

Trial Hearing
WITNESS: CAR-OTP-P-2251

(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 Wednesday, 17 April 2024
- 9 (The hearing starts in open session at 9.39 a.m.)
- 10 THE COURT USHER: [9:39:21] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SAMBA: [9:39:45] Good morning, everyone.
- 14 Madam Court Officer, can you please mention the case.
- 15 Thank you.
- 16 THE COURT OFFICER: [9:39:51] Good morning, Madam President, your Honours.
- 17 The situation in the Central African Republic II, in the case of the Prosecutor versus
- 18 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
- 19 And we are in open session.
- 20 PRESIDING JUDGE SAMBA: [9:40:04] Thank you very much.
- 21 Can I ask the parties to introduce themselves, beginning with the Prosecution, please.
- 22 MS MAKWAIA: [9:40:11] May it please the Court.
- 23 For the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer;
- 24 Brunhild Le Bailly, associate trial lawyer; and our intern, Mamadou Fofana.
- 25 Thank you, your Honours.

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- 1 PRESIDING JUDGE SAMBA: [9:40:22] Thank you very much, Ms Makwaia.
2 Ms Pellet for the victims, please.
3 MS PELLET: [9:40:27](Interpretation) Thank you, Madam President.
4 The victims are represented by Tars Van Litsenborgh and myself, Sarah Pellet,
5 counsel in the Office of Public Counsel for Victims.
6 PRESIDING JUDGE SAMBA: [9:40:44] Thank you very much, Ms Pellet.
7 Ms Naouri for the Defence, please.
8 MS NAOURI: [9:40:51](Interpretation) Thank you, Madam President. Good
9 morning.
10 Next to me, Maître Jacobs. Next to him, Elina Legat, and behind me, Léa Allix.
11 And myself, I am Jennifer Naouri, lead counsel.
12 PRESIDING JUDGE SAMBA: [9:41:07] Thank you, Ms Naouri.
13 And for the record I take note that Mr Said is in court.
14 A very good morning to you, Mr Said. I hope I see you well.
15 MR SAID: [9:41:21](Interpretation) Yes, good morning, Madam President.
16 PRESIDING JUDGE SAMBA: [9:41:29] Good morning.
17 Good morning, Mr Witness. I hope you rested well.
18 WITNESS: CAR-OTP-P-2251 (On former oath)
19 (The witness speaks Sango)
20 (The witness gives evidence via video link)
21 THE WITNESS: [9:41:40](Interpretation) Good morning. I rested well.
22 PRESIDING JUDGE SAMBA: [9:41:50] Thank you very much.
23 You are still under oath, Mr Witness, to tell the truth to this Court. And this
24 morning we are going to start off where Mr Jacobs left off yesterday.
25 Before he goes to a new topic area, I'm going to ask, yesterday you promised to bring

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1 your {PFR: (Redacted)}, so that we clarify certain issues that relate to dates. Do you
2 have it with you?

3 THE WITNESS: [9:42:33](Interpretation) Yes, I have {PFR: (Redacted)} with me at this time.

4 PRESIDING JUDGE SAMBA: [9:42:38] Okay. Can I ask that we go into private
5 session, please, for that.

6 (Private session at 9.42 a.m.)

7 THE COURT OFFICER: [9:42:57] We are in private session, your Honours.

8 PRESIDING JUDGE SAMBA: [9:43:02] Thank you very much.

9 Mr Witness, we take note of your concerns raised yesterday in respect of making
10 copies of your documents. So what I'm going to ask is for you to -- let's try one
11 strategy so that we see whether or not we can confirm the dates on (Redacted). Can
12 you hold it up for us against your camera so we see whether or not we can see
13 the details on (Redacted).

14 If the field officer is there, can you help us, if you can hear me.

15 THE WITNESS: [9:43:59](Interpretation) I have (Redacted) with me. And I will give
16 it to the person who assists me here in the field so that that person can show it to you.

17 THE COURT OFFICER: [9:44:25](Interpretation) I will ask -- closer to the camera,
18 closer to the camera. Forward, please. A little bit more. (Speaks English) And
19 now stay like this. Stay like this. (No interpretation) (Speaks English) No.

20 PRESIDING JUDGE SAMBA: [9:44:54] Now it is blurred.

21 Can you give it to the witness, please. Can you give (Redacted) to the witness.

22 The field officer, can you give (Redacted) back to the witness. All right.

23 Mr Witness, look at (Redacted) and tell us the date of birth that is written on
24 (Redacted) so that we have that on the record, please.

25 THE WITNESS: [9:45:35](Interpretation) The date of birth is (Redacted)

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1 (Redacted). That is the date there. But if you want (Redacted) to be
2 scanned and sent to you so that you can see it, we can do so. But, once again, I
3 would like to say that it is not good for everyone to be able to see (Redacted), because
4 that can create problems for me.

5 PRESIDING JUDGE SAMBA: [9:46:12] Yes, we do appreciate that, Mr Witness.

6 And what's the name on (Redacted), maybe just for completeness of the record?

7 THE WITNESS: [9:46:33](Interpretation) The name is (Redacted)

8 (Redacted).

9 PRESIDING JUDGE SAMBA: [9:46:47] The court officer with you, can you look at
10 (Redacted) and just confirm what the witness just told us, not that we do not believe
11 what the witness said, but just for the records, because we are not going to be doing
12 any snapshot of the (Redacted), so that we can move on.

13 THE COURT OFFICER: [9:47:33](Via video link)(Interpretation) Madam President,
14 I don't know whether you can hear me over there.

15 THE INTERPRETER: [9:47:41] That is a voice from the background.

16 THE COURT OFFICER: [9:47:44](Via video link)(Interpretation) Can you hear me?

17 PRESIDING JUDGE SAMBA: [9:47:46] Yes, we can.

18 THE COURT OFFICER: [9:47:59](Via video link)(Interpretation) The date of birth is
19 (Redacted). The name on (Redacted)

20 (Redacted). And the first name on (Redacted).

21 PRESIDING JUDGE SAMBA: [9:48:25] Thank you very much.

22 Thank you very much, Mr Witness, for your cooperation.

23 Mr Jacobs, can we hear from you now, please.

24 MR JACOBS: [9:48:43](Interpretation) Thank you, Madam President. Still on this issue,
25 based on what the witness said a few minutes ago, he had agreed that (Redacted)

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1 could be scanned. I think that would be useful for the record, to have a scan of
2 (Redacted) so as to verify all the other information, because (Redacted) could be lost
3 or stolen. So if the witness is in agreement, I think it would be in everybody's
4 interest to have (Redacted) on record and to be able to put questions about it.

5 PRESIDING JUDGE SAMBA: [9:49:25] Now, Mr Witness, can you hear me?
6 Mr Witness, can you hear me?

7 THE WITNESS: [9:49:45](Interpretation) I can hear you very well. I have heard
8 everything that you said.

9 PRESIDING JUDGE SAMBA: [9:49:58] Okay. Now, we do take note of your
10 concern, but this is a court of record and I can assure you that if we get a scan of
11 (Redacted) we will keep it as confidential as possible. Nobody is going to look at it.
12 As you see, now we are doing all of this in private session, that is to protect you. So
13 if we get a copy of (Redacted), a scanned copy of (Redacted), we will keep it
14 confidential and nobody will see it, nobody will know about it. Is that okay?

15 THE WITNESS: [9:50:50](Interpretation) Yes, I have fully understood everything
16 that you said.

17 PRESIDING JUDGE SAMBA: [9:51:01] Thank you very much.

18 Can you then give (Redacted) to the court officer so that he can scan and send us
19 a copy and give you back the original (Redacted). Thank you very much for your
20 cooperation, Mr Witness.

21 Mr Jacobs, please.

22 MR JACOBS: [9:51:37](Interpretation) Thank you, Madam President.

23 For my next questions, Madam President, I think we can revert to open session.

24 PRESIDING JUDGE SAMBA: [9:51:55] Thank you.

25 Mr Witness, we are going back to open session, so be mindful of your answers so that

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- 1 you don't reveal your identity.
- 2 Madam Court Officer, can we go back into open session, please.
- 3 (Open session at 9.52 a.m.)
- 4 THE COURT OFFICER: [9:52:21] We're in open session, Madam President.
- 5 PRESIDING JUDGE SAMBA: [9:52:27] Thank you very much.
- 6 And we take note that Rule 74 counsel is here with us.
- 7 Mr Jacobs, please continue your questions to this witness.
- 8 MR JACOBS: [9:52:48](Interpretation) Thank you.
- 9 QUESTIONED BY MR JACOBS: (Continuing) (Interpretation)
- 10 Q. [9:52:52] Good morning, Mr Witness.
- 11 A. [9:52:58] Good morning.
- 12 Q. [9:53:00] I will move on to something new and I would like to come back to
- 13 something that you said in your prior statement, CAR-OTP -- that is tab 1.3, it can be
- 14 shown to the Court but not to the public. That is CAR-OTP-2039-0031.
- 15 THE INTERPRETER: [9:53:40] Correction: It's CAR-OTP-2107-6230.
- 16 MR JACOBS: [9:53:48](Interpretation) It will be page 6237. Paragraph 38.
- 17 THE COURT OFFICER: [9:54:11] On evidence channel 2, as a kind reminder.
- 18 MR JACOBS: [9:54:21](Interpretation)
- 19 Q. [9:54:22] Mr Witness, you told the investigators of the Prosecutor, paragraph 38:
- 20 "Amongst those who fled to Ngobere, there were groups of people who had been in
- 21 groups to guard their villages against highway robbers or '*coupeurs de route*'. These
- 22 groups of 'Anti-Balaka guards' have existed since the time of Kolingba, Patassé and
- 23 Bozizé. The Anti-Balaka were not created in Ngobere, they existed already to protect
- 24 their villages." End of quote.
- 25 Now, Mr Witness, if I understand your statement well, you have said that these

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1 Anti-Balaka groups of guards have been existing for a very long time in the Central
2 African Republic; is that correct?

