

Trial Hearing
WITNESS: CAR-OTP-P-0358

(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 -
5 ICC-01/14-01/21
6 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera and Judge
7 Sergio Gerardo Ugalde Godínez
8 Trial Hearing - Courtroom 2
9 Thursday, 2 May 2024
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:03] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SAMBA: [9:35:21] Good morning, everyone.
15 Madam Court Officer, can you kindly mention the case.
16 THE COURT OFFICER: [9:35:38] Good morning, Madam President, your Honours.
17 The situation in the Central African Republic II, in the case the Prosecutor v. Mahamat
18 Said Abdel Kani, case reference ICC-01/14-01/21.
19 We are in open session, for the record
20 PRESIDING JUDGE SAMBA: [9:35:53] Thank you very much.
21 Can I ask the parties to introduce themselves, beginning with the Prosecution, please.
22 MS MAKWAIA: [9:36:01] Good morning, Madam President, your Honours. For
23 the Prosecution this morning, Brunhild Le Bailly, Alessia Vitiello, Thomas Bifwoli,
24 Sanyu Ndagire and, myself, Holo Makwaia.
25 PRESIDING JUDGE SAMBA: [9:36:13] Thank you very much, Ms Makwaia.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [9:36:20](Interpretation) Thank you, Madam President. The victims
3 are represented by Caroline Walter and myself, Sarah Pellet, counsel in the Office of
4 Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [9:36:33] Thank you very much, Ms Pellet.

6 Ms Naouri, representation for the Defence, please.

7 MS NAOURI: [9:36:44](Interpretation) Thank you, Madam President, good morning.

8 Next to me is *Maître* François-Jacquemin, next to him Fiana Gantheret, and behind me
9 *Maître* Jacobs. And myself, Jennifer Naouri, lead counsel for Mr Said.

10 PRESIDING JUDGE SAMBA: [9:37:04] Thank you very much, Ms Naouri.

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

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

13 MR SAID: [9:37:20](Interpretation) Good morning, Madam President.

14 PRESIDING JUDGE SAMBA: [9:37:25] Good morning.

15 We note that the Prosecution is calling P-0358 as its 30th witness. The Chamber
16 authorised the introduction of P-0358's prior recorded testimony, subject to the
17 conditions of Rule 68(3) being met, in decision numbered 556.

18 It is the Chamber's understanding that this witness will be testifying in French, so I
19 remind everyone of the importance -- of the need to speak slowly and to observe the
20 five-seconds rule between questions and answers.

21 Now, before commencing, the Chamber notes briefly that protective measures are
22 confirmed for this witness by virtue of decision numbered 605.

23 A very good morning to you, Mr Witness. I hope I see you well.

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25 (The witness speaks French)

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1 THE WITNESS: [9:38:32](Interpretation) Yes, I'm fine, Madam President. Good
2 morning.

3 PRESIDING JUDGE SAMBA: [9:38:37] Mr Witness, you are going to testify before
4 the International Criminal Court. So on behalf of this Chamber, I welcome you to
5 this courtroom.

6 THE WITNESS: [9:38:53](Interpretation) Thank you, Madam President.

7 PRESIDING JUDGE SAMBA: [9:38:56] You should have before you, Mr Witness, the
8 solemn undertaking which every witness who appears before us must adhere to.
9 Can you read that out for us, please.

10 THE WITNESS: [9:39:14](Interpretation) I do not have it before me. I don't have it.

11 PRESIDING JUDGE SAMBA: [9:39:25] Thank you very much for that information.
12 You will be helped. Just a moment.

13 THE WITNESS: [9:39:33](Interpretation) I think I can see it. Thank you,
14 Madam President.

15 I solemnly declare that I shall speak the truth, the whole truth and nothing but the
16 truth.

17 PRESIDING JUDGE SAMBA: [9:39:54] Thank you very much, Mr Witness.

18 Now, Mr Witness, do you understand and adhere to what you have just read out?

19 THE WITNESS: [9:40:07](Interpretation) I agree with it.

20 PRESIDING JUDGE SAMBA: [9:40:13] Thank you very much.

21 We will continue. Let me now explain to you, Mr Witness, the protective measures
22 that are in place for your testimony. We have in place for you voice and face
23 distortion for the duration of your testimony. This means that no one outside the
24 courtroom can see your face or hear your real voice during your testimony. There
25 will also be in place for you the use of a pseudonym in accordance with which all of

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1 us here will only refer to you as "Mr Witness", so that the public does not know your
2 real name or hear your real voice.

3 When you answer questions that will not give away who you are, we will do so in
4 open session, which means that the public can hear what is being said in the
5 courtroom. When you are asked to describe anything that relates to you or if you are
6 asked to mention facts that might reveal your identity, we will do so in private
7 session.

8 In private session, there is no broadcast and no one can -- outside the courtroom can
9 hear your answer. If ever anything gets said during a public session, which ought to
10 have been said in private session, we will do our best to protect that information.

11 Your testimony will be broadcast on a delay, so we can remove any such remarks
12 from the public broadcast. This means that if anything goes wrong, we can try and
13 stop the public from hearing it. The parties and the legal officers of the Chamber are
14 monitoring this at all times. So please be assured that you are protected.

15 And lastly, I have a few practical matters you should have in mind when giving your
16 testimony.

17 Everything we say here is written down and interpreted. It is, therefore, important
18 to speak clearly and at a slow pace. Please speak into the microphone that you have
19 before you and only start speaking when the person asking you the question has
20 finished.

21 If you have any questions or if you need a break, Mr Witness, raise your hand so we
22 know that you want to say something to us.

23 Have you understood all that I've said, Mr Witness?

24 THE WITNESS: [9:44:04](Interpretation) It is understood, Madam President.

25 PRESIDING JUDGE SAMBA: [9:44:11] Thank you very much.

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1 So we are going to start with your testimony. I'm going to invite the Prosecution to
2 lead you in chief.

3 Madam Prosecutor, your witness, please.

4 MS MAKWAIA: [9:44:26] Thank you, Madam President, your Honours.

5 QUESTIONED BY MS MAKWAIA:

6 Q. [9:44:29] Mr Witness, good morning.

7 A. [9:44:33] Good morning, madam.

8 Q. [9:44:35] I'm going to be leading your evidence before the Court today.

9 MS MAKWAIA: [9:44:44] Madam President, your Honours, before I proceed, can
10 we go into a brief closed session so I can identify the witness for the record.

11 PRESIDING JUDGE SAMBA: [9:44:55] Madam Court Officer, can we go into private
12 session briefly, please.

13 (Private session at 9.45 a.m.)

14 THE COURT OFFICER: [9:45:03] We are in private session, your Honours.

15 PRESIDING JUDGE SAMBA: [9:45:08] Thank you very much.

16 Ms Makwaia, your witness, please.

17 MS MAKWAIA: [9:45:17] Thank you, Madam President.

18 Q. [9:45:18] Mr Witness, we are now in a closed session, so you can give identifying
19 information as I ask you questions. Can you please state your name for the
20 record -- your full name?

21 A. [9:45:33] My name is (Redacted).

22 Q. [9:45:40] And can you tell the Court, please, where you were working in 2013, in
23 March, starting from March?

24 A. [9:45:57] At the time of the events, I was {PFR: (Redacted)}
25 (Redacted)} in Bangui.

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1 Q. [9:46:06] And just briefly, as part of your work, what did that include? What
2 did it entail? Can you tell the Court, please.

3 A. [9:46:18] {PFR: (Redacted)}

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)}

11 Q. [9:47:20] Thank you, witness.

12 MS MAKWAIA: [9:47:23] Madam President, we can revert to a public session.

13 PRESIDING JUDGE SAMBA: [9:47:28] Thank you very much.

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

15 (Open session at 9.47 a.m.)

16 THE COURT OFFICER: [9:47:38] We are back to open session, Madam President.

17 PRESIDING JUDGE SAMBA: [9:47:44] Thank you very much.

18 Ms Makwaia, continue, please.

19 MS MAKWAIA: [9:47:48] Thank you, Madam President.

20 Q. [9:47:49] Mr Witness, do you recall which year it was that you were met by the
21 investigators from the Office of the Prosecutor?

22 A. [9:48:04] *I remember, Madam Prosecutor. I remember. It was a while... a good
23 many years ago. It was almost eight years ago. I think it was in 2016.

24 Q. [9:48:20] Okay, witness, and when you met them and they interviewed you, was
25 a statement taken down?

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1 A. [9:48:37] Can you please rephrase your question?

2 Q. [9:48:42] Okay. After you met them, was a statement recorded? Did they
3 interview you, ask you questions and thereafter was there a document prepared?

4 A. [9:48:55] Yes, there was a document that was prepared and at the end of my
5 interview, I had to sign that document, that is, at the very end.

6 Q. [9:49:11] And this was done in a language that you understood, correct, witness?

7 A. [9:49:18] Yes, in fact, it was done in French, a language that I master quite well.

8 PRESIDING JUDGE SAMBA: [9:49:33] Thank you, witness.

9 Your Honours, with your leave, if the Court Officer could assist us and display the
10 document at tab 1, CAR-OTP-2043-0433. It's a confidential document, so not for
11 display to the public.

12 Q. [9:50:01] Now, without stating the name, Mr Witness, because it will identify
13 you, do you recognise that name?

14 A. [9:50:13] Yes, I recognise it, madam.

15 Q. [9:50:15] And whose name is it? Don't say it though.

16 A. [9:50:21] It is in fact my name.

17 Q. [9:50:26] If we can have the assistance of scrolling the document further down,
18 Madam Court Officer, please.

19 Do you see some signatures on this page, witness?

20 A. [9:50:46] Yes, I can see them, madam.

21 Q. [9:50:52] And do you see names as well?

22 A. [9:50:57] I also see the names which I recognise. There is an investigator and
23 then someone who was serving as an interpreter.

24 Q. [9:51:12] And do you see another name?

25 A. [9:51:19] Yes. Apparently there are three names -- four names.

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1 Q. [9:51:29] Whose name is it on the first line?

2 A. [9:51:33] That is my name, Madam President.

3 Q. [9:51:41] And whose signature is it against it?

4 A. [9:51:51] It is mine, Madam President.

5 Q. [9:51:54] All right. Thanks, Mr Witness.

6 Can we now go to tab -- to CAR-OTP-2043 -- it's still the same document, 0452. The
7 same document, please.

8 So, witness, what do we see here? Do you recognise any signature on this page?

9 A. [9:52:30] Yes, indeed, Madam President.

10 Q. [9:52:32] And whose signature is it?

11 A. [9:52:37] It is mine.

12 Q. [9:52:41] Thank you, witness.

13 MS MAKWAIA: [9:52:45] Your Honours, I will now move to the next stage of my
14 questions, so this document can be removed. Actually, before you remove it, I will
15 just ask one additional question.

