events in
22 your head? What do you feel?

23 A. [10:15:37] Well, I lost everything. I was made a fragile person as a result. It
24 was like they had come for me. * {PFR: (Redacted)}

25 Q. [10:15:52] Thank you very much, Mr Witness.

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1 And since you were released from the OCRB, have you had any psychological
2 treatment in order to assist you?

3 A. [10:16:06] No. Since you started your drive for witnesses, I have had some
4 benefits. I'm -- I'm seeing a neurologist and I am receiving treatment to date.

5 Q. [10:16:29] Thank you, Mr Witness.

6 Mr Witness, what consequences did your arrest and detention have upon you and
7 the members of your family?

8 A. [10:16:50] I don't know how to answer that question.

9 Q. [10:16:59] I'm going to put a supplementary question to you. You said that
10 your life was turned on its head. Could you explain to us how that happened.

11 A. [10:17:10] Well, to date, I don't quite know how epilepsy befell me. Well, you know,
12 * because of this disease, I collapsed at the wheel of my car and I broke my femur
13 bone and a plate was put in. And whenever I move, it pulls on me. * And so far, even
14 talking is difficult, I don't know where that, that illness came out of or came from.

15 Q. [10:17:47] I know it's difficult for you and I thank you for answering my
16 questions.

17 When you left the OCRB, were you able to continue working after your release, just
18 after your release, that is?

19 A. [10:18:09] No. When I came out of the OCRB --

20 Q. [10:18:12] I'm sorry, Mr Witness, but in order to enable you to answer fully I'm
21 going to ask for us to move into private session, please, Madam President.

22 PRESIDING JUDGE SAMBA: [10:18:22] Madam Court Officer, can we go into
23 private session, please.

24 (Private session at 10.18 a.m.)

25 THE COURT OFFICER: [10:18:38] We are in private session, Madam President.

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1 PRESIDING JUDGE SAMBA: [10:18:41] Thank you very much.

2 Ms Pellet, continue, please.

3 MS PELLET: [10:18:46](Interpretation) Thank you, Madam President.

4 Q. [10:18:52] I do apologise for interrupting you, Mr Witness. It's to be sure once
5 again that your answers will not enable the public to identify you.

6 So my question to you, that I shall repeat, is whether you were able, after your release
7 from the OCRB, to continue working?

8 A. [10:19:08] No. When I came out of the OCRB, * there was (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:20:12] (Overlapping speakers)

19 PRESIDING JUDGE SAMBA: [10:20:12] Continue, Ms Pellet. I just wanted you to
20 guide the witness so we don't have what we have already in the prior recorded
21 testimony.

22 MS PELLET: [10:20:23](Interpretation) Very well, Madam President.

23 Q. [10:20:26] Now, Mr Witness, what Madam President means to say is that all this
24 information is already provided, because your statement made with the Office of the
25 Prosecutor has been admitted into evidence, so you do not need to repeat, but only

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1 answer specifically the questions that I'm putting to you. All right?

2 A. [10:20:53] Very well.

3 Q. [10:20:55] Very well. And I'm going to make the most of this opportunity to
4 remind you that you need to respect the five-second rule and not speak too fast,
5 otherwise the interpreters will find it difficult to follow you. All right?

6 A. [10:21:12] Okay. Okay.

7 Q. [10:21:17] Mr Witness, now, during the periods when you were not working,
8 how did you provide for your family?

9 A. [10:21:28] (Redacted)

10 Q. [10:21:41] Thank you, Mr Witness.

11 Now, Madam President, we can move back into open session for my last questions,
12 please.

13 PRESIDING JUDGE SAMBA: [10:21:50] Madam Court Officer, can we go back into
14 open session, please.

15 (Open session at 10.22 a.m.)

16 THE COURT OFFICER: [10:22:08] We are back to open session, Madam President.

17 PRESIDING JUDGE SAMBA: [10:22:10] Thank you very much.

18 Ms Pellet, please.

19 MS PELLET: [10:22:16](Interpretation) Thank you, Madam President.

20 Q. [10:22:20] Mr Witness, what do you expect from the trial, the trial against
21 Mr Said?

22 A. [10:22:45] I don't expect anything. I leave it on his conscience. I leave it on his
23 conscience.

24 Q. [10:23:03] And why did you want to take part in this trial and testify in this
25 trial?

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1 A. [10:23:10] Sorry, I didn't quite catch your question.

2 Q. [10:23:15] Why did you want to take part in these proceedings by filling in a participating
3 form and why did you wish to testify during this trial today against Mr Said?

4 A. [10:23:38] Even you, if people come to where you live and destroy everything
5 that you have, wouldn't you want to go to trial against them? Even, you know, you
6 would have to take them to trial. * You take them to court, because that's not how
7 life works. You don't go out like that, you go out, you look at the sky, all the things
8 there fall from the sky. That's the sweat of the brow.

9 Q. [10:24:14] Thank you, Mr Witness.

10 A. [10:24:17] And you have sweat on your brow.

11 Q. [10:24:25] Thank you very much.

12 I have no further questions, Madam President.

13 PRESIDING JUDGE SAMBA: [10:24:27] Thank you very much, Ms Pellet.

14 Now, thank you very much, Mr Witness. Sorry.

15 Mr Witness, I'm going to ask the Defence for Mr Said to put some questions to you. I
16 will expect your answers truthfully, just like you did for the Prosecution and
17 the victims' representative.