3 A. [9:55:43] Thank you for your question.

4 I will answer your question and after my answer I also have a question for you. * I
5 told you that in the past, the Anti-Balaka groups had been called self-defence groups.
6 They watched over the country and they protected the villages against highway
7 robbers. Over the course of time, some young people joined those groups. And when
8 we fled into the bushes, we met to re-create those groups.

9 Those groups did not have any leaders. There was no leader. So I would like to
10 confirm what I already told you, and after my answer, I need to have a brief minute to
11 put a question to you as well.

12 PRESIDING JUDGE SAMBA: [9:56:52] Well, Mr Witness, what we do here is for you
13 to answer questions. So counsel will only put questions to you and we expect
14 answers from you. That's a procedure that we follow here in court. Thank you.
15 Mr Jacobs, please.

16 MR JACOBS: [9:57:25](Interpretation)

17 Q. [9:57:26] Mr Witness, your answer was very clear. If I understand your answer
18 correctly, these self-defence groups emerged over the years, that is since the time of
19 Kolingba at the local levels so as to protect against *coupeurs de route* or highway
20 robbers; is that correct?

21 A. [9:58:01] Yes, that is correct.

22 Q. [9:58:13] Very well. Now these groups of *coupeurs de route*, were they to be
23 found in all the regions of the Central African Republic, on all the roads?

24 A. [9:58:34] I do not know. In the Central African Republic, the highway robbers
25 are everywhere, in Obo, Birao, Ndele. Those robbers come into the country just like

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1 poachers. They pillage the members of the population. They sometimes come and
2 shoot animals in the national parks, and sometimes they stop transport vehicles on
3 the roads and steal from all the passengers. That is what they were doing, that is
4 stealing from the passengers on the roads.

5 So those *coupeurs de route* or highway robbers were everywhere in the country. They
6 were in the bushes and they would come out to rob the traders and rob those who
7 were in the business of transporting people and goods.

8 I don't know whether I have answered your question adequately.

9 Q. [9:59:50] Thank you very much, Mr Witness. It is very clear. Thank you very
10 much for those clarifications.

11 And when you were in Gobere, were you aware that there were people who were in
12 the groups with you who were former robbers, former *coupeurs de route*, Mr Witness?

13 A. [10:00:19] In Gobere, I did not know any former *coupeurs de route* or any other
14 people who were there. These people mask themselves when they are going to
15 commit crimes, so even if you see them, you would not be able to recognise them.

16 But regarding what prompted us to go to Gobere, if you have questions relating to
17 that, then I would be prepared to answer them for you. Thank you.

18 Q. [10:00:59] Thank you, Witness.

19 As you know, your prior statement is in our file, so we already have everything that
20 you've stated. We are only here to ask you questions as points of clarification. But
21 everything that you've already stated is in our hands and it will be used.

22 Madam Court Officer, can you display ERN CAR-D33-0014-0345. This is item, tab 31
23 in our evidence list and it can be displayed to the public.

24 It is a press article. We can start with the title.

25 So here we can see the title. I don't know if you can see the article, Mr Witness.

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1 "CAR: Who is Andilo, the person who's called for by the hostage takers?"

2 This is dated 22 January 2015.

3 And if we scroll down on this page. There, thank you.

4 So I will read the bottom of the page to you:

5 "He is 26 or 27 years old, and was arrested this weekend, he is particularly feared in

6 all the western part of the Central African Republic. Rodrigue Ngaibona, also

7 known as Andilo, already has a heavy file. It is in 2012 that we first find traces of

8 him. He is a road -- he is a highway bandit, a *coupeur de route*, a cattle thief who is

9 well known in the Batangafo region. At the time, the Chadian authorities asked

10 Bangui to neutralise him." End quote.

11 Mr Witness, I don't know if you heard the interpretation.

12 A. [10:03:45] Yes, I heard the interpretation.

13 Q. [10:03:50] So Andilo, who was with you, the article states that he was a former

14 *coupeur de route*, or highway bandit.

15 Do you have anything to say about this?

16 A. [10:04:07] Thank you for this question. I think I have elements of an answer to
17 give you.

18 I have sworn to tell the truth. I do not know Andilo's past. I did not know him in

19 the past. It was in Gobere that we met and we formed a group, a group to fight back

20 and to oppose the Seleka. All the activities and things he did in the past are things I

21 have no knowledge of.

22 {ICR: (Redacted).} This is the activity that I carried out which allowed me to meet

23 my daily -- my needs. I have just told you that the *coupeurs de route* or highway

24 robbers are people who you can't recognise. When they commit their crimes they

25 wear masks, so you cannot

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1 even see the faces of the Anti-Balaka. They rob people of all their belongings. And
2 even if they were your blood brothers, your biological brothers, you would not be
3 able to recognise them. They steal your possessions, they come out of the bush, then
4 go back into it and flee.

5 *A coupeur de route* could rob you today and you might be able to speak to him the very
6 same afternoon, but you would not be able to recognise him or be able to state
7 whether he committed the act in question. I don't know if you've understood my
8 answer.

9 Q. [10:06:01] It's all very clear, Mr Witness. Thank you very much.

10 Before moving on to the next topic, Madam President, I would like to formally ask
11 the item that I've -- that's been the object of discussion to -- with the witness to be
12 formally incorporated into the file, please, into evidence.

13 PRESIDING JUDGE SAMBA: [10:06:23] Well, being that the witness has commented
14 on it, following our ruling it could be formally submitted into the evidence of this
15 case.

16 MS MAKWAIA: [10:07:12] Sorry, Madam President, your Honours, for the
17 interruption.

18 So our understanding is the admission of this article is limited to this passage,
19 because there's other paragraphs in it that he hasn't commented on.

20 PRESIDING JUDGE SAMBA: [10:07:25] Well, that would be on the record.

21 Do you have any objection to it, because the ruling before us in previous decisions is
22 that once the witness has * commented on it, and as you yourself would have done
23 with a lot of other documents, you choose a specific issue? I don't know whether
24 you have other issues in respect of the contents of the document.

25 MS MAKWAIA: [10:07:49](Microphone not activated)

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1 PRESIDING JUDGE SAMBA: [10:07:48] I didn't get your comment.

2 MS MAKWAIA: [10:07:53] Sorry, I hadn't put the microphone on. I have no
3 objection to the tendering of the documentation -- the article. The question was that,
4 because there's other paragraphs, so it's limited to the paragraph that he has
5 commented to. Otherwise we have no objection to the article.

6 PRESIDING JUDGE SAMBA: [10:08:09] Yes, Mr Jacobs. Do you have anything to
7 say in respect of what she said? Because my understanding of it is that what
8 you -- the questions put to this witness in respect of this document is what we will be
9 paying attention to. Do you have any comments, Mr Jacobs?

10 MR JACOBS: [10:08:32](Interpretation) Thank you, Madam President.
11 The general practice up until now, and this is our understanding of it, is that when
12 this document is under discussion with a witness, it is the whole document that is
13 submitted. The question of submitting an excerpt is only when it comes to
14 the previous statements of the witness. When we cite a previous declaration of
15 a witness, then that is what is -- it's what is quoted that is submitted. But when we
16 discuss a document with the witness, and this is what the Prosecution has done since
17 the start of the trial, it's the whole document that is submitted. And we understand
18 that we would like to -- and we would like to request the submission of the totality of
19 the document, Madam President, please.

20 PRESIDING JUDGE SAMBA: [10:09:36] The entire document is what is formally
21 submitted. We appreciate that. Because that is what has been happening, even
22 with the Prosecution's case.

23 So carry on, Mr Jacobs.

24 MR JACOBS: [10:09:53](Interpretation) Thank you, Madam President.

25 So we can remove this document, Madam Court Officer.

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1 Q. [10:10:15] So I'm going to move on to another topic, Mr Witness.
2 I'd like to go back to a statement that you made in a hearing that we had here when
3 you testified for the first time.
4 And I'd like to refer to the real-time transcript * T-43. This is tab 3 on our list,
5 CAR-OTP-00036233. This was your interview 7 June 2021.
6 This item has been classed as confidential, but I'll cite a passage that was read in open
7 session. Rather, a passage that was said.
8 I don't know if I gave you the page. This is page 00031.
9 Mr Witness, to give you a bit of context. At the time -- I will read you the question
10 you were asked and the answer.
11 So the question you were asked is:
12 "Mr Witness, in paragraph 83 of your statement, you state that some of these people
13 there had Kalashnikovs. Do you remember the number of Kalashnikovs that you
14 saw?"
15 The answer that you provided:
16 "I told you that Kalashnikovs were not very many; you could see two or three of them.
17 The leaders, what did they do? When they would attack, they would make a lot of
18 noise using kitchen pans, and when the Seleka ran away, they would come and pick
19 up the weapons."
20 Then there is an exchange, we can go down a bit. And you continue, line 14 on
21 the screen:
22 "I told you what I saw and what I heard. I can't say that there were many
23 Kalashnikovs, many weapons, no. There was no one to provide us with these
24 weapons; even munitions, there was no supplier, no provider. It was when the
25 Seleka would flee that we could collect their weapons. It was of the same thing in

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1 Bossangoa, in Bogangolo and in Bouca."

2 Did you hear the interpretation, Mr Witness?

3 A. [10:13:52] Yes, I heard the interpretation indeed.

4 Q. [10:14:09] Excuse me, I was on the wrong channel for interpretation.

5 So you can confirm that you said this in a hearing in a different Case?

6 A. [10:14:27] Yes, I can confirm this.

7 Q. [10:14:36] Very well.

8 So, related to this statement, I would like to read you an excerpt of what another
9 witness has said to us.

10 I will refer to item CAR-OTP-2102-0078. This is item 26.2 in our list of evidence.

11 And this document can be shown to the Trial Chamber, but not to the witness or
12 the members of the public for reasons of confidentiality.