16 Q. [9:52:58] Mr Witness, on the date, do you see the year?

17 A. [9:53:06] I realised that there was an error in the year. They said 2013, but it
18 was in 2016 that the interview took place.

19 Q. [9:53:21] Thank you, Witness.

20 And we can now have this removed from the display, Madam President.

21 So leading into that, Mr Witness, when you arrived here in The Hague, I and another
22 member of the Prosecution team, Ms Ndagire, met you; do you recall?

23 A. [9:53:44] Yes, perfectly, well, your Honours.

24 Q. [9:53:50] And when we met you, were you given an opportunity to read your
25 prior statement, the one we just looked through-- in any event, the first few pages;

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1 did you have an opportunity to read that statement?

2 A. [9:54:08] Yes, the reading was done before me and I was able to note a certain
3 number of issues there, which we corrected together.

4 Q. [9:54:23] And let me just back up a bit, when you were being interviewed by the
5 investigators, did you provide to them any material -- in addition to your oral
6 interview, did you provide to them any material?

7 A. [9:54:40] Yes, Madam Prosecutor, I think I gave some tables with lists and a few
8 photographs that I was able to take when I was {ICR: (Redacted)} of the hospital.
9 When I had the opportunity and I had my camera, I used it to take the photographs.

10 Q. [9:55:12] And these materials formed part of your statement of 2016; correct?

11 A. [9:55:22] Yes, absolutely, Madam Prosecutor.

12 Q. [9:55:28] Now in the course of our meeting when you were here, and you've
13 already told the Court you made some clarifications and some explanations to your
14 statement, were these then noted down in a document?

15 A. [9:55:47] Yes, I think so.

16 Q. [9:55:58] And did we have -- did we provide you the opportunity to have read
17 back to you these corrections, Mr Witness? Do you recall?

18 A. [9:56:10] I did not read the hard copy, but the oral version, when it was
19 corrected, but I did not see the hard copy.

20 Q. [9:56:27] Correct, Mr Witness, because we read from the laptop. But ultimately,
21 was there a document printed and you were requested to sign it? Do you remember
22 that?

23 A. [9:56:43] Yes, I do, your Honours.

24 MS MAKWAIA: [9:56:48] Your Honours, can we have displayed, at tab 23,

25 CAR-OTP-00036349. And it's not for display to the public.

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1 Can we go to the next page, please. To the last page, sorry, Court Officer.

2 So I understand, your Honours, the signed document may not yet be in the system,

3 but we do have the original with us that he signed and the Defence has been

4 served - the Court has a copy already - on the, I think, 25 April.

5 So with your leave, perhaps we can just display the original copy, with the assistance

6 of the Court.

7 PRESIDING JUDGE SAMBA: [9:57:57] Can I just ask, because what we have before

8 us is not signed.

9 MS MAKWAIA: [9:58:01] No.

10 PRESIDING JUDGE SAMBA: [9:58:02] But can I ask the Defence, Ms Naouri -- well,

11 I don't know who is -- who will be doing the cross-examination of this witness.

12 Can you confirm that you have a signed copy of annex A, please?

13 MS MAKWAIA: [9:58:22] We sent a courtesy copy on 23 April, your Honours, just

14 for assistance to my colleagues.

15 MR FRANÇOIS-JACQUEMIN: [9:58:50](Interpretation) Good morning,

16 Madam President. Yes, we received it.

17 PRESIDING JUDGE SAMBA: [9:58:55] Thank you very much.

18 Ms Makwaia, continue, please.

19 MS MAKWAIA: [9:59:02] I need the assistance of the court officer, Madam President,

20 to give the document to the witness.

21 PRESIDING JUDGE SAMBA: [9:59:10] Yes, certainly.

22 Can you help please, Mr Court Officer.

23 MS MAKWAIA: [9:59:37]

24 Q. [9:59:37] Mr Witness, have you had the opportunity to look at the document

25 before you?

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- 1 A. [9:59:45] Absolutely, your Honours.
- 2 Q. [9:59:51] Now, on the last page, do you see any signatures?
- 3 A. [9:59:59] There are two signatures, including mine.
- 4 Q. [10:00:05] And can you just confirm for the Court that you signed this document
- 5 and can you read out for the record the date you signed it.
- 6 A. [10:00:15] Yes, I signed that document, 23 April 2024.
- 7 Q. [10:00:28] Thank you, Mr Witness.
- 8 MS MAKWAIA: [10:00:30] We can have the document retrieved.
- 9 I'm having it sent to your Honours as well for review.
- 10 PRESIDING JUDGE SAMBA: [10:00:54] Thank you very much, Counsel.
- 11 MS MAKWAIA: [10:01:04]
- 12 Q. [10:01:04] Now, Mr Witness --
- 13 PRESIDING JUDGE SAMBA: [10:01:06] Do you want to see the document, Defence?
- 14 Yes.
- 15 MS MAKWAIA: [10:01:10] Apologies, of course.
- 16 MR FRANÇOIS-JACQUEMIN: [10:01:18](Interpretation) Thank you, your Honour.
- 17 MS MAKWAIA: [10:01:39] (Microphone not activated)
- 18 THE INTERPRETER: [10:01:47] Microphone, please.
- 19 PRESIDING JUDGE SAMBA: [10:01:48] Can you repeat your last submission,
- 20 Counsel.
- 21 MS MAKWAIA: [10:01:52] Thank you, Madam President.
- 22 I said, we shall ensure that it's properly registered and before the record of the
- 23 proceedings.
- 24 Q. [10:02:02] Mr Witness, now I come to the last stage of my questions to you this
- 25 morning.

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1 Do you consent -- or do you agree for the Judges of this Court in these proceedings to
2 use your prior recorded statement of 2016 and its associated materials, as well as the
3 annex that contains the clarifications and corrections to this statement during the
4 proceedings?

5 A. [10:02:45] Yes, I believe that that is necessary so that the truth can be revealed.
6 All these documents need to be brought together so that the Bench can come to
7 a decision.

8 Q. [10:03:08] Thank you, Mr Witness.

9 MS MAKWAIA: [10:03:11] Your Honours, it's our submission the requirements
10 under Rule 68(3) -- actually, before I do that, I would like to formally have entered on
11 to the record all the documents found at tab 1 to 23.1 of the list of material we
12 provided to the Court and to the Defence.

13 With that, your Honours, it's our submission that the requirements under Rule 68(3)
14 have been met and -- unless your Honours have any further question that I may assist
15 you with.

16 PRESIDING JUDGE SAMBA: [10:03:56] Thank you very much, Ms Makwaia.
17 The witness, having agreed to submit his prior recorded testimony to the Chamber,
18 together with its associated materials, the Defence and the Chamber having an
19 opportunity later to put questions to this witness, it is our position that this witness's
20 prior recorded testimony and its annexes are accepted into evidence. Thank you
21 very much.

22 Now, Mr Witness, I'm going to ask counsel for the Defence to put questions to you on
23 behalf of Mr Said.

24 Ms Naouri, please, or is it Mr François --

25 MS NAOURI: [10:04:44](Interpretation) Yes, indeed, it is my colleague who will be

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1 cross-examining this witness, Mr Jacquemin.

2 PRESIDING JUDGE SAMBA: [10:04:53] Thank you very much.

3 Mr Jacquemin -- or Mr François-Jacquemin. Your witness, please.

4 MR FRANÇOIS-JACQUEMIN: [10:05:08](Interpretation) Thank you, your Honour.

5 QUESTIONED BY MR FRANÇOIS-JACQUEMIN:(Interpretation)

6 Q. [10:05:12] Good morning, witness.

7 A. [10:05:17] Good morning.

8 Q. [10:05:18] My name is Florian François-Jacquemin. I am a lawyer and I am

9 a member of Mr Said's Defence team and, as such, I will be putting a number of

10 questions to you.

11 Both of us have the good luck to be able to speak French, but that is not the case for

12 everyone here. We are being interpreted, so that is why I will be pausing from time

13 to time and speaking slowly. And I would ask you to do the same, to speak slowly,

14 to pause between question and answer, so that the interpreters have time to do their

15 work.

16 When we are in open session, I will be very careful not to say anything that could

17 reveal your identity, and I would like to ask you to keep the same thing in mind.

18 When we're in open session, please do not provide any information that could reveal

19 your identity.

20 Now, to begin, your Honour, I'd like to ask if we could go into private session.

21 PRESIDING JUDGE SAMBA: [10:06:26] Madam Court Officer, can we please go into

22 private session, briefly, please.

23 (Private session at 10.06 a.m.)

24 THE COURT OFFICER: [10:06:34] We're in private session, your Honours.

25 PRESIDING JUDGE SAMBA: [10:06:43] Thank you very much.

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1 Counsel, continue, please.

2 MR FRANÇOIS-JACQUEMIN: [10:06:49](Interpretation) Thank you, your Honour.

3 Thank you, Court Officer.

4 Q. [10:06:52] Now, your father was (Redacted); was that not the case?

5 A. [10:07:02] Yes, that's right. Indeed.

6 Q. [10:07:04] And what was his line of work, or profession?

7 A. [10:07:08] (Redacted), if I could put it that way.

8 Q. [10:07:13] And (Redacted) was your mother; correct?

9 A. [10:07:27] Correct.

10 Q. [10:07:28] And what was her work?

11 A. [10:07:29] (Redacted).

12 Q. [10:07:38] Were your parents from the Central African Republic?

13 A. [10:07:41] Both of them were from the Central African Republic.

14 Q. [10:07:46] Thank you, Witness.

15 Now, you don't have the same surname as your parents, why?

16 A. [10:07:54] Well, in our culture -- well, at the time, in our part of the world,
17 children would bear the names of their grandfathers or great grandfathers; it's only
18 now that children bear the name of their parents.

19 Q. [10:08:13] Thank you for your explanation.

20 Do you have any brothers and sisters -- biological brothers and sisters?

21 A. [10:08:24] Yes. There were nine of us. Only two of us are still alive -- my
22 elder sister and myself.

23 Q. [10:08:41] Mr Witness, (Redacted), who is that person?

24 A. [10:08:51] That's my eldest daughter, my eldest child. And you can see that I
25 added the name of her grandmother, (Redacted), so you see she bears the name of

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1 her grandmother.

2 Q. [10:09:12] Yes, I can see that. Myself, I am quite familiar and quite comfortable
3 with this -- this -- these double-barreled surnames, if I could put it that way.

