

Trial Hearing
WITNESS: CAR-OTP-P-0119

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Tuesday, 18 June 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:45] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:33:14] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:33:21] Good morning, Madam President, your Honours.
16 Situation in the Central African Republic II, in the case of the Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SAMBA: [9:33:39] Thank you very much, Madam Court
20 Officer.
21 Can I ask for representation, starting with the Prosecution, please.
22 MS MAKWAIA: [9:33:45] Thank you, Madam President. Good morning,
23 your Honours. For the Prosecutor this morning, myself, Holo Makwaia, senior trial
24 lawyer, Marie-Jeanne Sardachti and Alessia Vitiello. Thank you.
25 PRESIDING JUDGE SAMBA: [9:33:55] Thank you very much.

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1 Ms Pellet for the victims. We are glad to see you back, Ms Pellet.

2 MS PELLET: [9:34:04](Interpretation) Thank you, Madam President. The victims
3 are represented today by Tars Van Litsenborgh and myself, Sarah Pellet, counsel at
4 the OPCV.

5 PRESIDING JUDGE SAMBA: [9:34:15] Thank you very much.

6 Ms Naouri for the Defence, please.

7 MS NAOURI: [9:34:21](Interpretation) Thank you, Madam President. Good
8 morning. Next to me, Mr Jacobs. Next to him, Elina Legat. And myself, I am
9 Jennifer Naouri, lead counsel for Mr Said.

10 Thank you very much, Ms Naouri.

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

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

13 MR SAID: [9:34:52](Interpretation) Yes, good morning, Madam President.

14 PRESIDING JUDGE SAMBA: [9:34:54] Good morning, Madam Witness. I hope I
15 see you well. I hope you had a good weekend.

16 WITNESS: CAR-OTP-P-0119 (On former oath)

17 (The witness speaks Sango)

18 (The witness gives evidence via video link)

19 THE WITNESS: [9:35:14](Interpretation) Good morning, Madam President.

20 PRESIDING JUDGE SAMBA: [9:35:16] Yes.

21 Now, Madam Witness, we are going to continue with your testimony. When we last
22 met on Friday you were testifying in cross. So, before I ask counsel for Mr Said to
23 continue putting his questions to you, I'm going to remind you that you are still
24 under oath to say the truth to this Court.

25 Mr Jacobs, you may continue with your questions to this witness, please. Thank

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1 you.

2 And we are in open session, just to remind you.

3 MR JACOBS: [9:36:10](Interpretation) Thank you, Madam President.

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

5 Q. [9:36:15] Good morning, Madam Witness.

6 A. [9:36:22] Good morning.

7 Q. [9:36:37] We shall resume from where we left off on Friday, at which time you

8 were giving us the names of the neighbourhoods and the smaller neighbourhoods in

9 Boy-Rabe. We did not have enough time to exhaust it, but please can you confirm

10 what's on the record.

11 Transcript 83, page 55, line 13, relating to these neighbourhoods. You mentioned

12 Dedengue 1, Dedengue 2, Votongbo 1, Votongbo 2, Ouham-Pendé 1, Kaimba,

13 Ngoumboutou 1 and Monastère. That is the list on the record. Is that

14 the comprehensive list or are we missing any other neighbourhoods, Madam?

15 A. [9:37:48] I did not mention Lando 1 and Lando 2. Lando 1 and Lando 2.

16 Q. [9:38:08] Very well.

17 There is a very strange noise on the French channel. Could we have some assistance.

18 THE INTERPRETER: [9:38:24] Message from the interpreters: Mr Said's

19 microphone seems to be on.

20 PRESIDING JUDGE SAMBA: [9:38:30] Mr Said, can you turn your microphone off,

21 please. But we are still having the noise, even with the English channel.

22 THE INTERPRETER: [9:38:49] French booth points out that this sound may be

23 coming from the external location where the witness is.

24 PRESIDING JUDGE SAMBA: [9:39:06] All right.

25 Mr Jacobs, let's go on. The courtroom officer will liaise with the field office and see

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1 how much we can reduce that noise.

2 MR JACOBS: [9:39:23](Interpretation) Thank you, Madam Witness.

3 Q. [9:39:26] Now, Madam Witness, when you say, or you mention Ouham-Pendé 1,
4 is that the same as Ouham 1, is it the same neighbourhood?

5 A. [9:40:02] Those would be two different neighbourhoods. Ouham 2 used to be
6 Bafio at the time, so we are dealing here with two different neighbourhoods, two
7 different neighbourhoods.

8 Q. [9:40:27] Very well. I don't know whether I missed the first part of your
9 answer, but you have talked about Ouham 2, would that be Ouham-Pendé? I just
10 want to clarify the names of the various neighbourhoods, Madam Witness.

11 A. [9:40:56] What I was saying was that Ouham-Pendé 1 is the neighbourhood
12 which is located in front of the Boy-Rabe dispensary. But Ouham-Pendé 2 was
13 previously known as Bafio neighbourhood. It is today called Ouham-Pendé 2.

14 Q. [9:41:42] Very well. Now, is Nguito 1, Nguito 1 also a neighbourhood in
15 Boy-Rabe?

16 A. [9:41:57] Yes. Nguito 1 is one of the neighbourhoods in Boy-Rabe. It is
17 located around Karting. Karting.

18 Q. [9:42:17] What about Nguito 2?

19 A. [9:42:27] Nguito 2 borders Nguito 1.

20 Q. [9:42:38] What about Nguito 3, Madam Witness?

21 A. [9:42:47] Nguito 3 is one of the new neighbourhoods that was created after
22 Nguito 2.

23 Q. [9:43:05] So it is also a neighbourhood in Boy-Rabe, Madam Witness; is that
24 correct?

25 A. [9:43:16] Yes, those -- that is one of the new neighbourhoods that have emerged

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1 in Boy-Rabe.

2 Q. [9:43:30] When you say "new neighbourhoods", when was this neighbourhood
3 created? In which year, Madam Witness?

4 A. [9:43:49] The former neighbourhoods were created a long time ago. Some of
5 the chiefs of those former neighbourhoods have already passed on and new chiefs
6 have been elected.

7 Q. [9:44:11] Very well. But when you say "new neighbourhood", did such
8 a new -- or did those new neighbourhoods exist already by 2013, Madam Witness?

9 A. [9:44:27] In 2013 those neighbourhoods, all those neighbourhoods were already
10 in existence.

11 Q. [9:44:47] Very well. On Friday, you talked about Ngoumboutou 1. Would
12 there be an Ngoumboutou 2 and Ngoumboutou 3?

13 A. [9:45:09] Ngoumboutou 1, well that would be the neighbourhood in which
14 Ngaïssona used to live. Now, that neighbourhood stretched all the way to the foot
15 of the mountain and that is why the neighbourhood was subsequently divided into
16 two and so there is Ngoumboutou 1 and Ngoumboutou 2.

17 Q. [9:45:54] Thank you, Madam Witness.

18 So, you're telling us that there are two Ngoumboutou neighbourhoods, and this
19 separation or division that you have talked about, was it already in place by 2013?

20 A. [9:46:16] {ICR: (Redacted)}
21 (Redacted)

22 THE INTERPRETER: [9:46:44] (Redacted)

23 MR JACOBS: [9:46:45] (Redacted)

24 Q. [9:46:48] {ICR: (Redacted)}
25 (Redacted)

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1 (Redacted)

2 A. [9:47:21] (Redacted)

3 Q. [9:47:22] (Redacted)

4 (Redacted)

5 A. [9:47:38] (Redacted)

6 THE INTERPRETER: [9:47:40] (Redacted)}

7 MR JACOBS: [9:47:41](Interpretation) Madam President, can we briefly go into
8 private session.

9 PRESIDING JUDGE SAMBA: [9:47:47] Yes.

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

11 (Private session at 9.48 a.m.)