13 Page 88, or 0088. And it's paragraph 41. That's perfect.

14 I will read this to you, Mr Witness. This is another witness who said the following:

15 * " We didn't have weapons, only rocks, wooden sticks and DIY homemade firearms
16 (we would use iron pipes from the SODECA that were attached to sticks). We had
17 12-calibre bullets and fetishes or idols. Faced with the enemy, we would fight with
18 traditional homemade weapons. We would take hold of Seleka's weapons when we
19 could but the workings of these automatic weapons were too complicated and they
20 were not used. We used bullets and different elements to build our own munitions
21 with the fetishes inside them and weapons."

22 Did you hear that correctly, Mr Witness?

23 A. [10:17:18] Yes, I heard you very clearly. And I think that what you said is not
24 very far removed from what I told you myself. The person who provided this
25 testimony was with us in Gobere, and I just told you that in Gobere we did not have

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1 many automatic weapons or Kalashnikovs. We fought the Seleka in order to get a
2 hold of their weapons. And those who bought food would use calibre 12 munitions.
3 Seleka would run away and we would then be able to pick up their weapons. Once
4 we had their weapons, we didn't know how to use them because we hadn't been
5 trained to use these kinds of weapons. But -- or to use weapons. But during these
6 attacks, our leaders had these weapons to be able to scare the Seleka, make them run
7 away.

8 But during the attacks we had pan lids and *gris-gris* and grenades. That's what we
9 fought with. So it's about the same thing. And I understand -- I think you
10 understood very clearly what I said, but you're still asking me questions on this topic.
11 I don't know, but I think that we're saying the same thing all this time.

12 PRESIDING JUDGE SAMBA: [10:18:50] Sorry, Mr Jacobs, just a minute.

13 I see counsel, Rule 74 counsel, do you have your hand up to say something? I'm
14 seeing a hand up on the screen.

15 MR MOCPAT: [10:19:08](Interpretation) Relating to the questions earlier from
16 Mr Jacobs, we have an objection.

17 These questions have -- are trying to incriminate the witness that is being heard.
18 Thank you very much.

19 THE INTERPRETER: [10:19:32] Message from the interpreter: There's a very
20 strong echo and a bad sound quality coming from Rule 74 counsel.

21 PRESIDING JUDGE SAMBA: [10:19:47] Well, counsel, these are questions that even
22 the witness has in his testimony.

23 The issue here is for him not to, you know, say anything that is untrue to this
24 Chamber. My understanding of his being here and your being there as counsel to
25 guide him is that, you know, anything that he may have done outside this courtroom,

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1 he is protected. But he cannot say anything that would not be true to us. That is
2 where the problem comes in. But these are statements that he made in his statement
3 and counsel is putting, you know, what another witness said in another statement.
4 And the witness has answered properly. I don't think he is incriminating himself.
5 Thank you very much.

6 Mr Jacobs, please continue.

7 MR JACOBS: [10:20:51](Interpretation) Thank you very much, Madam President.

8 PRESIDING JUDGE SAMBA: [10:20:59] Sorry, Mr Jacobs, just a minute. Let me
9 listen to the witness.

10 And, Rule 74 counsel, your hand is still up on your screen, so I'll come back to you.
11 But let me hear what the witness has to say.

12 Yes, Mr Witness?

13 THE WITNESS: [10:21:21](Interpretation) I would like to take a break, please.

14 PRESIDING JUDGE SAMBA: [10:21:28] Certainly. How many minutes would you
15 want?

16 THE WITNESS: [10:21:41](No interpretation)

17 PRESIDING JUDGE SAMBA: [10:21:44] Five minutes, did you say?

18 THE WITNESS: [10:21:57](Interpretation) I would like to take two to three minutes,
19 if you'd be so kind.

20 PRESIDING JUDGE SAMBA: [10:22:05] Certainly. Certainly.

21 Please take your break. We'll wait for you in chamber -- we'll wait for you in
22 the courtroom.

23 (The witness exits the video-link room)

24 PRESIDING JUDGE SAMBA: [10:22:34] Rule 74 counsel, would you want to say
25 anything to us, or would you want to liaise with your client? You have your hand

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1 up on your screen.

2 MR MOCPAT: [10:23:09](No interpretation)

3 THE INTERPRETER: [10:23:21] Message from the interpreter: There is no sound
4 coming from Rule 74 counsel.

5 PRESIDING JUDGE SAMBA: [10:23:35] Counsel, there is no sound coming from
6 you. Maybe we will wait for the field officer to help.

7 MR MOCPAT: [10:24:04](Interpretation) What I said earlier was an objection
8 relating to his self-incrimination. For him not to incriminate himself we ask for him
9 receive a guarantee of non-incrimination since the questions that are being put to him
10 are much more directed under this angle. That is the meaning or the logic of our
11 earlier intervention.

12 PRESIDING JUDGE SAMBA: [10:24:47] Which I have just dealt with, counsel.
13 Thank you.

14 (The witness enters the video-link room)

15 PRESIDING JUDGE SAMBA: [10:24:52] Mr Witness, welcome back.

16 Mr Jacobs, please continue with your cross-examination.

17 MR JACOBS: [10:25:09](Interpretation) Thank you, Madam President.

18 Q. [10:25:12] So, to continue, Mr Witness, I have understood from your prior
19 statement, I'll give you the reference for the evidence file, CAR-OTP-2107-6230. This
20 is item 1.3 or tab 1.3 in our evidence list. And in paragraph 45 you state that:
21 "The Anti-Balaka leaders told us that during the attack against Bossangoa, we had to
22 shout at the Seleka and hit kitchen pots in order to do a terrible -- to make a terrible
23 noise whilst they were shooting in the air. The idea was to scare the Seleka elements,
24 for them to leave the town. We wanted to take them by surprise and take hold of
25 the weapons that they would have left behind them."

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1 So you can confirm that during the attack against Bossangoa, or on Bossangoa, there
2 were some weapons and the rest of the people were using kitchen pots or saucepans?

3 A. [10:26:32] Thank you for your question.

4 I can reiterate what I have already told you. We did not have sophisticated weapons.

5 We only had homemade weapons and saucepans and sticks and we would hit these

6 pans and shout war cries in order to scare the Seleka. And when the Seleka saw us

7 coming they would take fright and run away. They would shoot in our direction

8 and we would hide behind trees and behind houses and we would continue hitting

9 the pots in order to scare them. And that's how we made them flee. That's what

10 we used to do at that time. And that's what I've kept telling you. That's what we

11 did.

12 Q. [10:27:35] Thank you very much, Mr Witness. It's all very clear.

13 I will once again read you something that another witness has told us. So this is

14 once again tab 26.2 of our list of evidence. So CAR-OTP-2030 -- rather, 2102-0078.

15 And this can be shown to the courtroom, but not to the witness or the public, for

16 reasons of confidentiality.

17 Page 0089, paragraph 49.

18 So this other witness is referring to an attack on Benzambe, which according to our

19 information would have taken place in September 2013. And he states that:

20 "The attack took place around 3 a.m. We were carrying fetishes, hats, we would

21 shout and hit on 35 plastic canisters with wooden sticks in order to make the Seleka

22 flee. The Seleka would shoot in our direction with rifles and rockets, but thanks to

23 our *gris-gris* we were not touched by their bullets. This scared the Seleka who took

24 flight."

25 Mr Witness, can you confirm that this strategy, this method of hitting canisters or

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1 kitchen pots, was used in other attacks at that time?

2 A. [10:29:53] Thank you for your question.

3 As this witness has stated, these are the methods that we used. But, you know, this

4 lasted so long that I might have forgotten certain things. I told you about pots and

5 sticks, whereas this other witness spoke about pots, sticks and also canisters or -- so

6 the Seleka would shoot against us with heavy weaponry but we didn't have

7 the means to be able to respond in kind. They would shoot at us with, you

8 know -- sorry, they would shoot at us. God was with us and they, they were afraid.

9 They would flee and that is how that we fought. You already have the information,

10 so I don't know why you are repeating some of these questions.

11 Q. [10:31:10] Very well, Mr Witness.

12 Last question on this subject. Do you confirm that the same strategy was used

13 during the attack of 5 December?

14 A. [10:31:37] Thank you for the question. Yes, it was the same thing that we did

15 after our arrival in Bangui. In Bangui it was a bit difficult because the Seleka had

16 very heavy weaponry and they were shooting at us with their weapons. That is why

17 we fled and took refuge in the bushes. The Seleka were able to go into

18 the neighbourhoods, so we prefer to go and seek refuge in the bushes in order to

19 protect ourselves. Had it not been that, the Seleka would have killed all of us. You

20 have evidence on all the elements that I am giving to you. I cannot tell you any lies.

21 I stand by my statements.

22 I am not going to say something other than what I have already told you, so I stand

23 by all my statements.

24 Q. [10:32:54] Absolutely, Mr Witness. I am asking you questions of clarification,

25 but, of course, we have what you have already said before on record. I would like to

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1 ask you a few questions relating to the people who were with you at that time. Do
2 you know what Douze Puissance was doing during the time of Bozizé?

3 A. [10:33:32] Thank you. I know it. Based on my answers to your questions, I
4 have told you that Douze Puissance was a farmer. He also raised animals and he
5 used to sell cattle. During Bozizé's rule, he was someone of responsibility. I do not
6 know any other things that he was doing, but the information I have given you is
7 what he was doing in Bouca. I have no idea on what else Douze Puissance might
8 have been doing. He was a farmer and, equally, a butcher.

9 Q. [10:34:39] Thank you, Mr Witness.

10 Now, do you know what Douze Puissance did after 5 December 2013? In 2014, 2015,
11 what was his occupation?

12 A. [10:35:08] Currently, right now as I speak with you, he is a soldier, {ICR:
13 (Redacted)}. He is a ranking soldier and that is his profession right now. He joined
14 the army in 2021. When we were in the Anti-Balaka movement, he left and went
15 back to his house and he was waiting for the follow-up from the DDR project.
16 I don't know whether the answer I have given you can be useful to you.