4 Now, (Redacted)?

5 A. [10:09:29] (Redacted)

6 (Redacted)

7 Q. [10:09:40] And what was she doing in the year 2013, what kind of work?

8 A. [10:09:44] In 2013, (Redacted)

9 (Redacted)

10 Q. [10:09:56] Thank you, Mr Witness.

11 And today, what is she doing? Is she still a (Redacted)?

12 A. [10:10:04] (Redacted)

13 (Redacted)

14 Q. [10:10:18] (Redacted), what did it do?

15 A. [10:10:22] (Redacted).

16 Q. [10:10:35] Mr Witness, (Redacted), who is this person?

17 A. [10:10:41] That is my third child. My third child, (Redacted).

18 Q. [10:10:50] Do you have other children who are (Redacted)?

19 A. [10:10:55] No, just the two. The other one resigned and there's just the one who
20 is a (Redacted).

21 MR FRANÇOIS-JACQUEMIN: [10:11:33](Interpretation) Court officer, could we
22 please have tab 31 shown to the witness, tab 31, CAR-OTP-2062-0657.

23 Q. [10:11:42] Mr Witness, could you give us your registration number, your
24 (Redacted)?

25 A. [10:12:21] I don't see my name there.

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1 Q. [10:12:30] This is a document that has already been submitted. If you could
2 look at line 3447.

3 A. [10:12:42] Could someone please help me because I don't see anything like that
4 here? Is this the --

5 MS MAKWAIA: [10:12:45] Perhaps it's the wrong page, your Honours.

6 PRESIDING JUDGE SAMBA: [10:12:53] It's the wrong page?

7 MS MAKWAIA: [10:12:55] I think so.

8 PRESIDING JUDGE SAMBA: [10:13:05] Because the court officer cannot help if she
9 does not have the correct reference.

10 Can you check it out, counsel?

11 MR FRANÇOIS-JACQUEMIN: [10:13:15](Interpretation) No, it's not the page
12 number, it's a matter of screening up or screening down.

13 PRESIDING JUDGE SAMBA: [10:13:28] Okay.

14 THE COURT OFFICER: [10:13:33] Perhaps I should give the floor to the Defence
15 bench so they can zoom in on the document easier. The Defence will have the floor,
16 evidence channel 2, your Honours, for your reference.

17 PRESIDING JUDGE SAMBA: [10:13:49] Thank you, Madam Court Officer.

18 THE COURT OFFICER: [10:14:04] The document is now displayed by the Defence,
19 your Honours.

20 MR FRANÇOIS-JACQUEMIN: [10:14:09](Interpretation)

21 Q. [10:14:10] Mr Witness, can you see the document on evidence 2 channel? If
22 you just press on the button marked "evidence 2" on the control panel.

23 A. [10:14:31] I think we need to scroll up some more.

24 Yes, that's -- that's right.

25 Q. [10:14:59] Line 3447, Mr Witness. Could you confirm that this is indeed you

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1 and that's your (Redacted)?

2 A. [10:15:09] Yes, that's me. Where is the (Redacted)?

3 Q. [10:15:13] Right beside your name. There's an "X".

4 A. [10:15:21] I think that's the page number actually.

5 Q. [10:15:30] *Well, if you know (Redacted)

6 (Redacted)

7 A. [10:15:39] No, no, no. (Redacted)

8 (Redacted)

9 Q. [10:15:53] (Redacted)

10 (Redacted)

11 A. [10:16:01] (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:16:21] Thank you very much for your explanation, witness.

15 I'm going to base myself on your prior statement; in other words, the discussions that

16 you had when you met with the investigators from the OTP already mentioned by the

17 Prosecutor. And this is tab 1.2, French version; 1.1 for the English version.

18 CAR-OTP-2118-0750, tab 1.2.

19 Now, Mr Witness, at paragraph 12 of your statement, you said that (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 Q. [10:22:45] And if you still have the certificate, would you be willing to show it to
- 17 the Court -- hand it over to the Court?
- 18 A. [10:22:54] Could you rephrase your question, I haven't quite understood you?
- 19 Q. [10:23:00] If you possess this diploma in (Redacted), would you be willing to
- 20 disclose it to the Court?
- 21 A. [10:23:11] I don't have it here. If I'd known beforehand, I would have.
- 22 Q. [10:23:22] You -- do you have the certificate in Bangui?
- 23 A. [10:23:25] Yes, exactly.
- 24 Q. [10:23:28] Now, after you earned that certificate, where were you working, at
- 25 which camp?

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1 A. [10:23:37] Once I got that diploma I began (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:24:08] Thank you, Mr Witness.

6 Could you tell us what (Redacted) you at the time?

7 A. [10:24:16] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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24 Q. [10:29:20] Yes, I did think that there was a bit of a leap in time, so to speak.
25 Now, why did your position end at the time?

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1 A. [10:29:30] I never really knew why. I believe it was the (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:29:50] Now, tell us about this new position. You were assigned -- there was
5 no competition?

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

7 (Redacted)

8 THE INTERPRETER: [10:30:14] Correction --

9 THE WITNESS: [10:30:15] (Interpretation) Yes, (Redacted).

10 THE INTERPRETER: [10:30:17] Interpreter correction: The witness first said
11 (Redacted) and then said (Redacted)

12 MR FRANÇOIS-JACQUEMIN: [10:30:27](Interpretation)

13 Q. [10:30:27] I have forgotten something. You mentioned the (Redacted)

14 (Redacted). Who was the director of the FACA health

15 services?

16 A. [10:30:42] The director of the FACA health services, he's Dr Kossi Guénébem.

17 He's today a brigadier -- brigadier-general, Kossi Guénébem Alphonse. Guénébem

18 Alphonse.

19 Q. [10:31:10] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:32:01] And who was the head of that presidential security?

2 A. [10:32:03] Many chiefs pass through there, General Ndjadder. (Redacted)

3 (Redacted), it was General Ndjadder. Ndjadder, and after that it was Colonel Alam.

4 Both of them are deceased.

5 Q. [10:32:25] Thank you, Mr Witness.

6 From 2000 and 2009, (Redacted)

7 (Redacted); is that correct?

8 A. [10:32:42] Yes.

9 Q. [10:32:44] I believe that you remained in the same position (Redacted)

10 (Redacted)?

11 A. [10:32:56] Yes, I was occupying the same position (Redacted).

12 Q. [10:33:02] And finally, did you change (Redacted) during that period?

13 A. [10:33:08] (Redacted)

14 (Redacted)

15 in Bangui.

16 Q. [10:33:30] So in 2009, when you were (Redacted)

17 (Redacted)

18 A. [10:33:44] (Redacted).

19 Q. [10:33:53] Do we agree that the *Hôpital Communautaire* in Bangui is not a military
20 hospital?

21 A. [10:34:01] No, it is not a military hospital. It is a civilian hospital, but there are
22 many military medical staff working there.

23 Q. [10:34:16] And the head of that hospital, is that a military position?

24 A. [10:34:25] Not usually, because that hospital was created to support the training
25 of doctors in the University of Bangui in medical training.

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1 Q. [10:34:45] I understand that it is a civilian position, (Redacted)

2 (Redacted)

3 A. [10:35:01] (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:35:20] (Redacted)

7 A. [10:35:28] (Redacted)

8 (Redacted)

9 Q. [10:35:44] (Redacted)

10 A. [10:35:51] (Redacted)

11 (Redacted)

12 Q. [10:36:11] In 2009, Mr Witness, (Redacted), what

13 was the situation of the hospitals at that time, especially with regard to funding?

14 A. [10:36:29] I believe that the situation of the hospitals was not that excellent, not

15 brilliant in funding, because there was a serious problem in the health services and

16 they are still there today because there are no resources that -- so, there are technical

17 services needed for the patients. Proposals have been made but things are not

18 moving.

19 Q. [10:37:07] Was there a problem of nonpayment of salaries?

20 A. [10:37:11] No, there was not a problem of payment of salary.

21 Q. [10:37:21] Mr Witness, do you remember having been (Redacted)

22 (Redacted)?

23 A. [10:37:30] I really no longer remember that well.

24 MR FRANÇOIS-JACQUEMIN: [10:37:39](Interpretation) Court Officer, can the

25 Defence take over?

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1 Q. [10:37:45] Mr Witness, I will play an audio.

2 Registry -- registration, *it was published on (Redacted)

3 (Redacted)

4 It is CAR-OTP-0014-0657, that is the 31. The English is in 32, tab 32,

5 CAR-D33-0014-0598, for the information. The transcription in the French is 31 -- 32.1,

6 CAR-OTP-0014-0656.

7 THE COURT OFFICER: [10:38:52](Interpretation) The Defence has the technical

8 services, it is 32.1.

9 MR FRANÇOIS-JACQUEMIN: [10:39:04](Interpretation) It is the French transcript.

10 The English transcript is 32.2.

11 Q. [10:39:14] Mr Witness, can you press the button of evidence 2.

12 A. [10:39:19] It is already done.

13 MR FRANÇOIS-JACQUEMIN: [10:39:34](Interpretation) This document is

14 two minutes, we will listen to it fully. And it is not in the record.

15 (Playing of the audio excerpt)

16 THE INTERPRETER: [10:39:35](Interpretation of the audio excerpt)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 THE INTERPRETER: [10:40:21] From the interpreters: I believe there is

23 a transcription and the report is too fast, so the transcription will be included.

24 (The following inserted excerpt is a transcription prepared and provided by the

25 parties of the aforementioned recording without any modification or alteration)

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1 [01:49] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR FRANÇOIS-JACQUEMIN: [10:42:03](Interpretation)

9 Q. [10:42:05] Mr Witness, (Redacted)?

10 A. [10:42:10] Absolutely.

11 Q. [10:42:13] So there was a problem of racketeering in (Redacted) hospital in 2009?

12 A. [10:42:18] Yes.

13 Q. [10:42:26] In that (Redacted)

14 (Redacted)

15 Can you tell us which measures were taken to resolve the problems?

16 A. [10:42:46] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:43:31] Thank you, Mr Witness.

23 When the minister of the public health says that there is racketeering, poor reception,

24 corruption, and illegal sales of medications, do you agree?

25 A. [10:43:49] I agree with him.

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1 MR FRANÇOIS-JACQUEMIN: [10:43:55](Interpretation) I would like to ask for the
2 formal submission of CAR-D33-0014-0598, that is, tab 32. As well as the
3 transcription of -- the transcription, which is tabs 32.1 and 32.2. The transcripts.