12 THE COURT OFFICER: [9:48:05] We are in private session, Madam President.

13 PRESIDING JUDGE SAMBA: [9:48:08] Thank you very much.

14 Mr Jacobs, continue, please.

15 MR JACOBS: [9:48:18](Interpretation) Thank you, Madam President.

16 Q. [9:48:22] Madam Witness, I asked -- I'm asking you this question in private
17 session. Can you confirm (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 18 (Redacted)
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- 22 (Redacted)
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- 24 (Redacted)
- 25 (Redacted) I would ask you to verify what

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1 I'm saying to you.

2 Q. [10:01:52] Thank you, Madam Witness.

3 Madam Courtroom Officer, could we please bring up tab 36.1 of our list of materials,
4 that is CAR-D33-0014-0068. And it can be shown to the witness. Let me read it out
5 again. It's 35, tab 35.1, for the transcript. And the ERN is CAR-D33-0014-0068.

6 So, Madam Courtroom Officer, could we please go up to the top of the list, for us to
7 be able to see what it says at the top. Thank you very much.

8 Now, Madam Witness, can you see the document?

9 A. [10:03:30] Yes, I can.

10 Q. [10:03:37] Now, this is the list of the (Redacted)
11 (Redacted). If we could please scroll down the list so that
12 Madam Witness can peruse it.

13 Could we please go up to the next -- go on to the next page, please. That would be
14 0069.

15 Could you please scroll down the list.

16 Could we please pause there, Madam Courtroom Officer.

17 Now, I do have a question here. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted). The former was killed by Seleka elements.

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1 Q. [10:06:12] Thank you, Madam Witness, but that was not my question. My

2 question was: (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [10:07:05] Thank you, Madam Witness. Now I'm going to put my question to

8 you once again for it to be clear.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [10:08:06] Thank you, Madam Witness.

16 Could we please carry on scrolling down the list.

17 Thank you. And could we please move on to the next page.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 THE INTERPRETER: [10:09:13] Correction from the interpreter.

24 THE WITNESS: [10:09:15](Interpretation) Yes, that is correct.

25 MR JACOBS: [10:09:25](Interpretation)

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18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 THE WITNESS: [10:12:31](Interpretation) So the document that you have before you
25 is null and void and most of the people who are -- appear in this list are, for the most

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1 part, deceased.

2 MR JACOBS: (Interpretation)

3 Q. [10:12:48] Madam Witness, that is a very useful piece of information. I was
4 going to put the question to you because we did receive this document without any
5 date and your clarification enables us to situate this list in time and I thank you very
6 much for that.

7 I have no further questions with regards to this list.

8 Madam courtroom officer, it can be taken away.

9 And I request that this list be formally submitted into evidence, please.

10 PRESIDING JUDGE SAMBA: [10:13:24] And would you want for us to still remain
11 in private session, counsel?

12 MR JACOBS: [10:13:38](Interpretation) Yes, Madam President. I'm going to need
13 to remain in private session for the next questions and for the upcoming topics.

14 (Redacted)

15 (Redacted). And I do believe that

16 now we need to remain in private session.

17 Madam courtroom officer, could we please bring up document CAR-OTP-2032-0785.

18 I didn't note down the tab number. Let me have a look.

19 It is tab number 4.

20 Q. [10:15:39] Can you see the map, Madam Witness?

21 A. [10:15:42] Yes, I can see the map.

22 Q. [10:15:49] Now, when this map was shown to you the other day,
23 Madam Witness, and I'm referring to transcript T-82, I still have the real-time
24 reference before me. It hasn't changed since. And it's T-82, real-time, page 12,
25 line 10. You state that: "The red circle represents the 4th arrondissement of Bangui."

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1 And the OTP asked you: "Do you remember having annotated and made this circle
2 on the map, Madam Witness?"

3 And you answered: "Yes. I was the one who made this circle on the map." End of
4 quote.

5 Do you remember that exchange, Madam Witness?

6 A. [10:16:40] Yes, I do remember.

7 Q. [10:16:49] Now, in your prior statement, which is tab 1 for the English version
8 and tab 1.2 for the French version, and I'm going to be giving the ERN number again.
9 CAR-OTP-2107-1295, at page 1326, there is a description of the annexes that you have
10 annexed to your statement. And with regard to these maps, there is written --

11 PRESIDING JUDGE SAMBA: [10:17:37] Counsel, which paragraph, please?

12 MR JACOBS: [10:17:48](Interpretation) There's -- it goes up to paragraph 193, there
13 is no paragraph as such. It starts again at 1. So it's page 31 in the French version,
14 just after paragraph 193, with regard to the annexes and items of evidence. Annexes
15 and exhibits.

16 THE INTERPRETER: [10:18:18] Correction.

17 MR JACOBS: [10:18:20](Interpretation)

18 Q. [10:18:22] So with regard to annex 2 and 2A, Madam Witness, there is written:
19 "map of Boy-Rabe circled in red ink by Investigator Irani on the OTP map of Bangui
20 and a photograph of it taken by Investigator Irani."

21 So I understand from your prior statement and what is written here, Madam Witness,
22 that it was not you who made that circle on the map; is that correct, Madam Witness?

23 A. [10:19:13] I was the one who drew that circle.

24 Q. [10:19:27] Very well. Well noted, Madam Witness.

25 The map can be taken away. Thank you, Madam Courtroom Officer.

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1 So, Madam Witness, I'd like to come back to certain matters that you discussed with
2 the representative of the OTP and I'd like to ask you for a few details, Madam Witness.
3 I'm not going to go through everything again, but I am seeking clarification from you,
4 all right?

5 A. [10:20:23] That's fine.

6 Q. [10:20:50] Just one moment, please, Madam Witness.

7 A. [10:21:02] Very well.

8 Q. [10:21:10] So, Madam Witness, I understood from what you said during
9 the hearing the other day - at transcript T-82, once again, at page 46, line 21 - when
10 the question is put to you as to when the incident with (Redacted) occurred and
11 the question as to when it occurred, when -- did you manage to situate it being before
12 the arrival of the Seleka in Boy-Rabe, to which you answered:

13 "I told you that I do not have a [good] memory for dates. I believe that he was killed
14 before the month of April, before I went to seek refuge in M'Poko."

15 So I understand from your answer that you sought refuge in M'Poko in the month of
16 April; is that correct, Madam Witness?

17 A. [10:22:24] That is correct.

18 Q. [10:22:38] Very well. Thank you, Madam Witness.

19 So, whilst we are talking about (Redacted), you talked the other day during
20 the hearing about a photograph that you allegedly handed over to the investigators of
21 the OTP and you said that it was the family who took this photograph at your behest.
22 And I refer you to transcript T-82, page 46, lines 16 to 17.

23 Do you remember having said that, Madam Witness?

24 A. [10:23:30] I remember that I said that. But as to the date when (Redacted) was
25 killed, I am not sure about that. It was on a Sunday when people were coming out of

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1 church.

2 Q. [10:23:56] Very well. And pertaining to this photograph, when did you receive
3 that photograph yourself? When did you get your hands on it?

4 A. [10:24:12] I obtained that photograph as soon as they had taken it.
5 Unfortunately, I was not wise enough to note down the date. I believe that I handed
6 over a number of photographs to the investigators and I do not have a list or register
7 in which I wrote down these photographs. It was a time of crisis.

8 Q. [10:24:43] Very well. We have understood you with regard to the date.
9 I'm putting questions to you now about the photograph itself. So the photograph
10 that you obtained is a printed version, that is to say a paper version of the photograph;
11 is that correct, Madam Witness?

12 A. [10:25:04] I obtained that photograph on photograph paper. I handed it over to
13 the investigators and they made a photocopy of it. They handed the photograph
14 back to me so that I could give it pack to the family of the deceased.
15 I can give you a little bit more information about the photographs that I gave to
16 the investigators. These individuals gave me the photographs so that I take one and
17 give them one back. There was just one photograph and I gave that one photograph
18 to the investigators and then I handed the photograph back to the family of
19 the deceased or the deceased in the plural. Were there two photographs, I would
20 have given one of them to the investigators, but that was not the case.

21 Q. [10:26:12] I'm not certain that I've really understood you clearly, so we're going
22 to go over what you've just said. You say that the family gave you the photograph.
23 I've understood thus far. They gave you that photograph when exactly,
24 Madam Witness, in the year 2013?