17 Q. [10:35:53] Very well, Mr Witness.

18 Madam President, I think we can go to private session for my up-coming questions.

19 PRESIDING JUDGE SAMBA: [10:36:04] Thank you.

20 And can I ask for a redaction of his identification {ICR: (Redacted)} please. Thank
21 you.

22 Can we go into private session.

23 (Private session at 10.36 a.m.)

24 THE COURT OFFICER: [10:36:28] We are in private session, Madam President.

25 PRESIDING JUDGE SAMBA: [10:36:34] Thank you.

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1 Mr Jacobs, please.

2 MR JACOBS: [10:36:39](Interpretation) Thank you.

3 Q. [10:36:42] Mr Witness, what can you tell us about Benjamin Ouapoutou? Do
4 you know what he was doing during the time of Bozizé?

5 A. [10:37:07] He was a hunter. He went into the bushes. And he was also
6 a peasant, a farmer. He would go hunting and then he would return with
7 the animals that he had killed and sold them in the market. Those were the activities
8 that he carried out. I do not know of anything else that he was doing.

9 Q. [10:37:44] Very well.

10 And the same question as for the other person: What did this person, do you know
11 what he did after 5 December 2013? Did he stay in Bangui? Did he leave?

12 A. [10:38:11] Thank you. After 5 December, Ouapoutou resumed his business
13 activities. He went back to his home and he resumed his activities. (Redacted)
14 (Redacted). He was integrated into the army in 2021. He no longer carries out any
15 other activities than that.

16 Q. [10:38:51] Very well. Mr Witness, if I put it to you that at one point Benjamin
17 Ouapoutou was ComZone in Boy-Rabe, in the Mandaba neighbourhood, does that
18 ring a bell?

19 A. [10:39:17] Thank you. I remember well. If you call him ComZone of
20 the Mandaba neighbourhood in Boy-Rabe, indeed this is when we arrived Bangui.
21 After the events, when peace was progressively returning, then he became a civilian.
22 He didn't commit crimes like the Seleka was committing crimes for months and years.
23 Well, we arrived Bangui on 5 December and in 2014 peace started progressively
24 returning to Bangui. That is what I know about him. He was an Anti-Balaka leader
25 and, subsequently, he re-became a farmer and continued his activities. If there is

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1 information that I have omitted, if you think it is not clear, you can put other
2 questions to me and I will answer you.

3 Q. [10:40:36] No. It is very clear. Thank you very much, Mr Witness.

4 Now, what can you tell us about (Redacted)? And I will ask you the same question.

5 Do you know what he was doing during the Bozizé period and after

6 5 December 2013?

7 A. [10:41:06] I am not aware of what (Redacted) was doing after 5 December. He

8 resumed his activities, but, to be honest, I do not know his activities because I was not

9 close, I am not close to (Redacted). We met in Gobere and we travelled together

10 right to Bangui. But I have no idea about his activities.

11 Q. [10:41:47] Very well. Now, just to be clear.

12 Now, when you say that he resumed his activities, you really do not know which

13 activities those were?

14 A. [10:42:05] I have told you that -- about the activities that he was exercising. He

15 had been a ComZone of the Anti-Balaka, but when I say that he resumed his activities,

16 I mean that he went back to his farming activities, because he was a farmer. Apart

17 from that, I don't know whether he was involved in any other activities.

18 Q. [10:42:43] Very well. And are you aware about any problems, I would say

19 a split or dissension, between (Redacted) and other people who were with you? Any

20 problems between them?

21 A. [10:43:17] No. I do not know whether he had any differences with other people.

22 I don't want to tell you any lies. Did he have problems with other people? To be

23 honest, I have no idea.

24 Q. [10:43:43] And since we are talking about this, do you have information about

25 differences between other people, not only (Redacted)? Andjilo, Douze Puissance,

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1 do you have any idea about problems between those people?

2 A. [10:44:09] Thank you. Regarding arguments and differences, even if you are
3 biological brothers, sometimes you may have problems. And these problems have
4 to be resolved and then you go back to your previous relationship. And if problems
5 persist between two brothers, it is true that after a period of time these people -- these
6 problems can be resolved. And in war times, even if this person, your brother,
7 commits crimes, you can give that person advice. I don't know whether they had
8 problems outside of the movement. I'm not in a position to tell you that.

9 Q. [10:45:11] Thank you, Mr Witness.

10 In your statement, on several occasions you mentioned somebody called Kems. Do
11 you know his real name? And you mention him specifically in paragraph 36.

12 A. [10:45:34] I do not know his name, so I cannot tell you that. And I cannot
13 invent it.

14 Q. [10:45:54] Do you know whether this person belonged to the family of
15 Douze Puissance?

16 A. [10:46:10] Which family member are you referring to? I think it would be
17 better for you to be more specific. Are they from the same paternal, maternal family
18 or they are in-laws? I do not know. Maybe you should be more specific so that I
19 should better understand.

20 Q. [10:46:38] Mr Witness, it is because of that that I am putting that question to you.
21 Do you know whether Kems was a member of the family of Douze Puissance,
22 biological, family, in-law, and so on? Did you have the possibility of having that
23 information?

24 A. [10:47:04] Okay, now I understand the question well.

25 Kems, yes, I think he is alleged or, rather, said to be a member of the in-laws,

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1 the in-laws of Douze Puissance, according to what I know.

2 Q. [10:47:36] Thank you, Mr Witness. To make progress I will move on to the next
3 person.

4 You mention someone called Bawa in paragraph 35 of your prior statement. Can
5 you give us his full name, Mr Witness?

6 A. [10:47:59] I do not know his name. Everything I told you is what that I know.
7 If I do not know someone's name I cannot tell you anything else. He was simply
8 known as Bawa.

9 Q. [10:48:28] Very well, Mr Witness. I just put the question, but it is not a problem
10 if you do not know his full name.

11 Now, do you know what he was doing under Bozizé's rule?

12 A. [10:48:45] No. I do not know what he was doing during the Bozizé period.

13 Q. [10:49:04] Same question: Do you know what he did after 5 December 2013?
14 Did he stay in Bangui? Did he leave?

15 A. [10:49:25] I do not know. I do not know whether he returned to the village or
16 not. As you know, after the events we dispersed. Each person resumed their
17 previous activities and I did not try to find out who was doing what and who had
18 become what. As you know, if I met someone, I would ask him the question and he
19 may tell me what he was doing. But those that I did not have the opportunity to
20 meet, I cannot tell you what they were doing, so I swore to tell the truth and I am
21 telling you the truth.

22 Q. [10:50:28] Very well, Mr Witness. I will come back to some of these points later,
23 but I will give you -- I will ask you questions on other people that you mention in
24 your statement.

25 * In paragraph 35 you talked about someone called Tex. Do you know his full name?

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1 A. [10:50:54] Tex, I knew his name. But I have forgotten it. Now, since you have
2 asked me the question, I will think about it, and if I manage to remember his family
3 name I will let he know.

4 Q. [10:51:17] Very well. The same question: Do you know what this person was
5 doing during Bozizé's rule and after 5 December 2013?

6 A. [10:51:31] During Bozizé's time, he was a farmer and he was also a trader.
7 After the events, he resumed his activities as a farmer. He returned to his village
8 and he was cultivating his farm. He was living in his village and he was involved in
9 petty trading right up to 2021. That is the year he joined the army.

10 Q. [10:52:17] Thank you, Mr Witness. I will continue.
11 You mentioned Gustave in your prior statement, paragraph 78. Do you know his
12 family name, his surname?

13 A. [10:52:50] No, I do not know his family name.

14 Q. [10:52:57] Very well. Same question as for the others: Do you know what he
15 was doing during the Bozizé period and after 5 December 2013?

16 A. [10:53:15] No, I have no idea. I have told you that after 5 December we
17 dispersed and each person resumed his previous activities. I did not meet Gustave
18 after that for me to be able to know what had become of him after 5 December.

19 Q. [10:53:56] Thank you, Mr Witness.
20 What about Kolongo? You mentioned him in paragraph 35 of your prior statement.
21 Do you know his full name?

22 A. [10:54:15] No, I do not know his family name.

23 Q. [10:54:30] Same question: Do you know what he was doing during Bozizé's
24 period and after 5 December 2013?

25 A. [10:54:42] Thank you for your question. I think that before he was a farmer he

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1 was involved in petty trading and he was also a hunter. After 5 December he
2 resumed his previous activities. And in 2020, 2021, he joined the army, as far as I
3 know.

4 Q. [10:55:15] Thank you. And if I put it to you that this person was the ComZone
5 of Damara, does that ring a bell?

6 A. [10:55:34] ComZone of Damara? Before or after December, if you can specify?
7 Or are you talking about the period up to 2021? Please, if you could specify
8 the period.

9 Q. [10:55:56] Very well. According to our information, it was after
10 5 December 2013, but I'm asking you the question just in case you have
11 supplementary information for us. We would be quite happy to hear about it.

12 A. [10:56:23] I know that Kolongo returned to Damara and resumed his farming
13 activities. After December, he had gone back to Damara to fight against
14 the criminals that were there. After that he resumed his activities, 2015, 2016, until
15 he joined the army. So it is true that he returned to Damara and he resumed his
16 farming activities.

17 Q. [10:57:07] Thank you very much for those clarifications, Mr Witness.
18 A few more names, Mr Witness. You have talked about (Redacted), paragraph 37 of
19 your prior statement. Do you know his full name, Mr Witness?

20 A. [10:57:35] Thank you. I believe that I knew him only by the name (Redacted).
21 He had been a soldier before. And it was as a soldier that he joined the Anti-Balaka
22 movement. He had been chased away by the Seleka and that is how come he joined
23 the Anti-Balaka movement, in order to protect himself.

24 Q. [10:58:24] Very well. I have one last name for you.
25 You talk about (Redacted), and specifically in paragraph 79.

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1 Do you know his full name?

2 * A. [10:58:49] His first name is (Redacted). But I don't know his family name. No, I
3 don't know his family name.

4 Q. [10:59:10] And the same question as for the others: Do you know what he was
5 doing under Bozizé and after 5 December 2013?