4 Q. [10:44:23] Mr Witness, I would like to show you another document on the same
5 topic. It is a press article published on (Redacted)

6 (Redacted)

7 It is 48 -- tab 48. It is not in the record. It is CAR-D33-0014-0645.

8 PRESIDING JUDGE SAMBA: [10:45:01] Mr François-Jacquemin, if I could ask,
9 because the periods you're referring to, the last evidence you just dealt with, you say
10 it was in 2009. Now you are taking us to 2011. I mean, what is the relevance of that
11 line of cross-examination and those documents, really?

12 MR FRANÇOIS-JACQUEMIN: [10:45:22](Interpretation) Madam President, the
13 witness in his statements, prior statements, he talks about the functioning of
14 (Redacted) hospital in 2013. And since that statement is admitted, we are going back
15 to all the elements of the prior statements that we think are practical. And he is the
16 only one of the Prosecution witnesses which is capable of informing us on (Redacted)
17 (Redacted) at the time and we need to seize the opportunity of his presence to
18 ask him useful questions, so as not to go backwards, to discuss (Redacted)
19 (Redacted) before and after 2013. And that would create

20 a context to understand the situation of 2013, especially relating the continuity of
21 hospital staff -- that is, the continuity also of the functioning of the state in 2012/2013
22 and afterwards.

23 PRESIDING JUDGE SAMBA: [10:46:53] Yes, Mr Witness? Yes, Mr Witness?

24 THE WITNESS: [10:47:01](Interpretation) Can the document be zoomed into,
25 because I cannot see it well.

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1 MR FRANÇOIS-JACQUEMIN: [10:47:21](Interpretation)

2 Q. [10:47:27] I will read it out to you for the translation:

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Mr Witness, I understand from there that the racketeering problems, corruption and
12 illegal sales of medications in 2009 were still there in 2011; is that correct?

13 A. [10:48:48] All the measures were to limit the damage, because the conduct could
14 not change overnight. It's not possible. So those are things that continued to be
15 done until it is possible to limit the damage, because it is not certain that that can be
16 totally eradicated.

17 Q. [10:49:17] It is true that structural problems could not be eradicated totally. In
18 this article, there is talk of "crusade" to denounce by the patients, but it is not known
19 what the management has done with those denouncements regarding the three
20 agents that were denounced.

21 What happened to them?

22 A. [10:49:54] They were listened to by the disciplinary council and then sanctioned.

23 Q. [10:50:03] Were they soldiers?

24 A. [10:50:05] No, they were not soldiers. If they were soldiers, (Redacted) sent
25 them to their service of origin.

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1 MR FRANÇOIS-JACQUEMIN: [10:50:17](Interpretation) I would like to ask for the
2 formal submission of CAR-D33-0014-0645, tab 48.

3 MS MAKWAIA: [10:50:34] Madam President, we object to the submission of this
4 document. What's the relevance to the case?

5 PRESIDING JUDGE SAMBA: [10:50:44] Well, to be fair with him, he had given the
6 reason why he wants those two documents in. The witness, you know, commented
7 before I could say anything or before you could even object to it. But it's the same
8 question that I asked counsel: what's the relevance of, really, these documents? This
9 one is in '09 and '11 -- the other one was in 19 -- I mean, 2009, is it? This one is 2011,
10 the other one was 2009. He has given his explanation for the fact that the (Redacted)
11 (Redacted). I'll take that it goes
12 towards -- for me, you know, whether it's credibility or otherwise of this witness.
13 So let's move on.

14 Counsel, please go on.

15 MR FRANÇOIS-JACQUEMIN: [10:51:42](Interpretation) Thank you,
16 Madam President.

17 Q. [10:51:45] I have one last point on this issue. Mr Witness, do you remember
18 (Redacted)

19 (Redacted)

20 A. [10:52:06] It is possible, but I no longer remember.

21 Q. [10:52:14] *I will show you an article. It is tab 43, CAR-D33-0014-0612. And it
22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 I will read the beginning for the interpretation:

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) End of quote.

21 Mr Witness, does that refresh your memory?

22 A. [10:55:43] Yes. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). That's what I can add.

4 Q. [10:56:42] Thank you, Mr Witness. You talked about difficulties of payment for
5 the staff. (Redacted) paid nominally or were (Redacted) also subject to these
6 difficulties of payment?

7 A. [10:57:03] In the hospital that (Redacted) and in all hospitals in Bangui, there are
8 two types of staff: there are contractual staff who are paid by the hospital; and the
9 civil servants, including (Redacted), who are paid directly by the state, not by the
10 hospital. So that is the difference.

11 When the state paid, there was no problem. So (Redacted), civil servants, had
12 (Redacted) salaries at the end of the month. But since the hospital itself paid the
13 contract workers, if there is no money because it is handed over to the treasury, so the
14 staff paid by the hospital has problems.

15 Q. [10:57:56] Thank you, Mr Witness.

16 MR FRANÇOIS-JACQUEMIN: [10:57:58](Interpretation) I will ask for the formal
17 submission of this tab 43.

18 Madam President, do you wish for a break now?

19 PRESIDING JUDGE SAMBA: [10:58:11] Do you wish for a break,

20 Mr François-Jacquemin?

21 All right, before we go away, Madam Prosecutor, I want for us to deal with, you
22 know, the last unsigned document that appeared, which you showed the other side
23 and myself, that was signed by this witness. I think that was annex A, the
24 clarifications, corrections. And if you could have that in for eCourt. I know you
25 did say that you will file it, but just as a reminder to have it replaced, kind of --

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1 the unsigned for the signed in eCourt.

2 So, Mr Witness --

3 MS MAKWAIA: [10:59:04] We shall do that, Madam President.

4 PRESIDING JUDGE SAMBA: [10:59:06] Thank you very much, counsel.

5 Mr Witness, we are going to break off a little bit and come back in 30 minutes so that

6 counsel would finish -- or, well, will continue with his cross-examination.

7 Thank you.

8 I rise the Court for 30 minutes, please.

9 THE COURT USHER: [10:59:20] All rise.

10 (Recess taken at 10.59 a.m.)

11 (Upon resuming in open session at 11.31 a.m.)

12 THE COURT USHER: [11:31:51] All rise.

13 Please be seated.

14 PRESIDING JUDGE SAMBA: [11:32:09] Good morning again, everyone.

15 Mr François-Jacquemin, you are going to continue with your cross-examination of

16 this witness.

17 And just so we know, we are in open session. Thank you.

18 MR FRANÇOIS-JACQUEMIN: [11:32:25](Interpretation) Thank you very much,

19 your Honour.

20 I would like to ask if we could switch back into private session because some of my

21 questions could identify the witness.

22 PRESIDING JUDGE SAMBA: [11:32:43] Madam Court Officer, can we go into

23 private session, please.

24 (Private session at 11.32 a.m.)

25 THE COURT OFFICER: [11:32:55] We're in private session, Madam President.

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1 PRESIDING JUDGE SAMBA: [11:33:02] Thank you very much.

2 Counsel, you may continue, please.

3 MR FRANÇOIS-JACQUEMIN: [11:33:06](Interpretation) Thank you very much,
4 your Honour.

5 Thank you, court officer.

6 Court officer, if we could please -- if you could hand over control to the channel
7 because I'd like to show tab 31 again to the witness. In particular, one particular line.

8 Now, this is tab 31, CAR-OTP-2062-0657. *And if we could have a look at line 3447.

9 THE COURT OFFICER: [11:33:50] (Interpretation) You now have control over the
10 video.

11 MR FRANÇOIS-JACQUEMIN: [11:33:53](Interpretation)

12 Q. [11:33:55] Mr Witness.

13 A. [11:33:56] Yes.

14 Q. [11:33:57] Everything all right? Now, at this particular line of this logbook, and
15 this is an OTP exhibit, (Redacted). Can you see that? And here we read (Redacted)
16 (Redacted)?

17 A. [11:34:18] Yes.

18 Q. [11:34:19] And mention is also made of -- it says here (Redacted).

19 Could you explain why that is indicated there?

20 A. [11:34:29] Yes. It's just because when (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [11:35:12] Thank you, Mr Witness.

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1 And how long was that (Redacted) for?

2 A. [11:35:19] Until (Redacted)

3 (Redacted), so

4 to speak.

5 THE INTERPRETER: [11:35:41] (Redacted) in French.

6 MR FRANÇOIS-JACQUEMIN: [11:35:45](Interpretation)

7 Q. [11:35:46] Now, when the OTP investigators took a statement from you, the

8 investigators showed you a (Redacted)

9 (Redacted). Do you remember that?

10 A. [11:36:02] Yes, indeed, I do remember.

11 Q. [11:36:06] I'd like us to have a look at this, please.

12 Tab 25, CAR-OTP-2004-0890 and could we begin at page 0897, left-hand side of the

13 page, if we could. Mr Witness, would you mind reading out the title of this

14 government decree or order, just to make sure we're all on the same page?

15 A. [11:37:03] I don't have it up on my screen quite yet. Oh, okay. You want me

16 to read it out?

17 Q. [11:37:13] Yes, please.

18 A. [11:37:16] "(Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [11:37:51] Thank you very much.

22 Court officer, could we scroll down and then go to the following page, page 0898. If

23 you could scroll down just a little bit more, please. Thank you very much.

24 Mr Witness, do you see (Redacted)?

25 A. [11:38:37] No.

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1 Q. [11:38:41] At the top to the left?

2 A. [11:38:44] Ah, okay. (Redacted), I see that.

3 Q. [11:38:55] Court officer, could we move to the right-hand side of the page and
4 then -- well, first of all, at the bottom of the left, so here we see (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [11:39:35] Yes, exactly, counsel.

9 Q. [11:39:39] Thank you, Mr Witness.

10 I would like us to go back to the other people here who have been appointed to
11 positions of responsibility within the central services and the hospital's directorate or
12 branch. Now, the first name that I'd like to mention, Joachim Paterne Tembeti, did
13 you know what (Redacted) was doing before the year 2013?

14 A. [11:40:23] Yes, before 2013, he was working in the minister's office.

15 Q. [11:40:38] Which minister?

16 A. [11:40:39] The ministry of public health and population health.

17 MR FRANÇOIS-JACQUEMIN: [11:40:51](Interpretation) I believe we can try to put
18 these questions in open session, your Honour.

19 PRESIDING JUDGE SAMBA: [11:40:58] Madam Court Officer, can we go to open
20 session, please.

21 (Open session at 11.41 a.m.)