25 A. [10:26:40] They gave me the photograph in 2013. I told you that I no longer

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1 recall the date when they gave me that photograph. I kept the photograph. And
2 when the investigators came, I gave the photograph to them.

3 Q. [10:27:01] Very well. But you told us a few moments ago, "I gave
4 the photograph to the investigators, they -- they photocopied it and I handed it back
5 to the family of the deceased."

6 So you kept that photograph with you from 2010 to 2013 -- to 2016.

7 THE INTERPRETER: [10:27:18] Correction.

8 MR JACOBS: [10:27:23](Interpretation)

9 Q. [10:27:23] And in 2016 you handed it back to the members of the family; is that
10 correct?

11 A. [10:27:32] It was not my photograph. It didn't belong to me. (Redacted)
12 (Redacted)

13 (Redacted). But if they only give me one photograph, then the investigators
14 make a photocopy of it and I then hand back to the proprietor of the photograph
15 the photograph itself.

16 Q. [10:28:10] So, today, if I asked you to look over the photograph again, you no
17 longer have it in your possession; is that correct, Madam Witness?

18 A. [10:28:24] It is the family of the victims who have these photographs. You need
19 to ask the families about these photographs.

20 Q. [10:28:43] Did the investigators from the OTP ask you to put them in contact
21 with the families in order to obtain the original photograph or any further
22 information?

23 A. [10:29:07] They asked me at what date, sorry?

24 Q. [10:29:15] I don't know, Madam Witness. This is a question that I'm putting to
25 you. Did the investigators ask you, yes or no?

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1 A. [10:29:31] I handed documents and photographs to the investigators. But after
2 that I explained the situation to them. How or where would they be able to meet me
3 to go and get photographs from the families' victims -- from the victims' families?

4 THE INTERPRETER: [10:29:57] Asks the witness.

5 PRESIDING JUDGE SAMBA: [10:30:04] In any event, Mr Jacobs, is it the witness's
6 testimony that what she obtained from the families of the deceased who were in these
7 photos, is it her testimony that what she obtained from these families were copies?
8 Or is it her testimony that she received the originals from these families and copied
9 them, the investigators copied them, photos which were, if it's one photo,
10 the investigator would copy and return one back, which she gave back to the family.
11 And if it were two that she received from the families, she'll give one to
12 the investigators and return one? So that we clarify the record.

13 MR JACOBS: [10:31:14](Interpretation) Absolutely, Madam President. But I will
14 put the question again.

15 I understood, however, that she had only one photograph and that the investigators
16 took a photograph of the photo and then she later returned the photograph to
17 the family. That's what I understood, but I can put the question to you her again. I
18 put the question to the witness again.

19 Q. [10:31:42] Madam Witness, you have heard what the Presiding Judge has said,
20 her remarks. How many photographs did you have? One or two?

21 A. [10:32:08] Thank you for that question for clarification.

22 The photographs and the attendant documents were those that I handed over.

23 The Defence has asked whether -- has asked a question relating to (Redacted) and
24 the question was the following: Why are all the original photographs with us and
25 maps with us and why is (Redacted) copy only a copy?

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1 Now, my answer was, if the family brought two original photographs, I will keep one.
2 And the one I had, I gave to the investigators. But if the people brought one
3 photograph and there was only one original, then I would give that original
4 photograph to the investigators, who would make a photograph of it, bring it back to
5 me and then I will give it back to the family. So what matters to me is just
6 the evidence that I handed over to the investigators.

7 MR JACOBS: [10:33:26](Interpretation)

8 Q. [10:33:27] Madam Witness, thank you very much.

9 I just want to clarify. There are two photographs on record, number 18 and 19.

10 And now, as I understand from the witness, she came with only a single copy of each
11 photograph. And then those originals would be snapped by the investigators and
12 then the photographs would be handed back to the investigators.

13 But, Madam President, we have tab 18 and tab 19. So there are two photographs on
14 record.

15 Now the question, Madam Witness, is as follows. I will put my question to you
16 again, the question I asked you a short while ago, which was not properly understood,
17 I think.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Now, my question is simple: When you tell the investigators about what happened
24 to (Redacted), at that time did the investigators ask you whether you could give them
25 the telephone number of the family so they could contact them and find out or verify

1 what you were saying and cross-check about the original photographs? Now,
2 because you (Redacted), did the investigators ask you to help
3 them talk to the family in order to cross-check the information that you were
4 providing them?

5 A. [10:35:35] I told you that when I met with the investigators, they worked
6 according to their rules of ethics. They asked me about the location of late (Redacted)
7 house. The purpose of their question was to enable them contact the neighbours of
8 the victims in order to find out more information about what had happened. So,
9 truly, the investigators asked me about the location of the residences of the relatives
10 of the victims.

11 Q. [10:36:30] Very well. Did the investigators talk to the relatives of the victim
12 (Redacted)? I am talking about the investigators. As far as you know,
13 Madam Witness, did they talk to -- to them?

14 A. [10:36:54] After providing the information to the investigators, they contacted
15 (Redacted). And in doing so, they no longer needed my
16 presence. They themselves, that is the investigators, knew that they had to,
17 quote-unquote, operate discreetly. So once I provided them with the information on
18 the relatives of the deceased victims, we no longer met together, we no longer went to
19 see these relatives together, we went our separate ways.

20 Q. [10:37:52] That is very clear, Madam Witness. Thank you very much.
21 The other day in your testimony you talked about another point, that is the looting of
22 (Redacted) house.

23 For the record, I refer you to transcript, real-time, T-82, page 49, line 17, to page 51,
24 line 13.

25 The representative of the OTP put the following question to you at page 51, line 9:

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1 "So, based on what you heard, do you know why his house was looted?"

2 And this is your answer, Madam Witness. You say, at line 11, the following: "I am
3 not able to know. I could not know, because it was systematic. Any house in
4 a compound was a target that was literally looted." End of quote.

5 So, my question to you, Madam Witness, is the following: A house in a compound,
6 are you saying a house among a group of houses that are protected, protected by
7 a fence or a wall, for example?

8 A. [10:39:54] What I meant is houses that are fenced off with a gate. So,
9 houses -- such houses were initially targeted by the Seleka. Later on, the looting
10 became generalised and extended to houses that were not fenced off. These houses
11 were targeted at daytime and at night-time. At night they would bring torches and
12 break down doors and loot the houses.

13 Q. [10:40:41] Very well. When you say "houses with a gate", now, such houses
14 would belong to the richest people; is that correct, Madam Witness? The owners of
15 such houses.

16 A. [10:41:07] I think that when they came and broke down the gates to loot, when
17 such gates were broken down and they got into the compound, they would notice
18 that there would be items of value in such houses and so they must have believed that
19 any such houses would belong to rich people. But after that, they went on now to
20 loot other houses that did not have any fences and they went from door to door.

21 Q. [10:41:49] Thank you, Madam Witness.

22 I will now move on to another topic which you broached, Madam Witness.

23 In the hearing the other day you talked about the arbatachar. Transcript T-82,
24 page 23, line 18, to page 24, line 3.

25 The OTP read out a sentence from paragraph 94 of your previous statement, and I

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1 quote: "They also had synthetic ropes, which made it possible for them to tie up
2 people according to the arbatachar method, which entailed tying people's limbs in
3 the back during an arrest."

4 Now this is the excerpt from your prior statement which the representative of
5 the OTP read out to you the other day; do you remember that, Madam Witness?

6 A. [10:43:32] Yes, I remember that very well. Those are my own very words.

7 Q. [10:43:41] So, just to clarify the record.

8 Now, following this sentence, this is what you said, and I'm referring to tab 1 for
9 the French -- English version, tab 1.2 for the French version. I repeat, 1 for
10 the English version and 1.2 for the French version. CAR-OTP-2107-1295, at
11 paragraph 94, page 1311.

12 So following what was read to you the other day, this is what it says: "The first time
13 we ever heard this term was when Bozizé took over the government and came in with
14 the Chadians. They had different military ranks and many of them were colonels
15 and generals."