6 A. [10:59:27] No, I do not know what he was doing before, but I got to know him in
7 Gobere when we were there together. That is how I knew him. But I have no idea
8 about what he was doing prior to that. Subsequently, he returned to Bouca, in
9 the vicinity of Bouca, and he was carrying out farm work. Then he went to Bangui
10 and he was arrested by the judicial system and he was put in prison. I do not know
11 what he did to be arrested. I am not God to know what he did. So I do not have all
12 the information about him, but I know that currently both (Redacted) are in prison
13 right now. That is what I can say. I don't know whether you have understood
14 what I have told you.

15 Q. [11:00:36] Thank you, Witness. I think it's very clear.

16 Madam President, I see the time.

17 PRESIDING JUDGE SAMBA: [11:00:43] Yes.

18 Mr Witness, we are going to stop here for now and we'll come back after 30 minutes.

19 You were not here when your counsel asked for assurances of your protection for
20 things you may say here, so just for you to understand that nothing you say here will
21 incriminate you as to your activities during the period concerned. What we are
22 concerned about is for you to tell the truth to the Court.

23 So on those assurances I am going to rise the Court and ask that we come again at
24 11.30, please. Thank you.

25 THE COURT USHER: [11:01:24] All rise.

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1 (Recess taken at 11.01 a.m.)

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

3 THE COURT USHER: [11:32:47] All rise.

4 Please be seated.

5 PRESIDING JUDGE SAMBA: [11:33:05] Good morning, again, everyone. We are
6 going to continue with your cross-examination, Mr Witness. And for counsel to
7 know, we are in open session.

8 Mr Jacobs, you may continue, please.

9 MR JACOBS: [11:33:54](Interpretation) Thank you, Madam President.

10 So for my next topic I think we'll have to go into private session.

11 PRESIDING JUDGE SAMBA: [11:34:03] Yes.

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

13 (Private session at 11.34 a.m.)

14 THE COURT OFFICER: [11:34:20] We are in private session, Madam President.

15 PRESIDING JUDGE SAMBA: [11:34:22] You may proceed, please, counsel.

16 MR JACOBS: [11:34:25](Interpretation) Thank you very much.

17 Q. [11:34:32] Hello again, Mr Witness.

18 A. [11:34:39] Hello. Hello.

19 Q. [11:34:43] My next question refers to the events following your arrival in Bangui
20 in 2013, so once again these are points for clarification.

21 I have understood from your prior statement, especially in paragraph 142, that you
22 stayed in Bangui after 2013, in 2014, in order to be able to benefit from the DDR
23 process?

24 A. [11:35:17] That is correct. Yes.

25 Q. [11:35:32] At what point did you find out about this process of DDR?

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1 A. [11:35:37] Well, as you know, the DDR project was announced to us when we
2 arrived in Bangui. We committed to peace and, at the same time, the DDR project
3 also committed to encouraging us to lay down our weapons. The question was put
4 to all the warring parties, all the parties in the conflict, and we decided it was better
5 for re-establishing peace to take part in the DDR project, and that is how we learnt of
6 the implementation of the DDR project.

7 Q. [11:36:32] I didn't put the microphone on. My apologies. I'll ask the question
8 again.

9 So, if I've understood very well, (Redacted). So, between 2014 and
10 (Redacted), you were based in Bangui, Mr Witness, and what was the activity that
11 you carried out there?

12 A. [11:37:18] During that time period, I was indeed in Bangui and I had once again
13 taken up (Redacted). I once again started working as a
14 (Redacted) in Bangui, and (Redacted).

15 Q. [11:38:02] So what you're telling us is that between 2014 and (Redacted), you
16 had once again taken up (Redacted), this activity you talked to us about yesterday; is
17 that correct, Mr Witness?

18 A. [11:38:22] Yes, that is indeed correct.

19 Q. [11:38:27] Thank you, Mr Witness.

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 Q. [11:41:10] Thank you for these clarifications, Mr Witness.

11 You mentioned -- you just mentioned that "We started with the CVR and then the
12 DDR." Can you tell us what the CVR is that you just mentioned?

13 A. [11:41:29] The CVR, it was an integral part of the DDR. It consisted of bringing
14 peace to society. Among other things, it consisted in asking us questions on the
15 activities that we were undertaking at the time, and we were also asked whether we
16 still had weapons or fighting equipment. And they asked us whether we would
17 go -- we would like to go back to our original work or activities, such as herding or
18 agriculture, farming, and so it was collecting information in order to take into account
19 our -- our worries.

20 We were called up in 2014 by the CVR in order to speak about what our feelings were,
21 and in (Redacted) we were called again and put into different activities that we'd
22 already expressed during the previous interview. Some chose to go back to herding,
23 agriculture, or to be carpenters, or masonry, different activities. And there were not
24 only Anti-Balaka, there was also Seleka troops as well as Anti-Balaka. (Redacted)
25 (Redacted).

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1 If you haven't understood my explanations, I can give you more precision.

2 Q. [11:43:21] It's very clear, Mr Witness. Earlier on we spoke about people that

3 were with you in 2013. * You mentioned that some of them, such as (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 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 Q. [11:46:15] Very well. Thank you. We have one last question.
- 2 We received (Redacted) and I'd like to ask you a few questions about this
- 3 document.
- 4 Madam Court Officer, can we display number CAR-REG-0002-0115, if you'd be so
- 5 kind. Thank you.
- 6 Can we rotate the document to the right so that we can see the other part of
- 7 (Redacted), the front of (Redacted), please. Thank you.
- 8 So, Mr Witness, can you see the document that is displayed in front of you?
- 9 A. [11:48:02] Yes, I can see it.
- 10 Q. [11:48:06] So just for the file to be precise, you can confirm that this is (Redacted)
- 11 that you brought with you this morning?
- 12 A. [11:48:20] Yes, this is indeed (Redacted) that I brought with me this morning.
- 13 Q. [11:48:28] Very well. Thank you.
- 14 Now, if you could scroll down to see the other side of (Redacted), thank you, and
- 15 here -- thank you.
- 16 I didn't even need to ask you. Thank you, Madam Court Officer.
- 17 Mr Witness, we can see (Redacted)
- 18 (Redacted).
- 19 Can you see this, Mr Witness?
- 20 A. [11:49:13] Yes, I see this date.
- 21 Q. [11:49:18] So, if I have understood correctly, (Redacted)
- 22 (Redacted)? Can you confirm this?
- 23 A. [11:49:27] Yes, this is correct.
- 24 Q. [11:49:37] And you (Redacted)
- 25 (Redacted)?

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- 1 A. [11:49:53] No, I did not have (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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- 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 (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 I don't know if I need to provide you with more explanations, but I'm here to answer
- 25 them should you have any questions.

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1 MR JACOBS: [11:55:54](Interpretation)

2 Q. [11:55:55] It's very clear, Mr Witness. Thank you very much.

3 I no longer have any questions pertaining (Redacted) to be

4 submitted to evidence, please.

5 Now I'll move on to another question, Mr Witness.

6 Madam Court Officer, if we could display the item CAR-OTP-00000702. This is tab

7 27 on our list of evidence. We can display it to the Court but not to the witness, for

8 confidentiality reasons.

9 Mr Witness, I'm basing myself here on an investigative report from the Office of the

10 Prosecutor that's in English and there's certain issues related to confidentiality and

11 that's why I'm not displaying it to you. But this is a report on your phone numbers

12 and the phone numbers that were attributed to you and I just wanted to confirm these

13 numbers with you.

14 So the first number, this is page 3 of the document in question -- the first number that

15 is listed here in this report is (Redacted). Does this phone number ring a bell to you?

16 A. [11:58:09] Yes. I'd like to ask you whether this is confidential -- I mean, are we

17 in private session or are we in open session? But if we're in private session, I can

18 answer you.

19 PRESIDING JUDGE SAMBA: [11:58:29] Mr Witness, be assured that we are in

20 private session. Even dealing (Redacted) that counsel just questioned you on, we're

21 in private session and we're still in private session.

22 Carry on, Mr Jacobs.

23 MR JACOBS: [11:58:52](Interpretation)

24 Q. [11:58:52] Mr Witness, my question again: Do you know this phone number?

25 I can repeat it to you should you so desire.

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1 A. [11:59:01] Yes, I can tell you that this is my number and up until now, I still use
2 this number -- (Redacted). This is the number that I have used up until now.

3 Q. [11:59:29] Very well. And since when have you been using this phone number,
4 Mr Witness?

5 A. [11:59:39] I believe this phone number -- I believe I've been using it for over
6 10 years. This is the first number that I ever used. When I used to carry out
7 (Redacted), my family would call me to find out how I was doing and that is the
8 number that I used and I use it up until now.

9 I can't change this number because a phone number is not like a piece of clothing or a
10 house that you change. That is why I've kept this number, and this is the number
11 that the Office of the Prosecutor uses to contact me and I will never be able to change
12 this number.

13 I cannot lie. And, if you want, you can actually call me and that is the number that
14 you will contact me with.

15 Q. [12:00:48] Thank you, Mr Witness. Just to be clear, you have said that it has
16 been more than 10 years. To situate us in time, were you using this number during
17 the Bozizé period -- that is, before 2013?

18 A. [12:01:12] Yes. This was my very first number. I cannot deny it. Even if I
19 lose my SIM card, I can still have a new one with that number and I use it to keep in
20 contact with my colleagues, my friends and relatives. I hope that is clear.

21 Q. [12:01:40] Very well, Mr Witness. The second number that we have in that
22 investigator's report is (Redacted). Is that number recognisable to you?

23 A. [12:02:09] Yes, it is still my number. I have these numbers when I bought my
24 phone for the first time. I bought a Telecel phone 75, then I bought a different phone
25 starting with 72. So I've been using it all the time when I'm travelling. When I'm

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1 travelling in the bush, sometimes the Telecel network is operational, sometimes it is
2 the Orange network, that is 72, which is operational. That is the reason why I have
3 the two numbers at the same time. I don't know if you have understood me.