22 THE COURT OFFICER: [11:41:14] We are back to open session, Madam President.

23 PRESIDING JUDGE SAMBA: [11:41:16] Thank you very much.

24 Counsel, continue, please.

25 MR FRANÇOIS-JACQUEMIN: [11:41:22](Interpretation) Thank you, your Honour.

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1 Thank you, court officer.

2 Q. [11:41:27] Witness, we are now in open session, so be careful not to reveal any
3 information that could disclose your identity.

4 Now, you were telling me that Dr Joachim, before 2013, was -- could you remind me
5 of his duties, please?

6 A. [11:41:46] He was working within the office of the minister of public health.

7 Q. [11:41:54] Now, in this government decree that we have right here, could you
8 tell us which position he was appointed to? "Director general", what does that
9 mean?

10 A. [11:42:08] No. He was sent to be the director of the Bangui community hospital.
11 He's the one who took over from {ICR: (Redacted)}.

12 MS MAKWAIA: [11:42:20] Your Honours, perhaps the questions could be
13 conducted in a closed session. I really don't know where they're going, but this
14 current response --

15 PRESIDING JUDGE SAMBA: [11:42:31] Can I have a redaction of that answer,
16 please, or the inference drawn from that answer.

17 And can we go into private session, please.

18 (Private session at 11.42 a.m.)

19 THE COURT OFFICER: [11:42:53] We're in private session, your Honours.

20 PRESIDING JUDGE SAMBA: [11:42:55] Counsel, you may continue, please.

21 MR FRANÇOIS-JACQUEMIN: [11:43:00](Interpretation) Thank you. Thank you.

22 Q. [11:43:07] I realise it's difficult, this is difficult. We're now in private session,
23 you can speak more freely.

24 Court officer, could we now have look at tab 34. *This is not on the record,

25 CAR-D33-0014-0650, tab 34.

1 Now, Mr Witness, this is an article from the press. It was published on Radio Ndeke
2 Luka, on 3 August 2017. *The title is: "CAR, the morgue of the community hospital
3 momentarily closed". And here we see that Doctor Paterne Tembeti, the director of
4 the community hospital, says this -- could we scroll down, please. Thank you.

5 MS MAKWAIA: [11:44:21] Sorry, your Honours, to interrupt my learned friend, but
6 on the English transcript it says "August 2013". The article reads "August 2017".

7 MR FRANÇOIS-JACQUEMIN: [11:44:46](Interpretation) It is an interpretation issue,
8 Madam Prosecutor. I understand your question. I said "2017" and, indeed, you are
9 correct, we're talking about the year 2017.

10 Q. [11:45:04] Now, Mr Witness, this article says, and I quote: "Ever since 15 July,
11 the morgue has been renovated and it is temporarily closed. And according to
12 Dr Paterne Tembeti, the four main reasons that led to this suspension are as follows:
13 'A few problems with operations, the unsafe conditions because of the relatives of the
14 late -- of the people who have died, some failings with the electrical system, and the
15 cold chain system, as well as more corpses are being stored there in the various
16 lockers'."

17 Now, in the past were there problems with the morgue? Can you tell us about that?

18 A. [11:46:05] (Redacted) tried to manage the problem as best we could, but I must
19 acknowledge that there were a few things that he mentions here, problems that
20 already existed at the time. For example, when there were mass killings and
21 (Redacted) had to keep the corpses, (Redacted) had to have more corpses in the
22 morgue than what was actually allowed.

23 MR FRANÇOIS-JACQUEMIN: [11:46:39] I would like to ask that this be officially
24 submitted.

25 Q. [11:46:51] Now, the second name here, Mr Michel Ramadan, do you know what

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1 he was doing when working under President Bozize?

2 A. [11:47:02] No, I don't even know him. I don't know.

3 Q. [11:47:09] Third name: The director of studies and planning, Dr Peggy

4 Raymonde *Conjugo Batoma, physician. Do you know what this (Redacted) was
5 doing in the year 2013?

6 A. [11:47:29] No.

7 PRESIDING JUDGE SAMBA: [11:47:32] Although we don't have the list from which
8 you are reading on the screen, I want to believe it's the exhibit before this exhibit that
9 we have on the screen, just for the record.

10 MR FRANÇOIS-JACQUEMIN: [11:47:57](Interpretation) Yes, indeed. Thank you
11 very much, your Honour. This is tab -- tab 25.

12 If that document could be put back up on the screen, court officer.

13 MS MAKWAIA: [11:48:27] Sorry, again, your Honours, but for us it's tab 34. If this
14 is the article of 2017.

15 PRESIDING JUDGE SAMBA: [11:48:39] No, no, no, no. It's not -- he had moved
16 from that article and gone back to the evidence that he was leading before this article.

17 MS MAKWAIA: [11:48:48] Oh, so he's gone back to the --

18 PRESIDING JUDGE SAMBA: [11:48:52] To the list, yes.

19 MS MAKWAIA: [11:48:54] Okay. Thank you.

20 PRESIDING JUDGE SAMBA: [11:48:56] Mr François-Jacquemin, did you say tab 25?

21 MR FRANÇOIS-JACQUEMIN: [11:49:03](Interpretation) Exactly, your Honour.

22 Page 0888. This is the page I'm relying on to question the witness about the names of
23 people who were appointed as part of the same government decree or order as he.

24 THE INTERPRETER: [11:49:25] 0898, corrects the interpreter. 0898.

25 PRESIDING JUDGE SAMBA: [11:49:38] Carry on, counsel.

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1 MR FRANÇOIS-JACQUEMIN: [11:49:45](Interpretation) Thank you, your Honour.

2 Q. [11:49:49] Now, I'll be leaving this document, but just before that, I'd like to
3 point out one name, which is here on the screen. Peggy, this is in the middle of the
4 page to the left.

5 Could we scroll down slightly, court officer.

6 Peggy Raymonde Conjugo.

7 If we could scroll down just a little bit more, court officer.

8 Do you see the name, Doctor Peggy Raymonde Conjugo?

9 A. [11:50:37] I see it just fine.

10 Q. [11:50:39] And do you know who it is?

11 A. [11:50:41] Yes, it's a (Redacted) physician, but the fact that she was director of
12 studies and planning, I don't know about all of that.

13 Q. [11:50:56] Very well. I'd like to show you a document just to refresh your
14 memory.

15 Tab 46, CAR-D33-0014-0618, 0623, if you don't mind.

16 Now, this is page 0623, thank you.

17 This is a document that has to do with capacity building when it comes to
18 military -- correction, medical training for psychological and medical assistants being
19 provided to victims of sexual violence. And this comes from the year -- and we see
20 the name of this same doctor, Dr Conjugo. Does that ring a bell or refresh your
21 memory?

22 A. [11:52:13] I know the colleague was part of the -- part of the planning and
23 education directorate. This does ring a bell. I think this is -- was something that
24 was given to her, a duty given to her, and it had to do with follow-up for women who
25 had been victims of sexual violence.

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1 Q. [11:52:42] Very well. Thank you.

2 I would like to request official submission of this document, which is found at tab 46.

3 MS MAKWAIA: [11:52:44] Your Honour.

4 MR FRANÇOIS-JACQUEMIN: [11:52:46]

5 Q. [11:52:46] Now, what has become of this lady? Do you know what she has
6 done since that time.

7 PRESIDING JUDGE SAMBA: [11:52:56] Yes, counsel, Prosecutor.

8 MS MAKWAIA: [11:52:58] Your Honours, we object to this -- to the formal
9 tendering or admission of this document. It's a report by this individual of 2006.

10 We object as to relevance.

11 PRESIDING JUDGE SAMBA: [11:53:29] Counsel, please. Counsel for the Defence.

12 MR FRANÇOIS-JACQUEMIN: [11:53:32](Interpretation) Well, thank you, your
13 Honour.

14 On the one hand, this document was discussed with the witnesses, and to my mind,
15 there's really no discussion about whether it can be submitted or not. And, on the
16 other hand, I am showing a document to refresh the witness's memory about this
17 person before the events of concern to us and then I will be asking the witness what
18 the person in question was doing after the events in question. This relates to
19 continuity during the period in question.

20 PRESIDING JUDGE SAMBA: [11:54:18] Well, as the Chamber had given a ruling in
21 respect of submission of documents, we are not ruling of relevance at that stage,
22 counsel for the Prosecutor. So the objection is noted for the future, but -- in respect
23 of relevance. But as Mr François-Jacquemin has said, this witness has been question
24 and has commented -- he has commented on this document. So it is formally
25 submitted.

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1 Carry often, counsel.

2 MR FRANÇOIS-JACQUEMIN: [11:54:57](Interpretation) Thank you, your Honour.

3 Q. [11:55:13] *Mr Witness, if I could show you tab 33, CAR-D33-0014-0648. This is a
4 document that's not on the record. This is a posting from Facebook and it has to do
5 with the partnership between UNAIDS and the ECCAS. And mention is made of a
6 lady named Peggy Raymonde Conjugo-Batoma, and apparently, she is the new head
7 of the health department at the ECCAS. And mention is also made of her previous
8 experience within the public service of her country. This is a post from 2018. What
9 can you tell us about the ECCAS, Mr Witness?

10 A. [11:56:21] *I believe it's an organisation within central Africa, the Economic
11 Community of Central African States, of central Africa, something like that. It's an
12 organisation that includes central Africa and Rwanda and all the other states within
13 Central Africa.

14 Q. [11:56:51] And what is the purpose of that organisation?

15 A. [11:56:54] I can't tell you.

16 Q. [11:57:00] Thank you, Mr Witness.

17 I wish to request formal submission of this exhibit at tab 33.

18 Madam Court Officer, if we could go back to tab 25, back to the same page, please,
19 page 0898, tab 25, CAR-OTP-2004-0890.

20 I'd like to ask you some questions about the same person, Mr Witness.

21 Could you scroll a bit further down. Thank you.

22 Mr Witness, do you know Jean Chrysostome Kette, the minister of health services?

23 A. [11:58:06] Yes, I can see that.

24 Q. [11:58:12] What was he doing before 2013?

25 A. [11:58:16] I can't tell you much before 2013, but he was in charge of human

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1 resources within the office of the health minister.

2 Q. [11:58:36] And what did he do after the year 2013?

3 A. [11:58:39] After 2013, he's the director of the *Hôpital de l'Amitié* in Bangui.

4 Q. [11:58:56] I'd like to show you a document, tab 39, CAR-D33-0014-0603.

5 Now, this document is not on the record.

6 Mr Witness, this is a press article that was published by *Radio France Internationale*,
7 8 April 2019, and here mention is made of this gentleman and it refers to him as the
8 director general of the *Hôpital de l'Amitié*. I'll read out one passage to you.