18 Ms Naouri, your witness, please.

19 MS NAOURI: [10:25:00](Interpretation) Thank you very much, Madam President.

20 Now, the cross-examination will be led by Maître Jacobs.

21 PRESIDING JUDGE SAMBA: [10:25:10] Mr Jacobs, your witness, please. Thank
22 you.

23 MR JACOBS: [10:25:39](Interpretation) Thank you, Madam President.

24 QUESTIONED BY MR JACOBS: (Interpretation)

25 Q. [10:25:44] Good morning, Mr Witness.

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1 A. [10:25:47] Good morning.

2 Q. [10:25:52] My name is Dov Jacobs and I am going to be putting a number of
3 questions for you today for the Defence team for Mr Said.

4 As Madam President reminded you, as did my learned colleagues, I'm going to try
5 and speak slowly for the purposes of interpretation and I'm going to call upon you to
6 wait for five seconds after my question and, likewise, I will wait for five seconds after
7 your response, for everything to be taken down correctly in the record.

8 A. [10:26:28] I have understood.

9 Q. [10:26:31] Very well. So let us begin.

10 Madam President, for my first questions I believe that we would need to go into
11 private session, please.

12 PRESIDING JUDGE SAMBA: [10:26:50] Madam Court Officer, can we -- can you get
13 us into private session, please. Thank you.

14 (Private session at 10.27 a.m.)

15 THE COURT OFFICER: [10:27:07] We are in private session, Madam President.

16 PRESIDING JUDGE SAMBA: [10:27:11] Thank you very much.

17 Mr Jacobs, you may continue, please.

18 MR JACOBS: [10:27:16](Interpretation) Thank you, Madam President.

19 Q. [10:27:21] Mr Witness, could you please tell us what your father's occupation
20 was.

21 A. [10:27:31] (Redacted)

22 Q. [10:27:42] And could you tell us, please, how many brothers you have.

23 A. [10:27:49] (Redacted)

24 Q. [10:28:00] Thank you, Mr Witness.

25 So, I am not going to ask you to provide the list of your (Redacted) brothers, but could

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1 you tell us whether, amongst your brothers, there are individuals who worked in
2 the FACA, in order for us to place them subsequently?

3 A. [10:28:20] I'm sorry?

4 Q. [10:28:21] I'm going to put the question again. Are there, amongst your
5 brothers, any FACA members?

6 A. [10:28:27] No. There is no soldier in their midst, in our midst, in fact. None at
7 all.

8 Q. [10:28:41] Thank you.

9 Could you tell us what (Redacted) occupation is, (Redacted)?

10 A. [10:28:59] (Redacted)

11 Q. [10:29:17] There's a little problem in the transcription, in the transcript. You
12 said what he did as an occupation. Could you please tell us and repeat what his
13 occupation was.

14 A. [10:29:29] (Redacted)

15 (Redacted)

16 Q. [10:29:50] (Redacted)

17 A. [10:29:57] (Redacted)

18 Q. [10:30:13] (Redacted)

19 (Redacted)

20 A. [10:30:21] (Redacted)

21 Q. [10:30:39] (Redacted)

22 (Redacted)

23 A. [10:30:50] (Redacted)

24 Q. [10:31:00] (Redacted)

25 (Redacted)

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- 1 A. [10:31:08] (Redacted)
- 2 Q. [10:31:31] Thank you.
- 3 (Redacted)
- 4 (Redacted)
- 5 A. [10:31:51] (Redacted)
- 6 Q. [10:32:02] Very well. Thank you.
- 7 (Redacted)
- 8 A. [10:32:10] (Redacted)
- 9 (Redacted)
- 10 THE INTERPRETER: [10:32:28] Correction from the interpreter.
- 11 MR JACOBS: [10:32:42](Interpretation)
- 12 Q. [10:32:46] (Redacted)
- 13 (Redacted)
- 14 A. [10:33:05] (Redacted)
- 15 Q. [10:33:18] Thank you, Mr Witness. It's all clear.
- 16 (Redacted)
- 17 A. [10:33:24] (Redacted)
- 18 Q. [10:33:38] Thank you.
- 19 (Redacted)
- 20 A. [10:33:45] (Redacted)
- 21 Q. [10:33:48] (Redacted)
- 22 (Redacted)
- 23 A. [10:33:57] (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 Q. [10:34:54] (Redacted)
- 4 (Redacted)
- 5 Mr Witness, can you specify the neighbourhood that you lived in in 2013?
- 6 A. [10:35:32] It was the Boy-Rabe neighbourhood. Boy-Rabe.
- 7 Q. [10:35:44] And which subdivision of Boy-Rabe?
- 8 A. [10:35:49] (Redacted)
- 9 Q. [10:35:56] Thank you very much.
- 10 (Redacted)
- 11 (Redacted)
- 12 A. [10:36:23] (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Q. [10:36:42] Very well.
- 16 (Redacted)
- 17 A. [10:36:47] (Redacted)
- 18 Q. [10:36:51] (Redacted)
- 19 A. [10:36:57] (Redacted)
- 20 (Redacted)
- 21 Q. [10:37:23] All right. (Redacted)
- 22 A. [10:37:43] (Redacted)
- 23 Q. [10:38:01] All right.
- 24 So I'll read in the transcript something you said a few minutes ago. This is page 28,
- 25 line 12. This is in the real-time French transcript.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [10:38:31] (Redacted)

6 (Redacted)

7 Q. [10:38:52] (Redacted)

8 (Redacted)

9 A. [10:39:04] (Redacted)

10 Q. [10:39:22] Mr Witness, try not to speak at the same time as me. I know that
11 since we're speaking the same language it's natural to answer straight away, but try
12 and wait for me to have finished my question before answering; is that okay,
13 Mr Witness?