16 Now, Madam Witness, I understand from this sentence that I have just read is that
17 the arbatachar method was used by Chadians who were working with Bozizé; is that
18 correct, Madam Witness?

19 A. [10:45:31] I don't think we are talking about the Bozizé period when they came
20 in with Chadians to take over power. We are talking here about the time of
21 the Seleka. You see, the Seleka --

22 Q. (Overlapping speakers)

23 PRESIDING JUDGE SAMBA: [10:45:56] Can we allow the witness to complete her
24 sentence, Mr Jacobs.

25 Yes, Madam Witness, please carry on.

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1 Madam Witness, can you carry on with your testimony, please.

2 THE WITNESS: [10:46:30](Interpretation) This is my answer:

3 We are not talking here about the time when François Bozizé took power. We are

4 talking here about events relating to the Seleka. And I'm telling you what I know.

5 So what I have -- am telling you is that the Seleka used to kidnap Central Africans

6 and would tie them up with ropes that were used for tying cattle. Sometimes they

7 would tie these people up until they died.

8 I gave you the example of (Redacted), who was tied up by the Seleka and he

9 became paralysed. He received some medical help for up to a month in order to be

10 able to recover. He fled to (Redacted).

11 (Redacted) was another example who was taken to PK12 but who managed to flee.

12 So they had come to inform me about these things in person. He had received some

13 medical help from his relatives.

14 And there is a host of victims who were subjugated to this kind of treatment by

15 the Seleka. They are still alive.

16 PRESIDING JUDGE SAMBA: [10:47:52] Thank you very much, Madam Witness.

17 Yes, Mr Jacobs, continue, please.

18 MR JACOBS: [10:48:08](Interpretation)

19 Q. [10:48:08] Madam Witness, you explained all of that to us and we took good

20 note of it. But that was not my question, my question is the following: In your

21 statement you said you heard the word arbatachar for the first time when Bozizé took

22 over power and had come with the Chadians.

23 My question again is as follows: I understand that it is the Chadians who were

24 working with Bozizé who used the arbatachar system before. Can you answer that

25 specific question, Madam Witness?

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1 A. [10:48:49] Yes, that is correct. You see, when President Bozizé came in with his
2 team to take over power, they would use that technique to tie up Central Africans.
3 Later on, the Seleka did the same thing.

4 Q. [10:49:21] Thank you, Madam Witness, for your answer.
5 Now, while we are looking at paragraph 94 of your prior statement, let me say that
6 you also mentioned that they had different military ranks and many of them were
7 colonels and generals. Could you please clarify this for us, Madam Witness. In that
8 statement are you referring to the Seleka?

9 A. [10:50:07] Yes, I'm referring to the Seleka.

10 Q. [10:50:25] Just to understand the sentence properly, you said they had various
11 ranks and many of them were colonels and generals. Did they attribute these ranks
12 to themselves by themselves, Madam Witness? Can you clarify that point. Were
13 these self-attributed ranks?

14 A. [10:50:47] Thank you for that question. When they arrived, they extended
15 some ranks to their leaders.

16 Q. [10:51:17] I don't know if that is your entire answer. I heard you say that they
17 extended some ranks to their leaders. Is that all your answer, Madam, or do you
18 have a fuller answer, Madam Witness?

19 A. [10:51:44] Yes, that is what I said, and I said that because they (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)

23 Q. [10:52:14] (No interpretation)

24 PRESIDING JUDGE SAMBA: [10:52:14] Yes, Madam Witness, I see your hand up.
25 Do you want to say something?

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1 THE WITNESS: [10:52:31](Interpretation) Yes, Madam President. I would like
2 a small break. Nature calls.

3 PRESIDING JUDGE SAMBA: [10:52:40] Okay. Yes. Madam Witness, you
4 can -- you can do that.

5 And, Mr Jacobs, I'm going to ask that we take our short break and come back for 11.30
6 at this point. Thank you very much.

7 I rise the Court.

8 THE COURT USHER: [10:52:58] All rise.

9 (Recess taken at 10.53 a.m.)

10 (Upon resuming in private session at 11.31 a.m.)

11 THE COURT USHER: [11:31:41] All rise.

12 Please be seated.

13 PRESIDING JUDGE SAMBA: [11:32:06] Good morning again, everyone.

14 Madam Witness, we're going to continue with your testimony in cross, and I note that
15 the Defence wants us to continue in private session.

16 So, Mr Jacobs, your witness, please.

17 MR JACOBS: [11:32:32](Interpretation) Thank you, Madam President.

18 Q. [11:32:34] Good morning once again, Madam Witness.

19 A. [11:32:43] Good morning.

20 Q. [11:32:54] Madam Witness, apart from being (Redacted) you were an
21 (Redacted); is that correct?

22 A. [11:33:15] Yes.

23 Q. [11:33:18] For how long had you been working at the (Redacted) of
24 Bangui?

25 A. [11:33:32] I started with an internship in 1984. At the end of that internship, or

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1 probationary period, I was confirmed.

2 Q. [11:34:10] Thank you, Madam Witness. And what were your duties in your
3 capacity as (Redacted)?

4 A. [11:34:28] In my capacity as (Redacted), I was working with the
5 (Redacted)

6 Q. [11:34:48] Very well. Who was the (Redacted) in
7 2013, Madam Witness?

8 A. [11:35:04] (Redacted).

9 Q. [11:35:12] Very well. And did he continue in his position as (Redacted)
10 (Redacted) in 2013?

11 A. [11:35:26] Yes, indeed.

12 Q. [11:35:35] Thank you. Were you working as a (Redacted), Madam Witness?

13 A. [11:35:49] (Redacted).

14 Q. [11:36:08] I do not know what it means by a (Redacted)
15 (Redacted)

16 A. [11:36:26] (Redacted)
17 (Redacted)

18 Q. [11:36:52] And what was your monthly salary at the (Redacted)?

19 A. [11:37:08] In 2013 or at the current moment?

20 Q. [11:37:19] We can begin with the period before 2013, then in 2013.

21 A. [11:37:37] In 2013, I was earning (Redacted) CFA francs, and a few more francs
22 with that. At the present moment, I am earning (Redacted) CFA francs.

23 Q. [11:38:16] Just to be clear, that is your monthly salary, Madam Witness; is that
24 correct?

25 A. [11:38:24] Yes, correct, that is my monthly salary.

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1 Q. [11:38:38] Thank you. I had a few questions for you on (Redacted)

2 your husband. Was your husband (Redacted), Madam Witness?

3 A. [11:39:01] No, he was not (Redacted). He was living towards (Redacted)

4 specifically behind (Redacted).

5 Q. [11:39:22] Was he a (Redacted)?

6 A. [11:39:30] Yes, that is correct.

7 Q. [11:39:40] And he was also (Redacted); do you confirm that?

8 A. [11:39:53] First of all, (Redacted)

9 (Redacted)

10 Q. [11:40:17] (Redacted)

11 (Redacted), Madam Witness?

12 A. [11:40:34] When he was (Redacted), we were not yet married. (Redacted)

13 (Redacted)

14 Q. [11:41:10] And after the death of your husband in 2010, did you receive any

15 death benefits, or pension?

16 A. [11:41:28] No.

17 Q. [11:41:33] Very well.

18 The house in which you were living in 2013, was it the same house in which you had

19 been living with your husband?

20 (Pause in proceedings)

21 PRESIDING JUDGE SAMBA: [11:43:09] Yes, we're back on again, connected with

22 the witness.

23 Mr Jacobs, please continue with your questions.

24 MR JACOBS: [11:43:23](Interpretation) Thank you, Madam President.

25 Q. [11:43:26] Madam Witness, can you hear me well?

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1 A. [11:43:35] Yes, I can hear you well.

2 Q. [11:43:40] Fantastic. Now let me repeat the question.

3 The house in which you were living in 2013, is it the same house that you had been
4 living in with your husband?

5 A. [11:44:03] After his death, his family forced me out of his house. I was the one,
6 myself, who built the house in which I currently live in Boy-Rabe.