9 Could we please scroll down. A bit more.

10 I'll begin where it reads "The hospital is quiet."

11 Could we scroll up slightly. Great.

12 Mr Witness, I'm going to be reading through this to ensure that a translation is
13 provided.

14 "The hospital is calm. A nurse is keeping a beady eye on the patients who have been
15 admitted to the emergency department. Alice, who has come in to visit her aunt,
16 deplores the lack of medicine.

17 'It's a little bit complicated [she says]. Nothing is being done, the people who are ill
18 are dying because there are not enough products. There are hospitals that they are
19 said to be free, but we can't see anything that is free. Once -- sometimes the products
20 are not even available in Bangui, they need to be ordered from elsewhere. And if
21 things become a little bit slow, then the patient dies. It makes us angry.'.

22 So the age and -- of the establishments, access to water that is sometimes difficult also
23 makes problems equally important.

24 'We do not have a scanner, we do not have an MRI and it means that when a patient
25 needs this equipment we are obliged to see whether it is possible to evacuate them to

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1 the exterior. So it really is a blow, quite an enormous blow. So we really need
2 equipment for this hospital for it to be able to be useful to the population' explains
3 Jean Chrysostome Kette, the director of the *Hôpital de l'Amitié*."

4 So, Mr Witness, what do you think, Mr Witness, about the lack of medicine and
5 equipment that (Redacted) is describing here?

6 A. [12:01:58] I believe --

7 PRESIDING JUDGE SAMBA: [12:01:59] Sorry, the period we are looking here at is
8 2019; is that correct, Mr François-Jacquemin? How is it related to, really, 2013, which
9 forms part of the charges before us?

10 MR FRANÇOIS-JACQUEMIN: [12:02:22](Interpretation) This is the foundation to
11 go back to 2013, and to establish in a neutral manner what the situation was in terms
12 of supply in 2019, in order to ask him, the witness, what it was like at the time when
13 he was a director of the hospital.

14 PRESIDING JUDGE SAMBA: [12:02:43] But you can ask him what it was like in
15 2013, when (Redacted). Why do you have to wait for 2019?

16 This is quite -- it's quite recent. If -- April 2019, how is it related, actually, to what
17 happened in 2013? How?

18 MR FRANÇOIS-JACQUEMIN: [12:03:08](Interpretation) Because I am so minded to
19 believe, Madam President, that if the witness has before him a situation as it is
20 described presently by one of (Redacted), it will be simpler for him to talk to us about
21 things that are or were potentially critical at that moment in time.

22 PRESIDING JUDGE SAMBA: [12:03:33] I'm sure, as you would have realised, that's
23 a formal and professional witness who could answer questions for 2013, if you put
24 those questions to him. You must have observed him. You know he's a
25 professional, he's a formal witness before us. He does not need to know what other

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1 people think for him to tell you what happened at that time, really.

2 MR FRANÇOIS-JACQUEMIN: [12:04:06](Interpretation) This is a manner to guide
3 him in my questions, your Honour.

4 PRESIDING JUDGE SAMBA: [12:04:11] But that's the same point I'm making. He
5 does not need that formal level of guidance for 2019.

6 In any event, Mr Witness, do you recall the question that counsel asked you? Do
7 you want to answer, please, so that we move from this point.

8 THE WITNESS: [12:04:33](Interpretation) I would like for him to repeat his question
9 to enable me to answer it more easily.

10 PRESIDING JUDGE SAMBA: [12:04:40] Go on, Mr François-Jacquemin.

11 MR FRANÇOIS-JACQUEMIN: [12:04:47](Interpretation) Thank you, Madam
12 President.

13 Q. [12:04:49] Mr Witness, (Redacted) is describing a critical situation in view of
14 the means, lack of means and medicine in 2019. Now, was the situation better in
15 2013?

16 A. [12:05:05] Of course I can't say that the situation was better in 2013, because if
17 the scanner and the MRI did not exist in 2019, well that means that in 2013 there
18 wasn't any such thing either. So those same issues continued until the year 2019.

19 Q. [12:05:32] Thank you, Mr Witness.

20 I would like to request that this item 39 on the list be formally committed into
21 evidence.

22 Now, Madam Court Officer, in order to continue, I'd like to go back to tab 25, please.
23 0890.

24 At page 0898, please, Madam Courtroom Officer. I'd like to show the witness the
25 following name, that is to say, Dr Luc Salva Heredebona, doctor.

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1 Mr Witness, do you remember what that doctor was doing before the year 2013?

2 A. [12:06:58] Dr Luc Salva Heredebona, well, I remember that before 2013 he
3 wanted to specialise in gynaecology within the *Hôpital Communautaire*, and that's how
4 (Redacted), in that capacity.

5 Q. [12:07:18] Do you know what he has been doing since that date?

6 A. [12:07:21] At this moment in time, I believe that he is head of service or director
7 for health evacuation within the ministry of public health.

8 Q. [12:07:39] What does that mean, a doctor of communication?

9 A. [12:07:44] Well, I can't really tell you much about that. This is the organigram
10 of the ministry of health. So communication in terms of health, so that would be a
11 division that is in charge of raising awareness within the population in terms of
12 communication, if I can put it like that. But at this moment in time, nowadays, he is
13 in charge of the evacuation service within CAR.

14 Q. [12:08:19] Thank you, Mr Witness.

15 Now, the same thing for the following individual by the name of Dr Pierre Alfred Issa
16 Mapouka, surgeon. Now, what were his duties before this decree of appointment?

17 A. [12:08:44] He was at the *Hôpital Communautaire* and he was a surgeon there. He
18 still is in post. He is and was a surgeon within the orthopedic and traumatology
19 department of the *Hôpital Communautaire*.

20 Q. [12:08:57] And he was surgeon from 2013 or was he already surgeon?

21 A. [12:09:06] He was a surgeon before 2013.

22 Q. [12:09:16] Thank you, Mr Witness.

23 So I'm going to go on to the next name now, Mr Abdel-Karim Zakaria. What were
24 his duties before 2013?

25 A. [12:09:37] Mr Abdel-Karim Zakaria is an administrator within the hospital. He

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1 has worked for a number of hospitals, including the *Hôpital Communautaire*, and he
2 worked as a director there. But he worked at the *Amitié* after that and now he's at
3 the central university hospital of Bangui currently.

4 Q. [12:09:58] Thank you for this full and complete answer, Mr Witness.

5 Now, the following name, Dr Jean Chrysostome Gody, what was he doing before the
6 year 2013, Mr Witness?

7 A. [12:10:16] Before 2013, he was a paediatric doctor and he was the director of the
8 paediatric complex in Bangui, which is located within the national and university
9 hospital in Bangui and it's generally referred to as the central hospital of Bangui.

10 Q. [12:10:42] Now I have one last name and tenth name to look at with you.

11 So at the top of the page, Madam Courtroom Officer, please, we have here Mr Jacobin
12 Julio Apatita, and I will be putting the same question to you: what was he is doing
13 before 2013, Mr Witness?

14 A. [12:11:08] Before 2013, he was an administrator within the hospital system who
15 studied in Morocco and was appointed to director for the *Hôpital de l'Amitié*. And
16 now he is working in another hospital in Bangui to the south of the city.

17 THE INTERPRETER: [12:11:27] The interpreter did not catch the name of the
18 hospital.

19 MR FRANÇOIS-JACQUEMIN: [12:11:33](Interpretation)

20 Q. [12:11:34] Thank you, Mr Witness.

21 Now, in 2011, he was the director of the *Hôpital de l'Amitié*; is that correct?

22 A. [12:11:35] Yes.

23 THE INTERPRETER: [12:11:43] Overlapping of speakers.

24 THE COURT OFFICER: [12:11:49] Overlapping speakers. (Interpretation) The rule,
25 the five-second rule. People are speaking over each other. Thank you very much.

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1 MR FRANÇOIS-JACQUEMIN: [12:12:01](Interpretation)

2 Q. [12:12:03] Mr Witness, I have nearly finished with these questions. I have
3 understood that (Redacted), did you not?

4 A. [12:12:13] Yes. Once (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:12:41] Could you please shed light on the difference between military and
9 civil medicine?

10 A. [12:12:49] Well, what I can tell you is that there is no difference between military
11 and civil medicine. Medicine is a universal subject. (Redacted)

12 (Redacted)

13 Q. [12:13:11] You said at an earlier stage, if I recall, that there are many military
14 doctors in the hospitals in Bangui; is that correct?

15 A. [12:13:19] Yes, indeed, because we do not have a military hospital, so when the
16 military specialists come back, they need to be reoriented for them not to fall out of
17 practice and they do so in the hospitals.

18 Q. [12:13:37] Very well. Thank you, Mr Witness.

19 Now, Madam Courtroom Officer, could we please bring up tab 26 of our list of items,
20 please, that is CAR-OTP-00000526 at page 3, please.

21 Now, to situate you, Mr Witness, I'm going to ask you a few questions about
22 telephone communications, after which I will broach with you the report by the Office
23 of the Prosecutor in open session.

24 But before so doing, with regard to this document that is a report from the OTP
25 investigators, numbers, telephone numbers have been attributed to you, the first of

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1 which is (Redacted).

2 Is that your number, Mr Witness?

3 A. [12:14:53] Yes, that is indeed my number, but the mobile telephone company
4 closed its door, so I no longer have that number.

5 Q. [12:15:07] And when did you start using that number?

6 A. [12:15:13] Well, it was a long time ago. I can't tell
7 you ...

8 THE INTERPRETER: [12:15:16] The witness trails off.

9 MR FRANÇOIS-JACQUEMIN: [12:15:20](Interpretation)

10 Q. [12:15:21] Thank you, Mr Witness.

11 Now, the second number is (Redacted). Is that your number?

12 A. [12:15:34] 75? Or 70? No.

13 Q. [12:15:39] No, I have four numbers attributed to you.

14 Now, the second number is (Redacted). Does that number ring a bell?

15 A. [12:15:51] No. (Redacted) does ring a bell.

16 Q. [12:16:04] Very well. That was my next question. So you confirm to me that
17 (Redacted) --

18 THE INTERPRETER: [12:16:10] Overlapping speakers. Impossible to interpret.

19 THE COURT OFFICER: [12:16:17](Interpretation) The five-second rule, please. The
20 last question and answer were not interpreted because there were overlapping
21 speakers. Thank you.

22 MR FRANÇOIS-JACQUEMIN: [12:16:27](Interpretation)

23 Q. [12:16:28] I'm going to be putting the question to you again. So it's very easy
24 for us to talk to each other, which is wonderful, Mr Witness, but we do need to
25 respect this five-second rule between my question and your answer.