14 A. [10:39:40] Okay.

15 Q. [10:39:53] Thank you.

16 So let's continue. (Redacted)

17 (Redacted)

18 A. [10:40:12] (Redacted)

19 Q. [10:40:20] (Redacted)

20 A. [10:40:26] (Redacted)

21 Q. [10:40:44] In your previous statement -- and I'll give you the reference for
22 the file.

23 This is CAR-OTP-2130-6904, tab 1 on our evidence list, and I'm referring to
24 paragraph 12. I don't think it needs to be displayed on screen, but I just wanted to
25 refer to one piece of information.

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- 1 (Redacted)
- 2 (Redacted)
- 3 A. [10:41:25] (Redacted)
- 4 Q. [10:41:36] Yes, I was waiting for the end of the interpreting in English.
- 5 (Redacted)
- 6 A. [10:41:43] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 Q. [10:42:17] (Redacted)
- 10 A. [10:42:22] (Redacted)
- 11 Q. [10:42:43] (Redacted)
- 12 (Redacted)
- 13 A. [10:42:49] (Redacted)
- 14 Q. [10:43:17] (Redacted)
- 15 A. [10:43:30] (Redacted)
- 16 Q. [10:43:52] My apologies, Mr Witness. Can you please repeat your answer.
- 17 (Redacted)
- 18 A. [10:44:05] (Redacted)
- 19 Q. [10:44:22] Thank you.
- 20 THE INTERPRETER: [10:44:26] (Redacted)
- 21 (Redacted)
- 22 MR JACOBS: [10:44:39](Interpretation)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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12 Page redacted

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:48:49] Okay, let's display the previous statement, just to be able to confirm
5 this. And I'll repeat the ERN.

6 This is CAR-OTP-2130-6904. This is tab 1 on our list, page 6906, paragraph 12.

7 Thank you.

8 So, Mr Witness, can you see the document that is being displayed?

9 If we could leave it like that, court officer, that's perfect.

10 So if we go to page -- paragraph 12, it says that:

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)

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1 Q. [10:51:32] I'm sorry, Mr Witness, the transcript just stopped. I think you might have to
2 speak a bit more slowly and closer to the microphone because, in any case, everything you
3 have said hasn't been transcribed. Oh, it's back. Wait a second, please. (Redacted)
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 PRESIDING JUDGE SAMBA: [10:53:50] Mr Witness, I'm going to ask that you speak a bit
20 slow so that the interpreters can get the names you are here referring to and all that you are
21 saying. I did tell you when we started that everything we say here is being recorded and
22 interpreted. Because you speak in French, there are other people who understand your
23 testimony in other languages, so we need interpreters to help us. So you must help us by
24 talking slowly so that the interpreters can get what you are saying and we can get your
25 evidence properly. Thank you very much. I'm hopeful that you understand.

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1 Mr Jacobs, please.

2 MR JACOBS: [10:54:49](Interpretation) Thank you, Madam President.

3 Q. [10:54:59] Thank you, Mr Witness, for these clarifications.

4 Do you remember your salary when you were (Redacted).

5 A. [10:55:22] My gross salary was * (Redacted).

6 Q. [10:55:42] Very well. And so then when you started working (Redacted), do
7 you remember your salary at that time?

8 A. [10:55:57] (Redacted).

9 Q. [10:56:22] And when you became (Redacted), do you remember your salary at
10 that time?

11 A. [10:56:36] (Redacted).

12 Q. [10:57:06] Just as a point of clarity, the figures you're giving me, they are
13 monthly salaries; is that correct?

14 A. [10:57:16] Yes, that is the -- my monthly salary.

15 Q. [10:57:28] Very well.

16 So, in 2013, when you were (Redacted), can you tell us at that time who were your
17 superiors (Redacted)?

18 A. [10:57:49] (Redacted)

19 (Redacted)

20 Q. [10:58:15] (Redacted)

21 A. [10:58:19] (Redacted)

22 Q. [10:58:41] Thank you very much, Mr Witness.

23 In your request to be a victim, which is CAR-OTP-00025572, which is at tab 13 in our
24 list, on page 0002. I think there's a little mistake since there's a picture that's being
25 displayed.

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1 Is this tab 13? Yes, tab 13. Perfect. Thank you very much.

2 So in the second paragraph, if we can zoom in, the first sentence of the second
3 paragraph, it says: "In 2012, since I was (Redacted)," so you state here in this file that
4 you were (Redacted). Can you confirm that,
5 Mr Witness?

6 A. [11:00:29] Yes.

7 Q. [11:00:30] So, to understand, you said you (Redacted) in 2012 and in 2013 you
8 became (Redacted); is that correct?

9 A. [11:00:38] Yes, in the same year.

10 Q. [11:00:50] Very well. So you became (Redacted) in the year 2012, just to be
11 clear.

12 I don't know whether you heard my question, Mr Witness.

13 A. [11:01:12] No.

14 Q. [11:01:13] I was asking you, you became (Redacted) in 2012;
15 is that correct?

16 A. [11:01:26] I became (Redacted) in 2012 and I became (Redacted)
17 (Redacted) in the year 2013.

18 Q. [11:01:35] Thank you, Mr Witness.

19 I can see what time it is, Madam President. I will continue with my questioning after
20 the break, I believe.

21 PRESIDING JUDGE SAMBA: [11:01:41] Thank you very much.

22 Mr Witness, we are going to take a short break. We'll be back for 11.30 and

23 Defence counsel will continue putting his questions to you in cross. Thank you very
24 much.

25 I rise the Court for 11.30 to come back.

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1 THE COURT USHER: [11:02:00] All rise.