7 Q. [11:44:34] So, before the death of your husband, where were you living,
8 Madam Witness?

9 A. [11:44:52] Before his death, I was living in his house in (Redacted)
10 (Redacted).

11 Q. [11:45:17] Very well.
12 (Redacted), if I understood
13 you correctly?

14 A. [11:45:30] I was living in (Redacted), and after my dowry, he took me to his
15 house. And well before that (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)

19 Q. [11:46:31] (Redacted)
20 (Redacted)
21 (Redacted)

22 A. [11:46:55] The first house was just behind. I was the one who had built that
23 house myself before I even started working. I was still a student. After the death of
24 my -- house -- in fact, this was the house that was ransacked by the Seleka.
25 I contacted the credit officer in the bank. I was given some money. I paid cement

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1 and so on, and these materials were looted by the Seleka.

2 After that loan, I contracted another loan from the bank with which I built the house
3 in which I'm living with my children.

4 Q. [11:48:04] Very well. The house that you built in 2010 after the death of your
5 husband, that is the house that was pillaged in 2013; is that correct?

6 A. [11:48:23] The house that I built after the death of my husband was in 2016, but
7 the very first house that I had been living in before, that was the house that was
8 pillaged.

9 Q. [11:48:42] Thank you, Madam Witness.

10 Let us understand the chronology much better. You have said that when your
11 husband died in 2010, you had to leave the house in which you had been living with
12 your husband and it is at that time, 2010, that you built your house. But now you
13 have just said it was in 2016 that you started building this house.

14 Can you clarify the situation, Madam Witness?

15 A. [11:49:18] After my husband's death, towards the end of (Redacted)
16 (Redacted). After the death of my husband, my children and my house -- and
17 myself -- the house in which we were living was small. That is how I built the
18 foundation of the house. And after that I started building pillars and cement to
19 make it possible for me to build a house.

20 It was during this period that the Seleka came in and then they stole all the building
21 or construction materials.

22 (Counsel confers)

23 MR JACOBS: [11:50:37](Interpretation)

24 Q. [11:50:39] Thank you for that clarification, Madam Witness.

25 So were you living in that house while it was under construction in 2013?

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1 A. [11:50:56] Regarding the house which was in construction, it was still at the level
2 of the foundation. We couldn't live there. We were still living in the old house and
3 that is the house that was pillaged by the Seleka.

4 (Counsel confers)

5 MR JACOBS: [11:51:18](Interpretation)

6 Q. [11:51:19] Very well. I'm beginning to understand now.

7 There were two houses, Madam Witness, a house that was inhabited and another
8 house under construction; is that correct?

9 A. [11:51:34] Yes, indeed, that is correct.

10 Q. [11:51:43] And the house in which you were living, when did you buy that
11 house, Madam Witness?

12 A. [11:51:58] The house that I was living in was a house that I had built myself.
13 I have already told you that I was carrying out agricultural activities. I was a trader,
14 so I was living in that house before (Redacted) came and asked for my hand in
15 marriage.

16 Q. [11:52:28] Thank you. That's much clearer. I have now understood,
17 Madam Witness.

18 And so you said that the house was pillaged. What was stolen from you in that
19 house, Madam Witness?

20 A. [11:52:55] I cannot enumerate to you everything that was stolen. They
21 completely emptied the house -- freezers, beds, furniture. My houses -- my clothes
22 were all stolen. (Redacted)

23 (Redacted)

24 (Redacted)

25 So the house was totally and completely pillaged.

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1 Q. [11:53:39] Thank you, Madam Witness.

2 I would like to read an excerpt of your prior statement on the pillaging of your house.

3 It's tab 1 for the English version, 1.2 for the French version. CAR-OTP-2107-1295.

4 (Counsel confers)

5 MR JACOBS: [11:54:49](Interpretation) Page 1312, paragraph 103.

6 Q. [11:55:11] And you say in paragraph 103, "Later on, other Seleka men came and

7 asked me in French (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [11:56:20] Yes, I confirm that.

14 Q. [11:56:27] And earlier on you said that your freezers were stolen. How many

15 freezers did you own, Madam Witness?

16 A. [11:56:41] I had a freezer that I had bought myself and when I went to live in my

17 husband's house, he offered another freezer to me. This means that during that

18 period of the incidents I had two freezers.

19 Q. [11:57:19] Thank you, Madam Witness.

20 How many vehicles did you own in 2013? Here I see one car and a motorbike.

21 How many vehicles did you own?

22 A. [11:57:37] I had two vehicles. (Redacted) and the other

23 vehicle was used by myself to ferry the children to school, and sometimes I would use

24 it to go to the farm.

25 Q. [11:58:00] Very well. Just to be clear, you had two vehicles and a motorbike in

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1 2013; is that correct?

2 A. [11:58:11] That is correct, indeed.

3 Q. [11:58:29] In 2013, was it usual or frequent for an inhabitant of Boy-Rabe to be
4 an owner of two vehicles and a motorbike?

5 A. [11:58:51] Counsel, I do not quite grasp your question. Can you kindly repeat?

6 Q. [11:59:01] Of course, Madam Witness. My question was as follows: You
7 owned two cars and a motorbike, was this usual? Did many inhabitants of Boy-Rabe
8 have two cars and a motorbike, or was that exceptional?

9 A. [11:59:26] Listen, in any country there are people who work and others who do
10 not work. If you work and you have money, you can buy vehicles. There was one
11 of my neighbours, (Redacted), he also had vehicles that were taken away by the
12 Seleka. Other people owned vehicles.

13 Q. [11:59:59] And you had cattle also, animals?

14 A. [12:00:14] To date, I'm still raising or rearing goats, sheep, ducks, and when the
15 Seleka entered the city I had all of that. But, unfortunately, they took them all away.

16 PRESIDING JUDGE SAMBA: [12:00:31] Still, why were you on your legs, Madam
17 Prosecutor?

18 MS SARDACHTI: [12:00:37](Interpretation) There was an entire series of question
19 on what Madam Witness possesses and does not possess. We let it go, but I'm now
20 objecting for lack of relevance as to everything that the witness owned at that point in
21 time.

22 PRESIDING JUDGE SAMBA: [12:01:01] Mr Jacobs, continue, please, and let's have
23 questions that are relevant to the charges on -- to the charges before us, please. But
24 continue with your line of cross-examination, please.

25 MR JACOBS: [12:01:29](Interpretation) Yes, Madam President, I do have a question

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1 on that. But just to answer, the OTP talked about the looting, the looting of the
2 witness's house during examination-in-chief, and we are right in the middle of the
3 charges here as to what happened in Boy-Rabe in April 2013 with regard to the
4 contextual elements and the allegations, and in particular the OTP invokes reasons for
5 what happened, political or religious reasons, and it would seem to us that it is
6 entirely relevant to hark back to this and to establish that the lootings have a financial
7 cause and not any ethnic or any religious reasons. So I think that we are at the heart
8 of the charges as they were presented by the OTP.

9 I have one further question with regard to cattle and then I'm going to be moving on
10 to other things, Madam President.

11 Q. [12:02:26] Now, Madam Witness, you had answered my questions saying to me
12 that you did have some cattle and I'm going to read your answer now. And I'm
13 going to read your answer.

14 THE INTERPRETER: [12:02:40] Says counsel.

15 MR JACOBS: [12:02:42](Interpretation)

16 Q. [12:02:43] In fact, you did answer my question, Madam Witness. I'm going to
17 be moving on to something else now, thank you.

18 Now, Madam Witness, you also spoke to us about the looting of the -- Ngaïssona's
19 warehouse.

20 Do you confirm that Ngaïssona was the richest trader of Boy-Rabe; is that the case?

21 A. [12:03:22] Yes, I can confirm that.

22 Q. [12:03:29] Thank you, Madam Witness.

23 Now, just to wrap up with regard to your house, I would like to come back to some
24 photographs that we showed you yesterday - well, not yesterday, Thursday
25 in fact - in order to put a few follow-up questions to you.

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1 And I refer to transcript T-82, page 54, line 9, to 55, line 2.