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1 So the number (Redacted) is indeed your number. Now, how long have you been
2 using that number for, since when?

3 A. [12:16:55] I've been using that number for a very long time indeed, since mobile
4 telephone communications were made possible in the CAR.

5 Q. [12:17:09] Thank you, Mr Witness.

6 Now, do you still have that number?

7 A. [12:17:15] I do still have it.

8 Q. [12:17:18] Thank you, Mr Witness.

9 Now, the last number, (Redacted), is that one of your numbers, Mr Witness?

10 A. [12:17:31] Yes, indeed, that is my Orange number.

11 Q. [12:17:39] Thank you very much for specifying that, Mr Witness.

12 Now, when did you start to use that number and are you still using it?

13 A. [12:17:49] I've been using it for a very long time and I still use it today.

14 Q. [12:17:59] Thank you, Mr Witness.

15 Now, Madam President, we can move into open session, please.

16 PRESIDING JUDGE SAMBA: [12:18:08] Madam Court Officer, can we go into open
17 session, please.

18 (Open session at 12.18 p.m.)

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

20 PRESIDING JUDGE SAMBA: [12:18:28] Thank you very much.

21 Mr François-Jacquemin, please continue with your questions, please.

22 MR FRANÇOIS-JACQUEMIN: [12:18:39](Interpretation) Thank you, Madam
23 President.

24 PRESIDING JUDGE SAMBA: [12:18:44] Would you want to formally submit the last
25 item?

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1 MR FRANÇOIS-JACQUEMIN: [12:18:52](Interpretation) Yes. It's a matter of
2 concern for me because I have the impression -- I'm under the impression that people
3 are reading my mind by my sides and before me. So yes, I would like for this to be
4 formally submitted, that is to say item 26 on our list of evidence. And thank you for
5 everyone who is watching out for these important matters on my behalf.

6 Q. [12:19:20] Mr Witness, we are in open session. At an earlier stage I put a
7 question to you in open session and after 30 seconds you revealed your identity. I'm
8 going to try and remain in open session, but please be careful to not reveal your
9 identity or your duties. My questions do not require such information. Is that clear
10 to you, Mr Witness?

11 A. [12:19:45] That is clear.

12 Q. [12:19:51] Mr Witness, when were you contacted by the Office of the Prosecutor
13 on the first occasion?

14 A. [12:20:00] I believe that it was in between 2015 and 2016, beginning of 2016.

15 Q. [12:20:14] How were you contacted?

16 A. [12:20:18] Well, I don't know who provided my telephone number, but because
17 I was a {ICR: (Redacted)}, well, as I was a {ICR:
18 (Redacted)}, well ...

19 MR FRANÇOIS-JACQUEMIN: [12:20:36](Interpretation) Madam President, I think
20 I'm going to continue in private session.

21 PRESIDING JUDGE SAMBA: [12:20:43] Can we ask for a redaction of that
22 identifying information, please.

23 And let's go back to private session.

24 (Private session at 12.20 p.m.)

25 THE COURT OFFICER: [12:20:54] We're in private session, Madam President.

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1 The Registry will proceed accordingly with regard to the redaction. Thank you.

2 PRESIDING JUDGE SAMBA: [12:21:08] Thank you very much.

3 Mr François-Jacquemin, put your questions, please. Thank you.

4 MR FRANÇOIS-JACQUEMIN: [12:21:14](Interpretation) Thank you, Madam

5 President. Thank you, Madam Courtroom Officer.

6 So let's stay in private session.

7 THE WITNESS: [12:21:28](Interpretation) I do apologise, but it's not an easy exercise
8 for me.

9 MR FRANÇOIS-JACQUEMIN: [12:21:34](Interpretation)

10 Q. [12:21:34] Quite. Of course, it's also difficult for the professionals around you.

11 You no longer need to be careful about your identity, but please do wait for the end of
12 my questions and for them to be interpreted before you answer.

13 So you were telling me that you were contacted via telephone. You were just telling
14 us how they got in contact with you. Could you please tell us more.

15 A. [12:22:02] Well, I believe that I was contacted over the telephone in this regard
16 and we talked about it. So I accepted it, but before accepted, I required -- I asked if I
17 could request authorisation from the ministry before -- before doing so.

18 Q. [12:22:30] Thank you, Mr Witness.

19 And what did they say to you during that telephone conversation?

20 A. [12:22:40] Well, I was told that it was an ICC mission in Bangui to investigate the
21 events that unfolded during the takeover of power by the rebellion. And as I was
22 (Redacted), and as most of the events unfolded around that very hospital, they said
23 that I should be a witness and that I would be somebody who could provide them
24 with information that would lead to the truth and it was in such a capacity that I
25 accepted to do so. But I needed the authorisation of the (Redacted).

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1 Q. [12:23:28] Thank you, Mr Witness.

2 You talk about the rebellion in your answer. Now, when they got in contact with
3 you, did they talk to you directly about the Seleka?

4 A. [12:23:41] Well, the events to do with the rebellion are associated with the Seleka,
5 so there is a nexus with the Seleka which was a rebellion.

6 Q. [12:24:03] Are other groups mentioned to you during that period?

7 A. [12:24:06] There are other groups that appeared later. That was the
8 Anti-Balaka.

9 Q. [12:24:13] I don't know whether I understand you correctly. When the
10 Prosecutor telephoned you -- or, rather, when the investigators of the Office of the
11 Prosecutor telephoned you, they specifically said to you that they wanted to talk
12 about the period of the Seleka; is that correct?

13 A. [12:24:39] They had come to investigate the events that unfolded during the
14 entry of the Seleka into Bangui and whilst the mass killings were occurring in Bangui.

15 Q. [12:24:57] Very well. I just wanted to make sure that you were
16 prevented -- presented with a temporal scope. You answered my question. I won't
17 come back to that now.

18 So you say that it was necessary for you to request authority from the (Redacted) that
19 you fell under, or was it you who did so --

20 THE INTERPRETER: [12:25:27] Overlapping speakers.

21 THE WITNESS: [12:25:30](Interpretation) No, I immediately went to see the
22 (Redacted). I gave them -- I told them about the issue and I asked
23 whether I needed to request authorisation or not and I was told that yes, I did receive
24 authorisation that there was no issue at hand, that I could indeed answer the
25 questions.

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1 MR FRANÇOIS-JACQUEMIN: [12:25:49](Interpretation)

2 Q. [12:25:50] Who provided you with that verbal authorisation?

3 A. [12:25:54] (Redacted)

4 (Redacted) and provide me with an answer. The

5 (Redacted), I don't know who that is anymore. You know, it is a very long time ago.

6 I gave that statement more than eight years ago now, it's a long time.

7 Q. [12:26:18] Thank you, Mr Witness.

8 And in parallel with this verbal authorisation, did you receive a document from your

9 hierarchy authorising you to talk to the investigators of the OTP?

10 A. [12:26:36] No, I didn't.

11 Q. [12:26:39] And did you have a document of any kind for you to come and testify

12 here from your hierarchy?

13 A. [12:26:56] Before I came to testify here, I asked for those in charge at the ICC in

14 Bangui to approach the (Redacted) and once they had done so, the (Redacted)

15 (Redacted) led them to understand that there is no objection

16 with regard to providing me an authorisation that, yes, indeed, I can come and testify.

17 I believe that those who did what was necessary in Bangui will be able to talk to you

18 about this.

19 Q. [12:27:36] Yes, but it is you that I have before me, Mr Witness, so it is you that

20 I'm putting the questions to. Do you remember when the first personal meeting took

21 place with the investigators of the OTP?

22 A. [12:27:51] Well, it's going to be difficult for me to remember the day. It's going

23 to be difficult for me.

24 Q. [12:27:59] Do you remember how many personal interviews you had with the

25 investigators from the OTP?

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1 A. [12:28:09] I do believe that there were two formal interviews subsequent to
2 which there was the interpretation that I had to read through before signing the
3 things. So there are at least three interviews of that kind.

4 Q. [12:28:31] Madam Courtroom Officer, could I please make use of tab 28 of our
5 list of evidence. This does not need to be shown to the witness. It is
6 CAR-OTP-000025621.

7 So, this is an investigation report from the Office of the Prosecutor concerning you.

8 And it says that on Thursday, 22 January 2015, at 9:30 in the morning, two

9 investigators met with you, and also that on 16 January 2015, the investigators

10 identified you as a potential witness. And so on the 22nd they met with you.

11 So does that refresh your memory with regard to the first meeting of the Office of the

12 Prosecutor?

13 A. [12:30:42] Yes, there was that initial meeting. I believe there was a person by

14 the name of Paulo and a lady as well who was also there.

15 Q. [12:30:58] Very well. Thank you, Mr Witness.

16 I would like to request official submission of tab 28.

17 Now, during these face-to-face meetings with the OTP investigators, did you tell your

18 hierarchical superiors each time you had a meeting with the investigators?

19 A. [12:31:25] I didn't think that was justified because they had already given me the

20 approval to meet with this team, so I didn't ask for prior or authorisation from the

21 hierarchy to go and meet with them.

22 Q. [12:31:42] And did your superiors tell you to report back to them about the

23 discussions?

24 A. [12:31:51] No. And even if they did, I would not be able to speak to them

25 about that.

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1 Q. [12:31:59] And did they ask you?

2 A. [12:32:01] No. They did not ask me.

3 Q. [12:32:10] And did the investigators tell you which topics were of particular
4 interest to them.

5 A. [12:32:19] No. They didn't mention particular topics in particular, no. We
6 talked in general terms about what had happened and there was no specific topics in
7 relation to that.

8 Q. [12:32:37] Thank you, Mr Witness.

9 I forgot to show you one exhibit. This is tab 24, actually, from our list,
10 CAR-OTP-00000607. This is an investigation report and mention here is made of an
11 invitation in January 2015 and, apparently, you met with the Prosecutors of the OTP.
12 Do you remember this initial meeting and how long it lasted?

13 A. [12:33:40] It was from 9 a.m. to maybe 1400 hours. It lasted a while.

14 Q. [12:33:49] And in which language?

15 A. [12:33:52] French. It was in French.

16 Q. [12:34:00] Thank you.

17 So the investigators spoke French to you or was there an interpreter to do the talking?

18 A. [12:34:13] I think they spoke to me in French.

19 Q. [12:34:16] Thank you very much.

20 I would like to request official submission of this document found at tab 24.

21 Now, during the interview with the investigators, were yes or no questions put to
22 you?

23 A. [12:34:36] No.

24 Q. [12:34:39] Did they take notes?

25 A. [12:34:44] Exactly. They did take notes. The investigators took notes.

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1 Q. [12:35:02] Now, during the -- these meetings, did you receive any sort of
2 compensation?