2 (Recess taken at 11.02 a.m.)

3 (Upon resuming in open session at 11.32 a.m.)

4 THE COURT USHER: [11:32:36] All rise.

5 Please be seated.

6 PRESIDING JUDGE SAMBA: [11:32:58] Good morning again, everyone.

7 Mr Witness, we're going to continue with your cross-examination, as I said before we
8 left.

9 And just so we know, we're in open session. Mr Jacobs, you may continue with the
10 witness. Thank you.

11 MR JACOBS: [11:33:15](Interpretation) Thank you, Madam President.

12 Q. [11:33:30] Good morning again, Mr Witness.

13 A. [11:33:33] Good morning.

14 Q. [11:33:36] So we shall continue on the main -- same theme as we were -- that we
15 were broaching before we took the break.

16 I believe he should go back into private session, please, Madam President.

17 PRESIDING JUDGE SAMBA: [11:33:52] Madam Court Officer, can we go back into
18 private session, please.

19 (Private session at 11.34 a.m.)

20 THE COURT OFFICER: [11:34:01] We're in private session, Madam President.

21 PRESIDING JUDGE SAMBA: [11:34:06] Thank you very much.

22 Mr Jacobs, continue, please.

23 MR JACOBS: [11:34:11](Interpretation) Thank you very much, Madam President.

24 Q. [11:34:15] So, Mr Witness, we're going to briefly continue on the subject matter
25 that we were broaching before we took the break (Redacted).

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1 Now I have a number of questions to put to you. You said to us before the break
2 that you were (Redacted) in the year 2012; is that correct?

3 A. [11:34:42] Yes.

4 Q. [11:34:43] So let me remind you once again that you need to wait for a few
5 seconds after my question before responding. Of course, naturally you do want to
6 respond immediately, but this is for the purposes of interpretation and for the
7 transcript, Mr Witness, all right?

8 A. [11:34:59] Very well.

9 Q. [11:35:05] That's perfect, Mr Witness.
10 So could you please tell us where (Redacted) was located where you were
11 (Redacted)?

12 A. [11:35:21] (Redacted).

13 Q. [11:35:36] Very well. Could you provide us with the name of (Redacted)?

14 A. [11:35:44] It was called (Redacted).

15 Q. [11:36:03] Thank you, Mr Witness.

16 Now, for the record, could you please repeat to us slowly the location that you have
17 just mentioned. You said that it was at -- and you could say that location again,
18 please, Mr Witness.

19 A. [11:36:29] (Redacted).

20 Q. [11:36:52] Very well. And what was your salary when you were (Redacted)
21 (Redacted)?

22 * A. [11:37:08] My salary was (Redacted).

23 Q. [11:37:32] Thank you. When you were (Redacted), where exactly were you
24 working, (Redacted)?

25 A. [11:37:54] (Redacted)

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1 Q. [11:38:17] Could you be more specific. Do you have a neighbourhood to give
2 us or an address?

3 A. [11:38:32] (Redacted)
4 (Redacted).

5 PRESIDING JUDGE SAMBA: [11:39:06] Mr Jacobs, I note that your question has to
6 do with where (Redacted) was located. Can you guide the witness so that he
7 answers that question, please.

8 MR JACOBS: [11:39:24](Interpretation) Absolutely, Madam President. I was going
9 to put the question again to the witness.

10 Q. [11:39:29] So, thank you, Mr Witness.

11 To be clear, the question I was putting to you was where (Redacted) was located
12 when you were (Redacted)
13 (Redacted)?

14 A. [11:39:45] (Redacted).

15 Q. [11:40:02] Thank you, Mr Witness. And at an earlier stage, you told us that
16 your hierarchical superior was (Redacted).

17 Now, just to be clear, was he your hierarchical superior when you were (Redacted)
18 and was there somebody above (Redacted) -- working above (Redacted)?

19 A. [11:40:27] Well, (Redacted).

20 Q. [11:40:46] Very well. And do you remember (Redacted) name, Mr Witness, in
21 the year 2013?

22 A. [11:40:55] (Redacted).

23 Q. [11:41:04] Thank you, Mr Witness.

24 So I would like to move on to another question. Very well.

25 So in your prior statement, and I'm going to provide the ERN number,

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1 CAR-OTP-2130-6904, page 6908, that is tab 1 on our list of evidence at paragraph 20.

2 So in this paragraph you indicate that in the year 2013 you (Redacted)

3 (Redacted). Do you remember having said that to the Office of the Prosecutor,

4 Mr Witness?

5 A. [11:42:56] Yes, I do.

6 Q. [11:43:07] (Redacted)

7 (Redacted); is that correct, Mr Witness, your activity (Redacted),

8 that is?

9 A. [11:43:21] Yes.

10 Q. [11:43:22] And when did you start (Redacted)?

11 A. [11:43:33] Well, (Redacted).

12 Q. [11:43:51] Very well.

13 I believe that we can withdraw the document so the witness can see us, Madam

14 Courtroom Officer. Thank you.

15 Now, Mr Witness, you just told us that you (Redacted). Do you remember which

16 year that was in?

17 A. [11:44:26] It was between 2010 and 2011, 2010 and 2011.

18 Q. [11:44:43] Very well. So if I understand correctly, (Redacted) between the years

19 2010 and 2011 (Redacted); is that correct?