2 THE INTERPRETER: [12:04:13] Correction from the English booth: 56, line 2.

3 MR JACOBS: [12:04:17](Interpretation)

4 Q. [12:04:18] Now, could we bring up tab 9 on our list of materials, please, Madam
5 Courtroom Officer. It has already been formally submitted last Thursday,
6 CAR-OTP-2032-0791.

7 Can you see the photograph, Madam Witness?

8 A. [12:04:55] Yes, I can.

9 Q. [12:05:11] Was it you who provided this photograph to the investigator,
10 Madam Witness?

11 A. [12:05:18] Yes, it was I who handed this photograph to them.

12 Q. [12:05:28] So we can see here that this is a black and white photograph, a copy.
13 The photograph that you had in your possession, was it a black and white or colour
14 photograph?

15 A. [12:05:48] I believe it was a colour photograph.

16 Q. [12:05:58] Very well.

17 And when you saw the investigators, you had a paper version of the photograph, or
18 did you have an electronic version on your telephone?

19 A. [12:06:26] At the time that we met, because this is a fact that concerns me, when
20 they came to arrest me in order to kill me, it was at that time that they opened fire.
21 I took a photograph of the impact of the bullets. That is to be found on my USB
22 drive. I gave it to them and they made a copy of it.

23 Q. [12:07:16] Very well.

24 So, if I understand you correctly, you say that you handed over a USB drive to the
25 investigators; is that correct?

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1 A. [12:07:36] Yes, I had an electronic version. I handed them the USB drive.

2 They took a copy of it and then they handed the USB drive back to me.

3 Q. [12:08:00] And -- I'm trying to understand here. So they took the USB drive,
4 and what did they do? Did they then print out a black and white version to which
5 you appended your initials? How did it unfold?

6 A. [12:08:20] I handed the USB drive over to the investigators. They printed off
7 the photograph and then I appended my -- my initials to the version that they had
8 printed out.

9 Q. [12:08:49] Very well. Now, in your prior statement at paragraph 151 -- and I'm
10 going to be giving you the reference. So it's tab 1 for the English version and tab 2
11 for the French version, CAR-OTP-2107-1295 -- that's 1.2 for the French version. So
12 we're talking about paragraph 151, and you say:

13 "During my statement, I provided the OTP representatives with three photographs of
14 the wall damage when the Seleka were shooting at me. They made copies of these
15 photographs and attached them to my statement as Annexes 6A, 6B and 6C".

16 End of quote.

17 So what you're saying to me today is that when you say that they made copies, you're
18 talking about an electronic copy from a USB drive, that's what you're saying to us
19 today in your testimony before us?

20 A. [12:10:16] Yes. On the USB drive there were these three photographs, the first
21 of which showed the impact of shells -- or, a shell that had gone through a tree.
22 There was another photograph that was of the fissured wall. The other two were of
23 the fissured wall.

24 Q. [12:10:57] Very well. And what type of camera was used to take these
25 photographs?

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1 A. [12:11:22] At that moment in time it was impossible to get a photographer to
2 come and take photographs. At the time, the situation was awful and the
3 photographers were also seeking refuge, and so it was a telephone that was used to
4 take this photograph, or these photographs.

5 Q. [12:12:06] Very well. I have understood and I'm going to be looking for the
6 reference in a moment.

7 I understand that after this incident with the Seleka you left immediately; did
8 I understand you correctly, Madam Witness?

9 A. [12:12:34] The incident between myself and the Seleka when I sustained a bullet
10 wound, I shall tell you again so that you understand correctly. (Redacted)
11 (Redacted), and they opened fire indiscriminately. It was at that moment in
12 time that I sustained a bullet wound and then the Seleka tried to arrest me. They
13 said to me that it was Djotodia who had ordered my arrest. They also told me that
14 I would never know where they were going to kill me. I said in response, "No,
15 Djotodia's just called me." And when I said that to them, the man in charge, who
16 had come with his elements, said, "Well, does Djotodia have all his faculties, because
17 he's the one who had ordered us to come and arrest you?" So I said, "Wait a moment,
18 I'm going to go and get the piece of paper." (Redacted)
19 (Redacted). And then they all
20 started beating on their pots and pans, and this obliged them to flee. I then had the
21 opportunity myself of seeking refuge in M'Poko.

22 Q. [12:14:23] Thank you. You explained that to us only too well. But my
23 question to you was more direct in nature and I'm going to be putting it to you in an
24 even clearer manner.

25 Now, Madam Witness, who was it who took those photographs?

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1 A. [12:14:42] When I was in M'Poko it was I who asked (Redacted) to take the
2 photographs using his telephone and to send them to me. He said that he had also
3 sought refuge somewhere. And then I asked (Redacted)
4 (Redacted), to go and take photographs of the bullets in the wall, and it was
5 (Redacted) who took photographs. And once he had taken these photographs, he
6 then went to M'Poko to meet me and he sent them to me and that's how they came
7 into my possession.

8 Q. [12:15:58] Very well. So that's very clear. You are not the one who took these
9 photographs and you -- they came into your possession when you were in M'Poko.
10 Now, do you still have the electronic version, the original electronic version that you
11 received of these photographs when you were in M'Poko?

12 A. [12:16:20] No, I no longer have them.

13 Q. [12:16:31] So what you're saying to us is that between 2013 and 2016 you had a
14 USB drive containing electronic documents. In 2016, you handed it to the
15 investigators of the OTP, so you had kept hold of them for three years, they took a
16 copy, they gave you the USB drive back to you and you're now claiming that you no
17 longer have the USB drive; is that correct?

18 A. [12:17:03] I had kept hold of that USB drive very keenly because there was
19 somebody from an NGO who had convened us to a meeting. And I handed over
20 that USB drive to that NGO, who used it. I had kept it for a while, but unfortunately
21 I lost it. I don't know how.

22 Q. [12:17:39] And that meeting with the NGO, when did that take place,
23 Madam Witness?

24 A. [12:17:48] I no longer recall the date, but the meeting was held behind the
25 (Redacted). There was a large building there and that was where

1 the meeting was held. At that moment in time, there were also human rights
2 workers who had organised that meeting.

3 Q. [12:18:21] Very well. Now, if you don't remember the date, that doesn't matter,
4 but do you remember the year? Was it in 2013? Was it before that, was it after?

5 A. [12:18:37] If my memory serves me correctly, it was in (Redacted) that this
6 meeting was held, and on that occasion I handed them the USB drive.

7 Q. [12:19:11] Very well. So in (Redacted) you gave the USB drive to the NGO.
8 Did they keep hold of it? I'm just trying to ascertain what happened to that USB
9 drive.

10 A. [12:19:25] No, they didn't keep hold of it. They just made a copy of the files
11 and handed it back to me. But I did have it with me for a while. There were other
12 NGOs who used it.

13 But this specific NGO in question, I would ask to print certain documents, and I had
14 kept hold of that USB drive (Redacted). I don't know whether somebody took it.
15 I have no idea, in fact, how I lost it. I'm talking about the USB drive of course.

16 Q. [12:20:20] Very well. Now, did the investigators ask to visit your house in
17 order to look at the bullet impacts in the wall or the actual cracks themselves, the
18 fissures?

19 A. [12:20:49] When they came to conduct their investigation, they told us where to
20 meet them because they wanted us to be discreet. Once I had handed those tools
21 over to them they asked me where I lived, but I don't know whether they went there
22 or not. I am not in a position to know that. The investigators are in a better
23 position to tell you exactly what happened.

24 Q. [12:21:21] Very well. So you do not know whether the investigators visited
25 your house or not. I have noted that, Madam Witness.

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1 With regard to the photographs of your wounds that were shown during the hearing
2 the other day, we don't need to show them again, but I'm going to provide the ERN
3 numbers again for the file, CAR-OTP-2032-0794 and CAR-OTP-2032-0795. I do not
4 have the tab numbers, but I think it must be 12 and 13, but I can correct that if
5 necessary. So it is indeed tabs 12 and 13, but we don't need to show them.

6 So I have understood, Madam Witness, that was the investigators who took
7 photographs of your wounds in 2013 when you gave your statement; is that correct?