4 Q. [12:03:00] Absolutely. I understand you very well, Mr Witness. It is very
5 clear.

6 Now, do you remember approximately which year you obtained that second number,
7 Mr Witness? Was it before 2013, after 2013?

8 A. [12:03:18] It was in the course of the year 2013 that I acquired these two
9 numbers.

10 Q. [12:03:38] Just to be sure that there's not an interpretation issue. You said that
11 it was in 2013 that you had those two numbers. Maybe you mean to say that you
12 had that second number, because you already told us you had the first one before
13 2013. Can you clarify.

14 A. [12:04:11] The number 75, that is Telecel. I bought it in 2012. And the number
15 beginning with 72, I bought it in 2013 and I have been using them.

16 Q. [12:04:36] Very well. One last question on that. Were you using any other
17 numbers in 2012-2013, Mr Witness?

18 A. [12:04:45] Before 2012, 2013, 2014, I did not have other numbers. I never
19 changed my phone numbers. I have confirmed to you these two numbers as
20 belonging to me. So I have -- I can tell you once again, phone numbers are not like
21 pieces of clothing or furniture, because numbers are what makes it possible for people
22 to stay in contact. So I cannot change numbers just like that.

23 And if this can be said, those who change numbers overnight are people who do not
24 have a quiet conscience, who are involved in scamming. So I have a quiet conscience,
25 a clear conscience, so I don't have any interest in changing numbers. The OTP has

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1 been contacted -- contacting me through those two numbers ever since 2018 up till
2 today. They have been reaching me on those two numbers; I do not have any others.

3 Q. [12:06:17] Thank you very much, Mr Witness.

4 I don't have any further questions on the telephone numbers, and so I would like to
5 request that this investigator's report on the witness's phone numbers be tendered
6 into evidence.

7 Now, you talked about your meetings with the investigators of the OTP. Do you
8 remember the very first time that you were in contact with the investigators of the
9 Office of the Prosecutor?

10 * A. [12:06:58] Yes, yes, I remember the very first time we met, as we said... as you
11 showed me a document yesterday. The (Redacted) month 2018, I remember, I
12 remember the place, the time and the date but given that time has passed I have
13 forgotten their identity and their names. The first time that I was contacted I was
14 afraid, and several calls later I picked up, seeing that they were using the same
15 number. So I decided to come and meet with them and listen to what they had to
16 tell me. That's how come I remained in contact with them right up till today.

17 Q. [12:07:58] Very well, Mr Witness.

18 Now, to refresh memories on dates, I will refer to CAR-OTP-00036278. It is tab 29 on
19 our list of evidence.

20 It is -- I don't think it is necessary to show it to the witness, but I will read out part of
21 it to the witness. It is another one of the investigator's reports.

22 If you can zoom in a little bit, paragraph 2.

23 THE COURT OFFICER: [12:09:11] Micro --

24 MR JACOBS: [12:09:14](No interpretation)

25 THE INTERPRETER: [12:09:37] We couldn't hear the first part of that sentence.

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1 MR JACOBS: [12:09:43](Interpretation)

2 Q. [12:09:43] It is indicated that the OTP contacted you and you first of all accepted
3 before changing your opinion, that was in (Redacted) 2017. That is one year before
4 your statement was actually given.

5 Do you remember this series of facts, Mr Witness, that first phone call?

6 A. [12:10:14] They were trying to contact me constantly on the phone, and I had my
7 doubts. When I accepted one of the appointments, then I would change my mind.

8 Then when I asked them to explain the objective of their calls, they told me that,

9 "Look, we want your testimony." And I told them, "I am not guilty of anything, why
10 would you want my testimony?"

11 So I was wondering whether I had committed a crime against someone, but then I

12 said, "Okay, since this is a matter of justice, it was important that I would come and

13 meet them." That is how come I came to meet them and they explained to me the

14 purpose of our meeting, specifically the events that happened between the

15 Anti-Balaka and the Seleka, what happened, the reasons for the conflict between the

16 Seleka and the Anti-Balaka.

17 So after having heard the purpose or objective of the meeting, I committed myself to

18 tell them about the events. I do not know whether you have understood me.

19 Q. [12:11:41] I've understood you very well, Mr Witness.

20 Now, when they contacted you for the first time, did they tell you how they had

21 obtained your phone number?

22 A. [12:11:56] That's a very good question. I think that they did not explain to me

23 how they had obtained my phone number. Right up to this day, when I asked them

24 that question they answer with a smile. They do not tell me who had communicated

25 my phone numbers to them. It is possible that it is confidential, or maybe it is an

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1 intermediary who knew me, who gave them my phone numbers. So up till today I
2 do not know and I'm no longer trying to find out how they came about having my
3 phone numbers.

4 Q. [12:12:53] Last question on this first contact.

5 Now, before you accepted to meet with the investigators, did you ask for advice from
6 people in your entourage? That is, for example, people that are close to you or
7 people with whom you worked.

8 A. [12:13:23] That is a very nice question. I would continue telling you that when
9 I received the phone calls, the instruction was that the collaboration had to be
10 confidential. And I was wondering, confidential? It would be possible for them to
11 detain me at a secret location and my relatives would not be able to know where I
12 was. So I kept the matter secret and I took the decision later to meet with them and
13 asked them for the purpose of the meeting. I was not accompanied by anyone. I
14 did not speak with anyone. Right up to this day, neither my wife nor any other
15 member of my family is aware of what is happening here between myself and the
16 Court. Confidential means to keep secret. No one gave me any advice regarding
17 this collaboration with the Court. Even within my profession, I am not a very
18 outgoing person.

19 I do not know whether you have fully understood me.

20 Q. [12:14:58] Thank you, Mr Witness.

21 Now, when they contacted you for the first time, were you (Redacted)
22 (Redacted)?

23 A. [12:15:12] Thank you. I believe that the first time when they called me, (Redacted)
24 (Redacted). They called me the first time.

25 I thought it was a DDR person who wanted to contact me. I answered it, but later I

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1 realised that it was not their number, so I tried (Redacted) -- they contacted me.
2 (Redacted). So up to 2018 they were unable to contact me, so it was
3 only after several months, up to 10 months, before they were able to meet with me, to
4 contact me.

5 Q. [12:16:17] Thank you, Mr Witness. And in 2018, when you met with them to
6 give your prior statement, (Redacted)?

7 A. [12:16:29] Yes. (Redacted)

8 (Redacted). That means that in

9 2018, when I met with them (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:17:11] Very well. Before -- I don't know whether I will come back to this
13 investigator's report later so I would like to ask for it to be tendered.

14 CAR-OTP-2089-0255, that is tab 28, it's another investigator's report. It can be
15 displayed to the courtroom, but not to the witness. It is in English and that will also
16 help to protect the information that is there.

17 Now, can you turn to the next page, please. I will read a short excerpt. This report
18 indicates that at the time, that is the first meeting in (Redacted) 2018 with the OTP, it
19 is stated here -- it is stated in this report that at that time you were unemployed and
20 therefore available to meet with the investigators later. So the investigator said here
21 that in 2018 you were unemployed.

22 So what do you have to say about that, Mr Witness?

23 A. [12:19:44] That is a very good question. When you say that I was unemployed
24 in 2018, I had leave, I took leave, and I had the time to meet with them normally. So
25 if it had not been that I was on leave, I would have had to ask the ministry for

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1 authorisation to be able to meet with them. But since (Redacted) and I was on leave,
2 nothing prevented me from meeting with them during that period.
3 I cannot tell you tall tales about this matter, but if you think it is not true, I introduced
4 myself to these people. They wanted to photograph me. (Redacted)
5 and I refused, but they said they will take a photograph of me but it was not to harm
6 me, and I said the next time I would change and I would not (Redacted). So
7 they told me to show (Redacted) to indicate my age and so on.
8 So I said that (Redacted) when we met, but it was during my leave period,
9 so I did not want them to go through the ministry for an authorisation to be issued
10 before I could meet with them.
11 But if I had been working during that period, I would have turned them down and
12 they would have had to go through the ministry to ask for an authorisation for them
13 to meet with me, as they are doing currently.
14 I do not know whether that explanation is satisfactory to you.
15 Q. [12:22:01] Mr Witness, you are very clear. I will go back to your work, but
16 given the report that is displayed.
17 Now, regarding your phone number (Redacted), they state that you had that number
18 since 2008. That is what the interpreters wrote in that report.
19 Does that refresh your memory or do you have a comment to make on that date
20 indicated as the date on which you received your phone number?
21 A. [12:22:53] If I remember correctly, I said that the number starting with 75 is my
22 own number that I have been using for a long time. It was more than 10 years. It
23 has been more than 10 years. I do not know whether I bought it in 2010 or 2011.
24 Now, as you can see on the paper before you, sometimes I forget certain dates and
25 sometimes you refresh my memory on that. So sometimes I forget certain dates and

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1 I cannot tell you the precise dates because I do not note them down on -- in a
2 notebook. So I don't have the specific date, but I have told you that I have been
3 using these phone numbers for a long time and I have not changed the numbers. It
4 is those numbers that I'm still using till -- to date.
5 You are trying to find out on which date I bought the numbers -- well, the important
6 thing is that it is my number. Whether I bought it in 2008, 2009, 2010, 2012, the fact is
7 that it is my phone number. I do not know on which specific date I bought it,
8 whether it was in 2012 or not, but if you really want to know, you can go to the
9 Telecel agency and inquire from them. I do not know. I do not know whether I am
10 clear enough.

11 Q. [12:24:41] Mr Witness, yes, indeed, you are here to help us to understand some
12 information. So we have the report of the investigators of the OTP and I simply
13 wanted to cross-check with you whether you had -- whether you had information
14 relating to what is written here in the report, and you have been clear enough.
15 Now, one last question on this report. Relating to your meeting in (Redacted) 2018,
16 it is stated that you expressed a bit of concern relating to the part about the divulging
17 of your identity, because one year before you had - that is, in 2017 - you had had
18 initiatives relating to a local NGO called Ellé Songo. So that was in August 2018.
19 Can you confirm that, Mr Witness?