20 A. [11:44:59] Yes.

21 Q. [11:45:03] (Redacted), Mr Witness?

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [11:46:04] Very well. For things to be clear on the record, we're going to come
2 back over what you've just said. So I understand here that (Redacted)
3 (Redacted)?

4 A. [11:46:22] (Redacted).

5 Q. [11:46:23] Could you please spell the name of (Redacted)?

6 A. [11:46:28] (Redacted).

7 Q. [11:46:47] Very well. And you say that they gave you (Redacted)
8 (Redacted)?

9 A. [11:46:56] (Redacted).

10 Q. [11:47:11] And in the transcript it is indicated that (Redacted)
11 (Redacted); is that what you said?

12 A. [11:47:23] Yes.

13 Q. [11:47:48] Very well.

14 And in your prior statement at paragraph 27, if we could redisplay this, please. I'm
15 going to provide you again with the ERN number, CAR-OTP-2130-6904 at page 6909,
16 paragraph 27.

17 It is indicated here that "(Redacted)
18 (Redacted)."

19 Can you confirm that, Mr Witness?

20 A. [11:48:44] Which paragraph is that?

21 Q. [11:48:53] That's paragraph 27 and that's the first paragraph at the top of the
22 page, line 3. You see it's written "(Redacted)
23 (Redacted)"

24 A. [11:49:33] Yes, I was the one who said that.

25 Q. [11:49:42] Very well. And so why is it that (Redacted)

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1 (Redacted), Mr Witness?

2 (Redacted)

3 (Redacted)

4 Q. [11:50:09] Very well. And you go on in this paragraph to say that (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [11:50:41] Well, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 THE INTERPRETER: [11:51:11] Correction from the English booth: (Redacted)

13 (Redacted)

14 MR JACOBS: [11:51:19](Interpretation)

15 Q. [11:51:21] Very well. And in what context were you working with (Redacted),

16 Mr Witness?

17 A. [11:51:29] I did not say that I was working (Redacted). I was working with

18 (Redacted).

19 Q. [11:51:52] Very well, Mr Witness. (Redacted)

20 (Redacted); is that correct?

21 A. [11:52:01] There you are, there you have it, yes.

22 Q. [11:52:07] Did you know that Louis Oguere was secretary general of the KNK in

23 the year 2013, Mr Witness?

24 A. [11:52:42] No, I did not know that Louis Oguere was the secretary of the KNK,

25 (Redacted), it was after that that I realised

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1 that he was the secretary of the KNK. I didn't even know that he was associated
2 with the -- that he was associated with the ambassador in Cameroon.

3 Q. [11:53:16] Thank you, Mr Witness.

4 We can remove that document for the time being, Madam Courtroom Officer.

5 Very well. Now to be clear, Mr Witness, with regard to what you have just said, so
6 at the time when (Redacted), you were not aware that Louis

7 Oguere was an ambassador or the secretary of the KNK; is that what you were telling
8 us?

9 A. [11:53:48] Yes.

10 Q. [11:53:53] But you did learn that subsequently?

11 A. [11:53:56] Yes. I did learn that subsequently.

12 Q. [11:54:23] Very well, Mr Witness. That's very clear.

13 At an earlier stage when you were answering the questions put to you by I believe the
14 OTP, I refer to * page 22, line 12 of the transcript of this morning, you explained that
15 you also were (Redacted). Is that correct, Mr Witness?

16 A. [11:54:51] Yes.

17 Q. [11:54:59] (Redacted), Mr Witness?

18 A. [11:55:05] (Redacted).

19 (Counsel confers)

20 MR JACOBS: [11:55:33](Interpretation)

21 Q. [11:55:35] Thank you, Mr Witness. And when did you (Redacted)?

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [11:56:13] Thank you, Mr Witness. Thank you, Mr Witness.

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1 So after 2013, you continued to work (Redacted) until 2019; is that correct,

2 Mr Witness?

3 A. [11:56:51] Yes.

4 Q. [11:56:54] Thank you, Mr Witness.

5 So a last question with regard to (Redacted). In your prior statement you say at

6 paragraph 57, and that is still CAR-OTP-2130-6904, paragraph 57, tab 1, you explain

7 that (Redacted)

8 (Redacted)

9 (Redacted)

10 Can you confirm that, Mr Witness?

11 A. [11:58:16] Yes.

12 Q. [11:58:32] Very well. (Redacted)

13 (Redacted)?

14 A. [11:58:38] (Redacted)

15 (Redacted). That's right.

16 Q. [11:59:02] Thank you, Mr Witness.

17 (Redacted)?

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [11:59:55] I do understand, Mr Witness, and I thank you.

24 I'll move on to another -- another question. In your previous statement in paragraph

25 17, so this is page 6907, you explain that after March 2013 (Redacted)

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1 (Redacted); is that correct?

2 A. [12:00:55] Yes.

3 Q. [12:00:57] And you stated that Bruno Namtoli was a gendarme. Do you know
4 what unit he was a gendarme in?

5 A. [12:01:18] I don't know the -- I'm not familiar with the units, but I knew he was a
6 gendarme.

7 Q. [12:01:25] Okay. Never mind, Mr Witness. You say that you remember that
8 and there's no problem.

9 Can you tell us where Bruno Namtoli resided?

10 A. [12:01:45] (Redacted)

11 Q. [12:02:03] All right. (Redacted)

12 (Redacted)?

13 A. [12:02:21] (Redacted)

14 Q. [12:02:37] All right. (Redacted)

15 (Redacted)?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:03:23] Very well, Mr Witness.