8 A. [12:22:34] Yes, it was they, because the wound had already healed and they
9 asked me where I had sustained the injuries, and they filmed the location of those
10 wounds and took a photograph of me in my entirety. They took two photographs.

11 Q. [12:23:07] Very well. And did the investigators ask you for any medical
12 documents dating back to the year 2013?

13 A. [12:23:23] As I said to you, after sustaining those injuries, I immediately went to
14 M'Poko base. And there, in M'Poko, the bullets were extracted and I -- once I left
15 there, I immediately went to (Redacted).

16 Q. [12:23:48] Very well. So I'm going to put my question to you again for it to be
17 clear. I'm going to phrase it differently.

18 Did you give the OTP any medical documents dating back to M'Poko in 2013 or
19 dating back to (Redacted)?

20 A. [12:24:17] I do not believe that I provided them with any medical documents,
21 no.

22 Q. [12:24:28] Did the -- did the investigators ask you to meet with a medical expert
23 to discuss your wounds?

24 A. [12:24:42] No, they did not advise me to go and meet an expert.

25 Q. [12:25:02] Thank you, Madam Witness.

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- 1 I have a point of clarification on another topic that you broached during the hearings.
- 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 (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 (Counsel confers)

16 MR JACOBS: [12:30:49](Interpretation)

17 Q. [12:30:51] Thank you, Madam Witness.

18 So, you talked to the representative of the OTP the other day about a DVD that you
19 allegedly handed over to the investigators. Do you remember having talked about
20 that?

21 A. [12:31:36] Yes, I do remember.

22 Q. [12:31:51] And you said you retrieved the DVD, that is, transcript T-83, line 21,
23 lines 9 and 10. You said you got the DVD when you were a refugee in M'Poko; is
24 that correct?

25 A. [12:32:15] I confirm that is what I stated.

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1 Q. [12:32:33] Very well.

2 Can we display tab 16 once again, CAR-OTP-2032-0807, page 0808.

3 Court officer, please, the next page.

4 You can see the photograph, can't you, Madam Witness?

5 A. [12:34:01] Yes, I can see it.

6 Q. [12:34:07] Top right corner, there are photographs of certain people.

7 A. [12:34:19] Yes, I can see that.

8 Q. [12:34:25] Can you tell us who is the lady we can see at the top right-hand
9 corner, Madam Witness?

10 A. [12:34:43] That lady is Catherine Samba-Panza.

11 Q. [12:34:53] Very well. And what was the occupation, or position, of Catherine
12 Samba-Panza in 2012, Madam Witness?

13 A. [12:35:17] In 2012, she was mayor of Bangui city. After that, she was appointed
14 minister.

15 Q. [12:35:41] After that -- what do you mean by "that"? When was she appointed
16 minister, Madam Witness?

17 A. [12:35:53] I no longer remember the specific date.

18 Q. [12:36:03] Was it before or after 5 December 2013, Madam Witness?

19 A. [12:36:19] After 5 December 2013, when Djotodia resigned, it was Madam
20 Catherine Samba-Panza who was elected as president.

21 Q. [12:36:41] Very well.

22 When did you leave M'Poko to travel to (Redacted), Madam Witness, which month?

23 A. [12:37:07] When I left M'Poko to travel to (Redacted), well, I really no longer
24 remember the dates accurately, but if my memory is correct, it was between the
25 months of August and September 2013.

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1 Q. [12:37:32] Very well. Thank you, Madam Witness.

2 We will show once again an excerpt of a video which was shown in the hearing the
3 other day, and to do that we need to take over control, technical control, court officer.

4 THE WITNESS: [12:38:08](No interpretation)

5 PRESIDING JUDGE SAMBA: [12:38:10] Yes, Madam Witness. Do you want to say
6 something?

7 THE WITNESS: [12:38:18](Interpretation) I need a bathroom break, Madam
8 President.

9 PRESIDING JUDGE SAMBA: [12:38:26] Go on. We'll wait.

10 (The witness exits the video-link room)

11 (Pause in proceedings)

12 PRESIDING JUDGE SAMBA: [12:40:08] Mr Jacobs, while we're waiting for the
13 witness, maybe let's -- oh, okay.

14 (The witness enters the video-link room)

15 PRESIDING JUDGE SAMBA: [12:40:22] I wanted to ask, though, how many more
16 minutes you want with this witness because we want for you to leave us a few
17 minutes to attend to some in-house issues, noting that -- we know that you've done
18 quite some bit and if we are to go according to our timing, you should be done maybe
19 at some 10 minutes before 1 o'clock. But we just want to inform you that we need a
20 few minutes after you're done so that we can attend to in-house issues.

21 Madam Witness, do you want to say something? I saw your hand -- you just raised
22 your hand.

23 Can the field officer ensure that the witness's microphone is on.

24 We can't hear what you're saying.

25 THE WITNESS: [12:41:35](Interpretation) I would like to apologise because I am

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1 under medical treatment and this is what compels me to frequently ask you for
2 breaks.

3 PRESIDING JUDGE SAMBA: [12:42:02] No, that's okay, Madam Witness. There is
4 no need for apologies for that. We do understand.

5 Mr Jacobs, you may continue with your cross-examination of this witness, please.

6 MR JACOBS: [12:42:26](Interpretation) Thank you, Madam President.

7 If I understood well, you wanted me to end 10 minutes before. But given the rest of
8 the cross and the answers being given by the witness, I don't believe I will be able to
9 conclude today.

10 I do not know whether the channel for the video has been made available to the
11 witness.

12 Very well. I'll give you the reference for the record.

13 PRESIDING JUDGE SAMBA: [12:43:21] Maybe before we look at the video, in
14 respect of timing, according to the Registry's timing, I know -- we note that the
15 Prosecution did about three hours, 40 minutes in-chief with this witness, which by
16 paragraph 16 of our conduct of proceedings you're afforded like time. I know we
17 can be flexible a little bit. If we're going by the Registry's timing, that's why I say
18 you should end by 10 minutes to 1 o'clock. We could be flexible, but really taking us
19 into another day might be a little bit -- taking it a little bit too much, I think. But let's
20 move on. As I say, we want to have a little bit of time after your questions to attend
21 to in-house issues.

22 Going by the Registry's timing, you should be done by 10 minutes to 1 because you
23 didn't give us any indication, as the conduct of proceedings in paragraph 16 requires
24 you, that you want to have any extra time with this witness.

25 Please let's go on, Mr Jacobs, with that in mind.

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1 (Counsel confers)

2 MR JACOBS: [12:45:10](Interpretation) Thank you, Madam President.

3 Q. [12:45:14] Can you see the image in front of you, Madam Witness?

4 And I'll give you the reference of the video excerpt. It is tab 17, CAR-OTP-2032-0809.

5 And you can see that image on the screen. It is a few minutes earlier than the video

6 shown to you by the OTP, and at the bottom you have "Special Investigations" and at

7 the top left "Bangui 14 December 2013". Can you see that, Madam Witness?

8 A. [12:46:12] Yes.

9 Q. [12:46:13] So I just want to show a few more seconds of the video.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [12:46:32](Interpretation of the video excerpt)

12 "In Bangui the situation is becoming critical" -- (Overlapping speakers)

13 MR JACOBS: [12:46:37](Interpretation)

14 Q. [12:46:37] When you look at the rest of the video that was shown to you, how

15 were you able to take -- get a video in M'Poko with photographs of December 2013,

16 and you got that video before 2013 -- or rather, images of the time before 2013?

17 A. [12:47:14] Regarding whether I recognise the area, my answer is, yes. The DVD

18 was being sold and so I was also able to buy the DVD, and it is in M'Poko indeed.

19 You have given dates. These may have been reports that could have different dates.

20 Q. [12:47:52] Very well, Madam Witness. I have noted your answer.

21 I would like to do one last topic to try to complete today. I don't know whether

22 I will finish in five minutes, but I will do everything possible to finish, Madam

23 President.

24 PRESIDING JUDGE SAMBA: [12:48:11] Not to, you know, push you too much.

25 We'll be a little bit -- we'll be flexible, but we really do want you to at least be finished

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1 by 1 and we will deal with the rest with the Registry as to our own, you know, little
2 time that we want to deal with issues.