3 A. [12:35:11] Not at all, counsel.

4 Q. [12:35:18] You weren't given any compensation, per diems, compensation for
5 transportation?

6 A. [12:35:29] No, never; no compensation.

7 Q. [12:35:34] Very well, Mr Witness. I'm asking you this question because many
8 people have explained to us that they received some kind of compensation just for
9 transportation during -- that sort of thing. But you didn't get anything?

10 A. [12:35:56] No, I didn't get anything. On the other hand -- may I continue?
11 Since I came -- well, each time we had a meeting with the staff in Bangui, I was given
12 a sum of money for transportation. That was now. But, initially, when I gave the
13 statement, I didn't get anything at all.

14 PRESIDING JUDGE SAMBA: [12:36:22] Counsel, the use of the word or the term
15 "compensation", I think what we've heard here in evidence is a kind of
16 reimbursement for transport costs. "Compensation" may be given some other
17 interpretation. So let's stick to the word that has been used in evidence, it is
18 "reimbursement" for transport costs.

19 MR FRANÇOIS-JACQUEMIN: [12:37:00](Interpretation) Duly noted, your Honour.
20 I was talking about per diems for transportation. I'm sorry if what I meant by
21 "compensation" -- well, I'll be careful about the choice of words, indeed.

22 Q. [12:37:22] Mr Witness, so these reimbursements for transportation, these
23 per diems, did you get them at sometimes yes, sometimes no?

24 A. [12:37:47] Well, I said that when I gave the first statement or I met the first time,
25 I never received any transportation money. But now -- but when I was getting ready

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1 for my trip to The Hague, each time we met with the staff in Bangui, they reimbursed
2 me for transportation, for the various things that we had to deal with, the various
3 arrangements that had to be made.

4 Q. [12:38:22] Thank you, Mr Witness. That is clear.

5 I will be finishing soon.

6 Now, after the statement in November 2016, you continued to be in touch with the
7 OTP investigators; isn't that so?

8 A. [12:38:45] When they needed to ask me about various arrangements in relation
9 to my arrival here, that is when they contacted me.

10 Q. [12:39:03] And did they give you a telephone?

11 A. [12:39:06] No. They would call me on my own telephone.

12 Q. [12:39:13] Thank you, Mr Witness.

13 Did you put the OTP in touch with other people?

14 A. [12:39:21] No. To my knowledge, no.

15 Q. [12:39:26] Do you remember providing the names of people who you thought
16 would be of interest to the OTP?

17 A. [12:39:35] Yes, I think -- I did mention some people who were my colleagues
18 who held positions where I was working, for further information. I had already
19 gone so that would have allowed them to go and look at the logbooks. So I gave the
20 phone numbers of the people who were -- just to facilitate the investigations.

21 Q. [12:40:09] Thank you, Mr Witness.

22 I would like to hark back more specifically to a number of people that you mention in
23 your statement. In particular, (Redacted), you mentioned, and (Redacted) in your
24 previous statement. Could you tell us what an (Redacted) was doing at the hospital?
25 (Redacted)

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1 A. [12:40:42] He was the (Redacted) where

2 (Redacted). And (Redacted) was a fellow -- well, a cleaner who worked there.

3 Q. [12:41:00] Let's go one person at a time. So (Redacted), what did he actually

4 do?

5 A. [12:41:08] Well, the (Redacted)

6 the organisation -- well, the operations of the hospital. If something would crop up,

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:41:49] And the management at the time was (Redacted), do we agree on that?

11 A. [12:41:53] Exactly.

12 Q. [12:42:00] And along with (Redacted)

13 as well?

14 A. [12:42:06] Yes, indeed, you have to realise that (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:42:26] To your knowledge, is he still working there?

18 A. [12:42:34] He was working on an as-needed basis. But he was mostly taking

19 care of (Redacted).

20 Q. [12:42:51] I'm sorry. I didn't express myself very well. What does he do now?

21 A. [12:42:55] He was taken away from that place, someone else replaced him and

22 he continues to work as an (Redacted).

23 Q. [12:43:13] He was a (Redacted), wasn't he?

24 A. [12:43:16] Yes, indeed.

25 Q. [12:43:18] And what was his role (Redacted) at the time?

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- 1 A. [12:43:23] He was part of the (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 Q. [12:43:43] Thank you, Mr Witness.
- 5 THE INTERPRETER: [12:43:45] Correction: (Redacted).
- 6 MR FRANÇOIS-JACQUEMIN: [12:43:49](Interpretation)
- 7 Q. [12:43:50] Do you know his complete name?
- 8 A. [12:43:53] I -- oh, (Redacted), I knew him more by his nickname.
- 9 Q. [12:44:02] And what did he do at the hospital?
- 10 A. [12:44:04] (Redacted)
- 11 Q. [12:44:13] Did he do anything else than (Redacted)?
- 12 A. [12:44:19] No, just (Redacted).
- 13 Q. [12:44:23] To your knowledge, is he still working at the hospital today?
- 14 A. [12:44:29] No. Last time he called me, he told me he had been (Redacted)
- 15 (Redacted)
- 16 Q. [12:44:42] Do you remember when he was (Redacted)?
- 17 A. [12:44:48] One or two years ago, something like that.
- 18 Q. [12:44:53] (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. [12:45:28] (Redacted) did he have administrative
- 25 tasks?

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1 A. [12:45:38] Administrative tasks? Not really. Perhaps when -- sometimes he
2 was sent out to run errands, things like that.

3 Q. [12:45:58] Is there sort of a spot where people are welcomed when you come
4 into the hospital?

5 A. [12:46:03] Indeed, there is a reception.

6 Q. [12:46:05] And who was there at the time when (Redacted)

7 A. [12:46:08] In actual fact, that was handled by (Redacted). It came under the
8 general supervisor and his good offices.

9 Q. [12:46:36] Now, Mr Witness, did you sign a statement relating to the roles and
10 responsibilities of an intermediary?

11 A. [12:46:51] I don't understand that question. I haven't understood the question.

12 Q. [12:46:58] No, me neither. I won't put it.

13 MR FRANÇOIS-JACQUEMIN: [12:47:01](Interpretation) Your Honour, I have no
14 further questions for this witness.

15 PRESIDING JUDGE SAMBA: [12:47:05] Thank you very much,

16 Mr François-Jacquemin, for those questions.

17 Madam Prosecutor, do you have any question in re-examination for this witness,
18 please?

19 MS MAKWAIA: [12:47:16] We have no re-examination questions, your Honours.

20 PRESIDING JUDGE SAMBA: [12:47:21] But, sorry, even before -- sit down, Madam
21 Prosecutor.

22 Mr François-Jacquemin, there is one or two, you know, issues that I'd want to bring to
23 the Defence's attention in respect of this witness. If I think back, I mean as a
24 Chamber, when a request was made pursuant to Rule 68(2)(b) for this witness's
25 testimony, prior recorded testimony to be admitted into evidence, you know, the

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1 Defence raised certain issues, arguing against its admission into evidence. And in
2 summary, it had to do with two specific issues: Two lists which formed part of this
3 witness's testimony of hospital admissions, as in CAR-OTP-2043-0603 and
4 CAR-OTP-2043-0605 as it would appear in tabs 2 and 3 of the OTP list of evidence;
5 you also had issues with the photos of victims which were submitted by the
6 Prosecution.

7 For those reasons, we considered that, you know, it was necessary for us to hear this
8 witness at least pursuant to Rule 68(3). Now we have this witness here, but we
9 haven't heard any questions in respect of those particular exhibits. I'm not saying
10 that you must ask questions if it's fine with you like that, we just thought it important
11 for us to bring it to your attention because you had said that it is important that the
12 witness be called to the stand so as to provide useful information about these
13 elements and so you said we should not admit them. That's why we called him here.
14 Can we have a response from the Defence, please.

15 MS NAOURI: [12:49:57](Interpretation) Thank you, your Honour. Indeed, we have
16 taken note of the reasons why this witness was redescribed and our position is the
17 one that we expressed when we opposed his being a 68(2)(b) witness, but we agree
18 with the situation as it is because it is the Prosecution after all that bears the burden of
19 proof, not the Defence, and I believe the Prosecution wanted to elicit some items of
20 information and I believe these go to relevance. And we will at the appropriate
21 moment make or draw the appropriate conclusions. We are very much aware of the
22 situation as it currently exists.

23 PRESIDING JUDGE SAMBA: [12:51:00] Thank you very much, Ms Naouri.

24 Madam Prosecutor, do you have any clarification of anything in relation to these
25 documents to make?

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1 MS MAKWAIA: [12:51:10] Madam President, your Honours, it's our position that as
2 described by the witness in his statement, these associated materials that, as your
3 Honours have just reminded the parties, the Defence was contesting is as represented.
4 For that reason, we don't have any further questions to ask the witness.

5 PRESIDING JUDGE SAMBA: [12:51:33] Thank you very much.

6 Mr Witness, we've come to the end of your testimony. As a Chamber, we wish to
7 thank you very much for helping us out in soliciting the truth of what happened in
8 the CAR during the period concerned.

9 May I ask that we go into open session, please. Thank you very much.

10 (Open session at 12.52 p.m.)

11 THE COURT OFFICER: [12:52:04] We're in open session, Madam President.

12 PRESIDING JUDGE SAMBA: [12:52:21] Yes, thank you very much.

13 Mr Witness, as I was saying, we've come to the end of your testimony, and as a
14 Chamber we wish to thank you very much for cooperating with the Court in helping
15 us elicit the truth of what happened in CAR during the period concerned as covered
16 by the Document Containing the Charges. We wish you well in your medical
17 practice and we wish you safe journey back home. And we wish you very well in
18 your future endeavours. Thank you very much.

19 (The witness is excused)

20 PRESIDING JUDGE SAMBA: [12:52:55] To the Prosecutor, it is our understanding
21 that our next witness will be ready for -- to start his testimony after the hour lunch
22 break; is that correct?

23 MS MAKWAIA: [12:53:09] That's correct, your Honours, 622, I believe.

24 PRESIDING JUDGE SAMBA: [12:53:12] Yes, 0622.

25 So thank you all very much. Thank you, counsel. Thank you to our interpreters,

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- 1 we do appreciate you.
- 2 Thank you very much, Mr Witness.
- 3 We will see you all at 2:30. Thank you.
- 4 THE COURT USHER: [12:53:32] All rise.
- 5 (The hearing ends in open session at 12.53 p.m.)