21 I think we can remove the text so that the witness can see us clearly. Thank you,

22 Madam Court Officer.

23 Mr Witness, you said (Redacted) Elie Namtoli; is that correct?

24 A. [12:03:45] (Redacted).

25 Q. [12:03:51] (Redacted)?

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1 (Redacted)

2 (Redacted)

3 Q. [12:04:30] Can you tell us his occupation in 2013?

4 A. [12:04:36] Whose occupation?

5 Q. [12:04:39] Elie's occupation, Mr Witness.

6 A. [12:04:43] Elie was a businessman. And Bruno was a gendarme.

7 Q. [12:04:55] Do you know more specifically what sort of business Elie owned?

8 A. [12:05:12] He did many things. He did little things for the KNK, Elie did.

9 THE INTERPRETER: [12:05:33] Or, rather, the interpreter did not hear correctly. It
10 might have been he made T-shirts for the KNK.

11 MR JACOBS: [12:05:45](Interpretation)

12 Q. [12:05:46] And did he have a media company as well?

13 A. [12:05:50] Yes, he had many medias, he had many companies. He also
14 managed Bozize's campaign.

15 Q. [12:06:13] So if I understood correctly, he worked for Bozize's campaign; is that
16 correct?

17 A. [12:06:24] Yes.

18 Q. [12:06:36] And in 2013, was Elie in France, Mr Witness?

19 A. [12:06:44] Yes, in 2013 he was in France and it was his older brother, Bruno, who
20 was here in Bangui.

21 Q. [12:07:03] And do you know if he continued his activities whilst he was in
22 France?

23 A. [12:07:10] That, no I know nothing about that.

24 Q. [12:07:22] All right, Mr Witness. Thank you very much for these answers
25 you've provided to my questions.

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1 So I'll move on to another question. In your request in the form you filled out, and

2 I'll give the reference for the file, this is CAR-OTP-00025572, page 00002, tab 13.

3 Perfect, Madam Court Officer. Thank you.

4 So in paragraph 2, line 2, you stated in your request to be a participant that:

5 "Following this, still in 2012, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Do you see that, Mr Witness?

10 A. [12:09:07] Yes.

11 Q. [12:09:10] So, Mr Witness, can you tell us when (Redacted)?

12 A. [12:09:28] I can't remember the date. I forget the date. But it was in 2011.

13 2011.

14 Q. [12:09:48] All right. So not in 2012, as is stated here? In 2011. You're

15 correcting your statement; is that correct?

16 A. [12:09:58] No, I'm actually thinking about it. I'm not sure if it was 2011 or 2012.

17 But I -- it's the right date that I wrote in -- on the form.

18 Q. [12:10:12] Very well. Thank you, Mr Witness.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:10:58] All right. So just for clarity, after (Redacted) in 2012, you state that

25 (Redacted)?

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 Q. [12:12:44] Perfect. Can we remove the document, Madam Court Officer.
- 13 Mr Witness, you have just explained to us (Redacted), and thank
- 14 you for doing that, and you said that "(Redacted)
- 15 (Redacted)
- 16 (Redacted)?
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 THE INTERPRETER: [12:14:03] Correction from the interpreter.
- 25 MR JACOBS: [12:14:06](Interpretation)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE SAMBA: [12:16:00] Mr Jacobs, we're waiting on you.
- 13 MR JACOBS: [12:16:11](Interpretation) Thank you, Madam President.
- 14 Q. [12:16:13] Mr Witness, when you met the investigators from the Prosecutor's
- 15 office in the year 2021, you provided them with a series of emails between yourself
- 16 and (Redacted). Do you remember providing the OTP with that -- with those
- 17 emails?
- 18 A. [12:16:40] What sort of emails? What's this in relation to?
- 19 Q. [12:16:46] Let me refresh your memory with your previous statement.
- 20 This is CAR-OTP-2130-6904, paragraph 23, this is still in tab 1 on our list, page 6908.
- 21 At the end of paragraph 23 you stated:
- 22 "I provided the investigators with two pages of an email series between myself and
- 23 (Redacted) on this topic. I lost the third page of this document. The investigators
- 24 named this document annex A in my declaration."
- 25 Do you see this, Mr Witness?

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1 I'll let you finish reading and tell me when you're done, when you've read the end of
2 paragraph 23.

3 A. [12:18:38] Yes, I'm looking at it. That's what I'm doing.

4 Annex -- page 3, annex A.

5 Q. [12:19:25] Yes, yes, I'll show it to you. We're doing things in order. But do
6 you remember this excerpt from your previous statement? We'll start with that.

7 Do you remember saying this to the investigators from the Prosecutor's office, having
8 brought this list of emails?

9 A. [12:19:41] I need to see annex A first to be able to remember this.

10 PRESIDING JUDGE SAMBA: [12:19:45] Sorry, Mr Jacobs, can I ask that the witness
11 reads paragraph 23 in line with paragraph 22 so that he gets a complete picture of the
12 question you are putting to him. And then annex A may help him understand better.
13 If he can look at paragraph 22, then 23. Thank you.

14 MR JACOBS: [12:20:14](Interpretation) Certainly, your Honour.

15 Q. [12:20:16] Mr Witness, now you can -- on the screen you can also see paragraph
16 22, and Madam President would like you to read both paragraphs taken together and
17 then I will show you annex A. Is that okay, Mr Witness?

18 A. [12:20:38] Yes.

19 But it's what I explained to you earlier.

20 Q. [12:21:15] Yes, indeed, Mr Witness.

21 A. [12:21:17] Yes, that's what I explained to you earlier. (Redacted)
22 (Redacted).

23 Q. [12:21:34] Yes, well noted, Mr Witness.

24 So I think we can display the annex. So this is still the same document, page 6921.

25 I don't know if you can see the document, Mr Witness. We're going to scroll down

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1 slowly. There's two pages. We'll scroll down slowly so that you can see the
2 document.