20 A. [12:26:06] Yes. When I talk about Ellé Songo, I think it is that organisation that
21 gave my number to the Office of the Prosecutor. Maybe it is the NGO. I really do
22 not know. I have forgotten the name, but if I remember I can tell you.
23 So these are the NGOs that called me when I was in the Anti-Balaka so that we can
24 work hand in hand and express our concerns.
25 But when you talk about Ellé Songo, it is not the organisation, it is people who

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1 brought together the Anti-Balaka and the Seleka so that there should not be any
2 misunderstanding between the Seleka and the Anti-Balaka. This is a group that we
3 set up so that we should be able to live in peace. I do not know whether it is clear to
4 you.

5 Q. [12:27:34] Indeed, I am getting tired and I forgot the microphone.

6 So I have no further question on this report, so I would like to ask formally for it to be
7 tendered into evidence and taken off the screen.

8 Mr Witness, I will go back to your prior statement which was taken in (Redacted)
9 2018.

10 * When that statement was taken, were you on leave at that time?

11 A. [12:28:29] Yes. I was on leave, rest leave. I want to insist on that. I was
12 going to ask the OTP members to contact the ministry for an authorisation so that we
13 should meet.

14 When they asked me to come, I told them to contact the ministry so that they can
15 issue an authorisation for me. But then, at that time, I was already on leave because I
16 already had an (Redacted), so I could not ask for another authorisation on top of the
17 one that I already had.

18 I don't know whether it's clear for you because you are turning around and around on
19 this issue.

20 Q. [12:29:25] Just to be clear, if I understand you well, the OTP contacted the
21 ministry for an authorisation for you to be able to meet or speak in (Redacted) 2018; is
22 that correct?

23 A. [12:29:45] If I had not been on leave, they would have requested an
24 authorisation from the ministry. Since I was on leave, they did not need to go to the
25 ministry. That is how I came freely.

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1 But in this current case, the ministry issued an authorisation in order for me to be able
2 to participate in this hearing today. If the ministry, the authorities, had refused that
3 authorisation, I would not have been able to take part in this hearing today.

4 So each time they contact me, I make it known to them that we need an authorisation
5 from the hierarchy before I could meet with them. So it is always with the
6 authorisation of the ministry that I could take part in those meetings. I do not know
7 whether I have made myself understood or not.

8 Q. [12:30:59] Thank you, Mr Witness. Yes, I think I've fully understood what you
9 have explained.

10 So the day you met the investigators in order to provide them with your prior
11 statement - so this is (Redacted) 2018, let me remind you - what language were you
12 speaking with the investigators?

13 A. [12:31:24] Thank you for this question.

14 We started by talking in French, but since I didn't speak French very well, they
15 provided an interpreter who facilitated our exchanges - an interpreter from Sango
16 into French - to ensure that communication was fluid. I think I understand French
17 well but my expression is -- it's a little difficult and that is why they brought an
18 interpreter who facilitated communication.

19 Q. [12:32:25] When the investigators were talking to you, did they already have
20 information on you, information about what you had done in 2013? Did they have
21 that information at that time?

22 A. [12:32:43] I am not God and so I can't know everything, but when they contacted
23 me I was not in a position to know what information they had or not about me, before
24 they contacted me. And as I've told you and as you've repeated yourself, they had
25 started contacting me in 2017 and I did not answer their calls. And since they were

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1 calling the same phone number, I decided to meet with them and I asked them a
2 question to find out if they had information on me. And they said no, it's just
3 confidential and that the point of the phone call was just to meet me and have a
4 conversation with me.

5 We spoke of many different things during our meeting. When we met, they didn't
6 ask me what the Seleka did, either good or bad, they didn't ask me those kind of
7 questions. And I think we're going around in circles here. When we met in 2012,
8 we spoke a lot. For example, I said, for example, "You are the lawyer of Mahamat
9 Said and you are asking questions in order to defend him. I'm asking you to figure
10 out what are the crimes your client committed." I asked them questions, and they
11 asked me questions to see how we met. That's how we met with the Prosecutor's
12 office. So that's how we met in 2018, indeed, yes.

13 Q. [12:34:42] Your prior statement has been tendered into evidence. It can be used
14 by anyone in the Court, including the Judges, and I'm asking you how this statement
15 was taken, how it was provided. That is the goal of my questions, that is why I'm
16 asking you these questions, to see how this statement was established. I want to
17 know what kind of questions you were asked in order to try and understand, because
18 this document is now part of evidence and so it's important for us to be able to ask
19 you questions, ask you questions about the way that this meeting panned out in 2018.
20 And that's why I'm asking you, because you accepted for your prior statement to be
21 included as part of evidence in this case. That's why I'm asking you these questions.
22 I have a few more and then I'll be done with them.

23 Is that okay, Mr Witness?

24 A. [12:35:33] Yes, I follow you. You know, I will answer your question. When
25 the Prosecutor's office contacted me, we met and we started having exchanges, and

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1 the first question that was put to me at the time -- well, they made me understand that
2 they didn't have money or things to be able to give me, but they wanted to exchange
3 with me about things that had taken place in my country in order to build peace.
4 They were only looking for -- only information on events that had taken place in the
5 country. And I said, "Okay, if you're just looking for truth, I will only tell you the
6 truth."

7 And then I asked them a question in order to try and ascertain whether the -- whether
8 the investigators are Central African citizens or part of the Central African system,
9 and they said no, they are part of an international jurisdiction and they are not
10 looking to incriminate me, but they are just looking for the truth. And they asked
11 me if the events that had taken place in the Central African Republic had had a
12 positive impact, and I said they did not, and that is how we started communicating
13 together.

14 The Office of the Prosecutor had never promised me a sum of money or a reward and
15 they didn't tell me what I would have to do in order to have access to a reward. I
16 just told them what I knew and nothing but the truth. Thank you very much.

17 Q. [12:37:19] Very well. During the interview, did the investigators say to you,
18 like I've done today, what other witnesses had told them, in order to talk about
19 different events? Did they say: we have spoken to this and that person and this and
20 that person had said this or that to them, like I did earlier today with you? Did they
21 do that?

22 A. [12:37:47] I think that long before we had these exchanges, they had not told me
23 that they had received information on my person, but I understood that they had had
24 exchanges about me, since they received my number. Well, since they had my
25 number, it means that they had received information about me, but I don't know who

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1 they had these exchanges with about my person.

2 To tell you the truth, I talked to them and they let me understand that they had
3 spoken to other people and that these other people had made it be understood to
4 them that I would be able to provide them with a lot of information as part of their
5 research. And that is why they contacted me and that is why we then met.

6 Q. [12:38:54] Thank you, Mr Witness.

7 So, based on your prior statement - for example, in paragraph 102, 176 and 189 - you
8 showed the Office of the Prosecutor some documents, some photographs, a document
9 of signing up in the CVR, and you refused to give a copy of these documents to the
10 Office of the Prosecutor. Can you confirm that fact, Mr Witness?

11 A. [12:39:38] That's a very good question. I think when they asked me to provide
12 documents on the CVR, they asked me to show them how the CVR worked. And I
13 told them that the CVR consisted in asking us questions on our activities, on our
14 original activities, the work we'd done of being a carpenter, or a farmer, and so on
15 and so forth. And I presented the document to them and they said that they would
16 like to take a copy -- make a copy of it and I refused. But then I had a more positive
17 view and I said to myself well maybe this document might be useful to them and
18 that's when I provided them with it. That is how I provided the document to them,
19 in order for them to be able to support the facts and information that I was providing
20 to them.

21 Q. [12:40:57] Thank you, Mr Witness. Thank you for clarifying the situation
22 regarding this document, or these documents.

23 THE INTERPRETER: [12:41:10] Correction from the interpreter.

24 MR JACOBS: [12:41:13](Interpretation)

25 Q. [12:41:14] Mr Witness, you explained that --

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1 PRESIDING JUDGE SAMBA: [12:41:16] Yes, Mr Witness, can we hear you? Yes,
2 please, say what you want to say.

3 THE WITNESS: [12:41:35](Interpretation) Can I have a three-minute bathroom break,
4 please?

5 PRESIDING JUDGE SAMBA: [12:41:43] Certainly. Certainly, Mr Witness. We
6 will wait for you. Certainly.

7 (The witness exits the video-link room)

8 (Pause in proceedings)

9 (The witness enters the video-link room)

10 THE WITNESS: [12:44:49](Interpretation) Thank you very much. I'm back.

11 PRESIDING JUDGE SAMBA: [12:44:50] Welcome. Welcome back, Mr Witness.

12 Mr Jacobs, you may continue with your questions, please.

13 MR JACOBS: [12:45:08](Interpretation) Thank you, Madam President.

14 Q. [12:45:13] Mr Witness, did the Office of the Prosecutor reimburse you for your
15 transportation costs to these different meetings that you had with them?

16 A. [12:45:31] Yes, the transportation fees were reimbursed. And when I would go
17 to these meetings, they would give me some money to be able to pay for my
18 transportation until the end of our meetings. I cannot lie on this point, they did pay
19 for transportation.

20 Q. [12:46:16] Very well. And did they also cover any other fees while you were
21 talking to them in 2018 or after 2018 -- between 2018 and the present day?

22 A. [12:46:31] No. For example, my birth certificate had been burnt in a fire and I
23 asked them to give me money to -- in order for me to be able to get another birth
24 certificate issued and they refused to do so. I have not received any money up until
25 now. Neither the OTP -- neither the Prosecutor, nor the * ICC gave me any money

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1 up until now. I was just given money to pay for my transportation in 2018. These
2 transportation fees were covered, I'd like to insist on this point, and when we met
3 they would also provide me with food.