3 So take a bit of a time. Thank you.

4 MR JACOBS: [12:48:42](Interpretation) Thank you very well -- very much,
5 Madam President. I will try to conclude by 1 o'clock. Thank you very much.

6 Q. [12:48:51] Madam Witness, in the Yekatom and Ngaïssona trial you provided
7 testimony; is that correct?

8 A. [12:49:05] Yes, that is correct.

9 Q. [12:49:14] Do you remember when the Prosecutor contacted you to inform you
10 that the Defence in the other case was trying to contact you and speak with you?

11 A. [12:49:51] You know, all of us make such errors. When you receive a phone
12 call it does not come to our minds to note down the dates.

13 Q. [12:50:12] There is no problem about that, Madam Witness.

14 If tab 32 can be displayed, it is CAR-OTP-00036456.

15 And in that investigation report in English, page 2, it is written that on 7 July 2022, an
16 OTP investigator called you because the Defence team had requested to meet with
17 you.

18 Does that jog your memory regarding the date, 7 July 2022, Madam Witness?

19 A. [12:51:14] Yes, it refreshes my memory, but as you know, these events took
20 place a very long time ago. You have talked about 2022, so I cannot remember
21 the -- all the minor details.

22 Q. [12:51:45] Very well. Thank you.

23 This document can be taken off and I will ask for its formal submission.

24 Madam Witness, (Redacted); is that correct?

25 A. [12:52:08] (Redacted)

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1 but he lives in a different sub-neighbourhood than mine.

2 Q. [12:52:24] Very well.

3 But you met with him on several occasions while you were a refugee in (Redacted) is
4 that correct?

5 A. [12:52:42] Yes, that is correct. We met in (Redacted).

6 Q. [12:52:53] And in (Redacted), he was the one who gave you money to receive
7 treatment; is that correct?

8 A. [12:53:01] Yes, I confirm that.

9 Q. [12:53:10] And, equally, in (Redacted) you resided in (Redacted); is that
10 correct?

11 A. [12:53:28] Initially, I was living with my niece. When a member of his family
12 died, it was at that moment that I went to his home to assist them.

13 Q. [12:53:56] And it was (Redacted) who was responsible for paying everything, all
14 expenditures; can you confirm that?

15 A. [12:54:08] You know, this was the funeral of his younger sister. He had taken
16 refuge in (Redacted) with his entire family and he was the one responsible for paying
17 all the expenses related to the funeral. That was quite normal.

18 PRESIDING JUDGE SAMBA: [12:54:41] Do you still want to make your point?

19 MS SARDACHTI: [12:54:51](Interpretation) *Yes. The witness... the witness has
20 answered. She specified herself, but I wanted to object to the vague nature of the
21 question. But the witness specified herself what was meant by "paying everything.

22 MR JACOBS: [12:55:21](Interpretation) Effectively, the witness answered so I will
23 continue.

24 Q. [12:55:30] Madam Witness, you stated in your prior statement, paragraph 174,
25 tab 1 for the English version, tab 1.2 for the French version -- you stated:

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1 "After my return, I had problems with the Anti-Balaka criminal acts (Redacted)

2 (Redacted)

3 (Redacted)

4 My question, Madam Witness, if I understand you correctly, is after 5 December, the
5 Anti-Balaka committed crimes in Boy-Rabe; is that correct?

6 A. [12:56:41] I have told you that on 5 December I was not in Bangui, I was still in

7 (Redacted). I returned to Bangui in (Redacted). The events that I have narrated to

8 you relate to three Anti-Balaka amongst which one of them was armed. The two

9 others were not armed. They went to hold up a woman who was selling bananas

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:58:40] You talked about the Anti-Balaka actions against the population.

20 Now, when the Anti-Balaka arrived, even if it was after your return (Redacted), did

21 they perpetrate crimes in Boy-Rabe, did they loot, did they attack people?

22 A. [12:59:03] When I arrived, Anti-Balaka were committing acts of violence and

23 other crimes, particularly stealing. For example, when I took out a loan to build my

24 house, I was compelled to pay young people at night to hide my roofing tops. The

25 Anti-Balaka were circulating at night to steal and they were stealing telephones and

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1 like items. And those acts were committed more on the main roads rather than
2 inside the neighbourhoods.

3 Q. [13:00:07] Just one moment. Let me cross-check that I haven't forgotten
4 anything so I can stop here.

5 I have one last question in relation to that.

6 (Redacted) during that period; is that correct?

7 A. [13:00:39] In December, on 5 December, when the Anti-Balaka attacked my

8 (Redacted)

9 (Redacted)

10 THE INTERPRETER: [13:01:17] (Redacted)

11 THE WITNESS: [13:01:21](Interpretation) (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MR JACOBS: [13:02:02](Interpretation) Thank you, Madam Witness.

17 And, Madam President, I have completed the cross-examination of the Defence.

18 PRESIDING JUDGE SAMBA: [13:02:10] Thank you very much, Mr Jacobs.

19 Prosecution, do you have any questions in re-examination, please?

20 MS SARDACHTI: [13:02:18](Interpretation) We have no further questions, Madam

21 President, and I thank you.

22 PRESIDING JUDGE SAMBA: [13:02:23] Thank you very much, counsel.

23 Judge Flores, do you have any questions for this witness?

24 Judge Ugalde? No questions.

25 So thank you everyone.

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1 Now, with respect to the next Prosecution witness, P -- can I ask Madam Court Officer
2 to get us into open session, please.

3 (Open session at 1.03 p.m.)

4 THE COURT OFFICER: [13:03:05] We're back in open session, Madam President.

5 PRESIDING JUDGE SAMBA: [13:03:08] Thank you very much, Madam Court
6 Officer.

7 Now, Madam Witness, may I on behalf the Chamber thank you very, very much for
8 your testimony and for your helping us solicit the truth of what happened in your
9 country. We appreciate your cooperation with the Court. We wish you well in all
10 that you do and in your future endeavours. Thank you very, very much.

11 (The witness is excused)

12 PRESIDING JUDGE SAMBA: [13:03:37] With respect to the next witness, P-1808,
13 due to courtroom availability, the Chamber is unable to sit until Friday, 21 June. In
14 addition, we will only be able to have one session in the afternoon and, therefore,
15 we'll only be able to sit from 2.30 in the afternoon to 4 p.m. on Friday.

16 Now, that notwithstanding, the Chamber takes note of the Prosecution's email of
17 12 June 2024 in respect of P-2573's non-appearance at this time, the Chamber has
18 instructed counsel to always have a witness ready to fill in potential gaps to avoid
19 delays to proceedings. We, therefore, urge the Prosecution to be better prepared
20 with the scheduling of witnesses and to actively liaise with the VWU in respect of
21 appearance of the Prosecution's witnesses.

22 With that, I adjourn this matter to 2.30 on Friday 21st in the first instance.

23 Yes, Madam Prosecutor?

24 MS MAKWAIA: [13:05:09] Before we adjourn, your Honours, may I just be heard on
25 the point of having alternative witnesses.

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1 In fact, we did work in conjunction with VWU to ensure there's no gap in the
2 presentation of the evidence of the Prosecutor. However, it's VWU who is facing
3 difficulties in securing all the passports and travel documentation of the witness
4 despite notification by the Prosecution for more than a month to get these witnesses,
5 your Honours.

6 So we have been working quite diligently to ensure there's no gap and we'll proceed
7 in this manner in the future.

8 But I take note of the Chamber's urge for us to have no gaps. Thank you.

9 PRESIDING JUDGE SAMBA: [13:05:46] Thank you very much. Please endeavour
10 to do that. You know, pay attention to Article 67(3) of the Statute. Mr Said is
11 entitled to have these proceedings go on without undue delay, and the interest of the
12 witnesses and victims must also be taken into consideration.

13 So, with that, I adjourn this matter to 2.30 on Friday instant when we will start with
14 the Prosecution witness P-1808.

15 Thank you all very much.

16 THE COURT USHER: All rise.

17 (The hearing ends in open session at 1.06 p.m.)