3 Wait, wait till we change pages.

4 Do you recognise the signature that you see in front of you?

5 A. [12:23:07] Yes, I see it.

6 Q. [12:23:09] Is it yours?

7 A. [12:23:12] Yes, it's mine.

8 Q. [12:23:16] So can we move on to the next page, 6922, please.

9 Do you recognise the signature in front of you?

10 A. [12:24:36] Yes, I recognise it.

11 Q. [12:24:44] Okay. And so do you recognise this exchange of emails?

12 A. [12:24:52] Yes, I recognise this exchange of emails.

13 Q. [12:25:01] All right. So regarding this -- these emails, there's two pages and
14 you told the investigators you lost the third page of this document. Couldn't you
15 find it in your mailbox, in your inbox?

16 A. [12:25:23] What -- we're talking about -- I don't remember it anymore. I don't
17 remember.

18 Q. [12:25:32] So the investigators, when they met you, did they ask you if you
19 could look for the emails in your inbox in order to have access to the beginning of the
20 exchange?

21 A. [12:25:45] It lasted too long.

22 MR JACOBS: [12:26:00](Interpretation) Madam Court Officer, can we go back to the
23 previous page, 6921, please.

24 Thank you.

25 Q. [12:26:20] Can you see, Mr Witness? Can you see the email, Mr Witness?

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- 1 A. [12:26:38] Yes, I see it. But this is at the time when I was (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Q. [12:27:07] Okay. Well, let's take this step by step. So here we can see an email
- 6 from (Redacted).
- 7 A. [12:27:28] (Redacted).
- 8 Q. [12:27:34] (Redacted)?
- 9 A. [12:27:38] (Redacted)
- 10 (Redacted).
- 11 Q. [12:27:43] Yes, can we scroll down a bit so we can see the whole of the email?
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. [12:28:34] All right.
- 18 In this email, it says that "(Redacted)
- 19 (Redacted)"
- 20 So first question, Mr Witness: (Redacted)?
- 21 A. [12:28:59] I didn't say that. I didn't say that. I didn't see the part that you're
- 22 referring to or that you just read.
- 23 THE INTERPRETER: [12:29:23] Witness is reading his statement -- or the email,
- 24 rather.
- 25 THE WITNESS: [12:29:28](Interpretation) (Redacted)

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1 (Redacted)

2 (Redacted)

3 MR JACOBS: [12:29:49](Interpretation)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [12:30:12] Thank you, Mr Witness. So you answered the next day?

8 A. [12:30:17] Yes, I did answer the next day, (Redacted).

9 Q. [12:30:29] Very well. And as you have this exchange of email, but you do not
10 have your answer printed out by any chance, do you?

11 A. [12:30:40] I do not know. I know that I answered that message. I do know
12 that.

13 Q. [12:31:06] Very well. So you have just explained to us that this email has a
14 bearing on the time when you were (Redacted); is that correct?

15 A. [12:31:28] Yes.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [12:33:52] Very well. And after your answer, (Redacted)

12 (Redacted)?

13 (Redacted)

14 Q. [12:34:11] Well, when we look at this exchange of emails, we can see that there

15 was a first email - well, * I say first because we don't have the rest of it – (Redacted)

16 which has a bearing (Redacted), and the email after that has a bearing (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Madam Courtroom Officer, I believe that we can remove the document, please.

5 Mr Witness, does the name Bienvenu Orofei ring a bell?

6 A. [12:37:09] Who?

7 Q. [12:37:15] I shall repeat the name. Bienvenu, and family name, Orofei,

8 O-R-E-F-E-I.

9 A. [12:37:31] (Redacted)

10 THE INTERPRETER: [12:37:32] O-R-O-F-E-I.

11 (Redacted). Apologies.

12 MR JACOBS: (Interpretation)

13 Q. [12:37:44] Could you tell us a little bit more, Mr Witness?

14 A. [12:37:55] Well, (Redacted)

15 (Redacted).

16 Q. [12:38:11] Very well. So let us be specific for the record, Mr Witness. You said

17 that (Redacted)

18 (Redacted)?

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [12:38:44] I'm sorry?

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SAMBA: [12:39:20] We just want a clarification (Redacted)

5 (Redacted)

6 (Redacted)

7 MR JACOBS: [12:39:44](Interpretation) Of course, Madam President. I can ask the

8 witness, but the family name as it appears in the exchange of emails in annex A, I

9 shall spell it out for the record. (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SAMBA: [12:40:13] Thank you very much. As it appears in

12 annex A.

13 MR JACOBS: [12:40:19](Interpretation) Yes, that is correct, Madam President.

14 PRESIDING JUDGE SAMBA: [12:40:23] Thank you very much.

15 Carry on, please.

16 MR JACOBS: [12:40:27](Interpretation)

17 Q. [12:40:41] Now, Mr Witness, let us come back to what you were just telling us.

18 You say that the person we were talking about (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26 A. [12:41:45] Yes.

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1 Q. [12:41:50] Very well. (Redacted)

2 (Redacted), do you have any further information with regard to this individual?

3 A. [12:42:03] No, I do not have any further information about this person.

4 Q. [12:42:16] Do you know whether this individual had any political activities?

5 A. [12:42:31] I do not know, but it is as if he was supporting the KNK.

6 Q. [12:42:49] Very well. Thank you, Mr Witness.

7 So I would like to move on to another subject which covers another document that

8 you handed over to the investigators of the OTP. This is a press article which is part

9 of the -- it's annexed to your prior statement.