4 Q. [12:47:33] And if you can recall, do you have any idea of the sum of money that
5 was given to you?

6 A. [12:47:44] Thank you very much. I don't remember the total, the sum, but they
7 gave me 2,000 francs in order to pay for going to the meeting and 2,000 francs for the
8 return journey. These were the sums of money that were provided to me every time
9 until the end of our encounters, and sometimes they'd also give me some money to
10 cover lunch costs, or I'd take some money in order to be able to get some food outside.
11 They also provided that. I can't lie about that.

12 Q. [12:48:31] Thank you, Mr Witness. That was my last question. I've finished
13 with the Defence's questions.

14 PRESIDING JUDGE SAMBA: [12:48:42] Thank you very much, Mr Jacobs. We do
15 appreciate.

16 Prosecutor, do you have any questions in re-examination?

17 MS LE BAILLY: [12:48:58] No further question for the Prosecutor. Thank you.

18 PRESIDING JUDGE SAMBA: [12:49:06] Okay.

19 Mr Witness, we will put one or two -- a few questions to you from the Bench, the
20 Judges. I'm going to ask my colleagues to ask you a few questions just for clarity on
21 the record.

22 I will start with Judge Flores, questions to this witness, please.

23 (Trial Chamber confers)

24 PRESIDING JUDGE SAMBA: [12:49:25] We are in private session, yes. Do you
25 want us to go into open session?

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1 JUDGE FLORES LIERA: [12:49:37] No, no (microphone not activated)

2 PRESIDING JUDGE SAMBA: [12:49:36] Yes.

3 JUDGE FLORES LIERA: [12:49:37] Thank you, Madam President.

4 I don't have any question for this witness. Thank you.

5 PRESIDING JUDGE SAMBA: [12:49:43] Judge Ugalde, please.

6 JUDGE UGALDE: [12:49:52] Thank you, Madam President. I do have a couple of
7 quick questions.

8 It is my understanding that you, in your prior statement, CAR-OTP-2093-0045,
9 paragraphs 44 to 51, you mention the month in which you participated with other
10 individuals in the attack against the Seleka in Bossangoa. My understanding is that
11 this is in the month of September.

12 So let me, to refresh your memory, let me read also from your statement. You said at
13 paragraph 44:

14 "We were a large group in Ngobere, and we organised a big celebration the night
15 before we left for Bossangoa. I think that we all left Ngobere together, but I do not
16 know if we all went to Bossangoa. The leader of my group is now dead. He was a
17 well-built man named (Redacted). He was a FACA soldier and he went in front
18 while we followed him." And "I was not with (Redacted) group."

19 And then you keep saying, paragraph 45:

20 "We were told by the Anti-Balaka chiefs that when we attacked Bossangoa, we should
21 shout at the Seleka and bang pots to make an awful noise while our chiefs shot their
22 hunting guns in the air."

23 I will not read further.

24 So, the question I have for you is, do you recall how many of you participated in this
25 attack in Bossangoa? How many elements were there of your group participating in

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1 Bossangoa, do you remember?

2 THE WITNESS: [12:52:44](Interpretation) Thank you, your Honour. When you ask
3 this question, I will answer you by saying that during this attack we suffered, and we
4 carried out this first attack. We did not have automatic weapons. We had
5 traditional weapons. We had these water canisters, the saucepan lids and sticks. I
6 think you have all the photos of all of this.

7 We had -- make a *sortis* and carried out this attack. But it was difficult, because the
8 Seleka shot at us, and then we fled to Bossangoa. But, like I said, we could not really
9 confront the Seleka because they had heavy weaponry, they had vehicles, and we had
10 to flee through the neighbourhoods in order to be able to find refuge.

11 I don't know if I'm clear, your Honour. I don't know if I've answered your question
12 correctly. If you have other questions, I'm here to answer them.

13 JUDGE UGALDE: [12:54:16] Many thanks for your answer.

14 I understood what you said, but my question to you is how many of you. I mean
15 how many elements of your group participated in this attack in Bossangoa? So what
16 I mean to say is in your group were 50 people, 100, 1,000?

17 How many people do you recall that participated in this attack, if you do remember.
18 And you don't have to give me a specific number, just, you know, what you think
19 more or less the number was.

20 THE WITNESS: [12:55:02](Interpretation) Thank you, your Honour. To give you
21 an estimate of the number, I can't -- I couldn't do that. I wouldn't know how to do
22 that, because we had gone out to carry out this attack and, I don't know. I couldn't
23 really estimate the number. We went out and we were -- there were quite a few of
24 us. We were quite numerous.

25 That's all I can say. Thank you very much.

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1 JUDGE UGALDE: [12:55:44] No problem. Thank you very much.

2 I also wanted to ask you, because in your testimony you mention that some of the
3 chiefs had some sort of firing arms with them, you know. So do you remember how
4 many of them or how many firearms do you have in the sense of guns or machine
5 guns?

6 THE WITNESS: [12:56:28](Interpretation) Thank you.

7 As for the weapons that we had, there were not very many of them. What made us
8 strong were the water tanks, or canisters, the saucepan lids, the sticks -- not weapons,
9 not everyone had a weapon. If someone had a double zero, he might have had
10 several elements, 10 or 12, under him or behind him.

11 So there weren't really any weapons of war. There weren't really any firearms or
12 Kalashnikovs. Kalashnikovs were rare. You could see one here or there, and it's
13 only when the Seleka would abandon their weapons that we'd be able to pick them
14 up.

15 JUDGE UGALDE: [12:57:40] Thank you very much, Mr Witness.

16 One last question. I understand that you mentioned in another case the month when
17 this attack in Bossangoa took place. Do you remember the month when this attack
18 took place?

19 THE WITNESS: [12:58:00](Interpretation) I told you that a lot of time has gone by,
20 many months, and I've forgotten. I could not give you a precise date. I think that
21 you are looking for the truth and so you can maybe investigate on this issue.

22 JUDGE UGALDE: [12:58:46] Thank you very much, Mr Witness. I don't have any
23 further questions and I appreciate your responses.

24 PRESIDING JUDGE SAMBA: [12:58:56] Thank you very much, Judge.

25 Mr Witness, if I may ask, I just want to know how you know about the organisation of

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1 these self-defence groups, because you did say this morning in response to a question
2 put to you by Mr Jacobs - and I'm referring to page 8 of this morning's transcript, you
3 said, and I quote:

4 "You have said that the Anti-Balaka groups had been called self-defence groups, they
5 were in the villages and towns to protect them against the highway robbers and in the
6 course of time, young people met or joined those groups. And when we fled into the
7 bushes, we met to re-create those groups. Those groups did not have any leaders.
8 There was no leader."

9 How do you know about the organisation of these self-defence groups? Is it because
10 you were also a member?

11 THE WITNESS: [13:00:30](Interpretation) Thank you, your Honour. When, as I
12 told you, the Anti-Balaka movement, to begin with, the village chiefs and the group
13 chiefs, the leaders were supervising them as self-defence groups. They facilitated
14 communication and prevented conflicts, and in case the highway bandits attacked,
15 they would intervene.

16 Now, when the Seleka invaded the villages and towns, they found themselves in the
17 group -- in the bushes, and they organised themselves. So to say there were leaders
18 or people organising the groups, no. Those who had fled into the bush to look for
19 things to eat, given their ranks, we sort of designated them as our chiefs, but there
20 was no authority that had created the positions of Anti-Balaka chiefs at that time.

21 PRESIDING JUDGE SAMBA: [13:02:05] Yes, yes, that's your testimony, indeed, but
22 how do you know about the organisation of these self-defence groups? How do you
23 know?

24 THE WITNESS: [13:02:14](Interpretation) Thank you, your Honour.

25 As I have stated all along, the creation of the Anti-Balaka, which has today become a

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1 very important movement, took its roots in the villages with groups of five people, 10
2 people, * eight people who would come together to face up to security challenges in
3 the various villages.

4 So that is how those groups operated.

5 So the Anti-Balaka, at the grassroots, were using spears and traditional weapons.

6 When the Seleka drove us out of our villages they had burned all our traditional
7 weapons, so when we fled, we did not take those weapons with us.

8 And when we found ourselves in the bushes, we cut pieces of trees and then we
9 gathered cooking pots, and so on, and that is what we used to carry out our attacks.

10 I really do not know whether you have fully understood me. If I have not really
11 answered your question, I am available to do so.

12 PRESIDING JUDGE SAMBA: [13:04:06] Thank you very much, Mr Witness.

13 Mr Jacobs, do you have any question in reaction to the questions from the Bench?

14 MR JACOBS: [13:04:15](Interpretation) No, no questions, your Honour.

15 PRESIDING JUDGE SAMBA: [13:04:21] Thank you very much.

16 Mr Witness, on behalf of the Chamber, I'd like to thank you very much for your time
17 and for cooperating with the Court in this particular case. We know that you've also
18 testified in another case.

19 Can I ask the court officer to get us into open session.

20 (Open session at 1.05 p.m.)

21 THE COURT OFFICER: [13:05:02] We are back to open session, Madam President.

22 PRESIDING JUDGE SAMBA: [13:05:06] Thank you very much.

23 Mr Witness, as I was saying, on behalf of the Chamber I thank you very much for
24 cooperating with us in this case.

25 Be assured that all that's happened here, in private in particular -- during private

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- 1 session in particular, will remain confidential.
- 2 We wish you well in your work and your future endeavours.
- 3 As you leave there, you know the issues of confidentiality that you yourself attested
- 4 to and the importance of keeping that -- all what we've done here confidential, so
- 5 we'll encourage you to do just that.
- 6 On behalf of the Chamber and on behalf of us all here, the Court, we thank you and
- 7 wish you well in all that you do.
- 8 (The witness is excused)
- 9 PRESIDING JUDGE SAMBA: [13:05:55] I'm going to rise the Court, and we await to
- 10 take the Prosecution's next witness, P-1180, on 29 April this year.
- 11 I rise the Court and wish you all well.
- 12 And thanks to the interpreters, indeed.
- 13 THE COURT USHER: [13:06:13] All rise.
- 14 (The hearing ends in open session at 1.06 p.m.)