10 I would like for this to be brought up, CAR-OTP-2130-6904, and it's at page 6923.

11 Could we please zoom in on the top of the page, a little bit further up, we can see the

12 annex. Very well.

13 Can you see the document, Mr Witness?

14 A. [12:44:10] Yes, I can.

15 Q. [12:44:13] So very well. We see at the top "Annex B1" and do you recognise the

16 signature that we see here on the page?

17 A. [12:44:23] Yes, I do. I do.

18 Q. [12:44:29] And can you confirm that it was you who handed over this article to

19 the investigators of the OTP?

20 A. [12:44:40] Yes, it was me.

21 Q. [12:44:58] In this article there is a great deal of information concerning (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:46:56] Very well.

10 Madam Courtroom Officer, could we please bring up item CAR-OTP-2087-9523, that
11 is tab 3 on our list of evidence.

12 Perfect. Can we please zoom in on the top.

13 Can you see the title, Mr Witness?

14 Mr Witness, can you see the title?

15 A. [12:47:51] Yes, I can.

16 Q. [12:47:56] So the title is the same as the other one, (Redacted)

17 (Redacted)

18 (Redacted). Can you see that, Mr Witness?

19 A. [12:48:25] Yes, I can.

20 Q. [12:48:27] Very well.

21 If we could go to the bottom left-hand corner of the page, please, Madam Courtroom
22 Officer. Perfect.

23 You can see the information, all the way to the bottom on the left-hand side, you can
24 see that (Redacted)

25 Do you see that, Mr Witness?

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1 Mr Witness, do you see the date in the bottom left-hand corner?

2 A. [12:49:35] Yes, I do see the date.

3 Q. [12:49:37] Very well. (Redacted)

4 (Redacted)

5 A. [12:49:53] Well, it is not obligatory that the date of publication in one newspaper
6 should be the same as the other one. The publication date will be different or it
7 might not be on the same footing. Why would the date of publication be the same as
8 the other one? I do not know.

9 Q. [12:50:35] No problem, Mr Witness. We're just trying to understand the dates,
10 but you are helping us in clarifying matters. Thank you very much, Mr Witness.

11 And we can remove the document, please, Madam Courtroom Officer.

12 Thank you, Mr Witness.

13 Now, Mr Witness, a number of -- or a few questions on the author of the article that
14 we have just seen, (Redacted)

15 (Redacted)?

16 A. [12:51:36] (Redacted)

17 Q. [12:51:44] And to be one hundred per cent clear, you have no idea how this
18 person came about the information that appeared in this article?

19 A. [12:51:55] No idea.

20 Q. [12:52:05] And to your knowledge, did this journalist have any links with the
21 KNK?

22 A. [12:52:15] I don't know. How can I know that link?

23 Q. [12:52:23] Very well. It was just to be certain that we had covered all aspects.

24 So, Mr Witness, I'm going to move on to another subject now, all right?

25 A. [12:52:59] Yes, very well.

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1 Q. [12:53:03] Now, in your prior statement, so let me remind you of the ERN,

2 CAR-OTP-2130-6904 at paragraph 53, could that please be brought up on the screen.

3 That is tab 1 on our list of evidence, for the record.

4 Very well. Could we please bring up these two paragraphs, 53 and 54. Wonderful.

5 Thank you.

6 Can you see this, Mr Witness?

7 A. [12:54:11] Yes, I can see it.

8 Q. [12:54:13] Very well. So there's a first question with regard to paragraph 53,

9 where you indicate that (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:55:05] Very well, Mr Witness.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:56:01] Very well.

25 So at paragraph 54, but you did correct this during your preparatory session, you said

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- 1 (Redacted), and then you corrected it during your preparatory session to
2 2013, you said (Redacted)
3 So I have a few questions to put to you with regard to this paragraph before us. You
4 say that (Redacted)
5 (Redacted)
6 A. [12:56:47] (Redacted)
7 Q. [12:56:57] Very well. So I'm trying to understand. (Redacted)
8 (Redacted)
9 (Redacted)
10 A. [12:57:19] Yes.
11 Q. [12:57:24] Very well. I'm just trying to understand that sentence, (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 Q. [12:58:01] Very well. (Redacted)
17 (Redacted). And still in this paragraph 54 that we have before us you say
18 (Redacted)
19 (Redacted). Can you see that, Mr Witness?
20 A. [12:58:37] Yes.
21 Q. [12:58:44] And you can confirm what you said, Mr Witness?
22 A. [12:58:47] Yes, I can confirm. I can confirm. (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [13:00:01] Very well. So one last question, Mr Witness, before we take the
7 break. You say that (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [13:00:51] Thank you, Witness.

15 MR JACOBS: [13:00:54](Interpretation) Madam President, I see the time.

16 PRESIDING JUDGE SAMBA: [13:00:59] Yes, thank you very much, Mr Jacobs.

17 Now, Mr Witness, we're going to end your testimony here for today. We shall

18 continue with your testimony tomorrow by way of answering questions to

19 cross-examination, but I'm going to ask that you do not discuss your testimony here

20 today with anybody when you leave the office, your location where you are at. You

21 will still be considered to be under oath, so do not discuss your testimony with

22 anybody. We'll meet here again tomorrow at 9.30 in the morning.

23 I rise the Court, please.

24 THE COURT USHER: [13:01:45] All rise.

25 (The hearing ends in private session at 1.01 p.m.)