

Trial Hearing
WITNESS: CAR-OTP-P-2161

(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,
6 Judge Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
7 Trial Hearing - Courtroom 2
8 Wednesday, 4 September 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:05] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:31] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:32:43] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:32:58] Thank you very much.
20 Can I ask for representations, starting with the Prosecution.
21 MS MAKWAIA: [9:33:04] Thank you, Madam President, your Honours.
22 For the Office of the Prosecutor this morning, myself, Holo Makwaia, senior trial
23 lawyer; Kamran Choudhry, Thomas Bifwoli, trial lawyers; Sanyu Ndagire and our
24 new team member, Anusha Rawoah, assistant legal officers; and Alessia Vitiello,
25 analysis assistant. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [9:33:29] Thank you very much, Ms Makwaia. And
2 welcome, counsel, to the courtroom.
3 Ms Pellet for the victims, please.
- 4 MS PELLET: [9:33:38](Interpretation) Thank you, Madam President.
5 The victims are represented by Adeline Bedoucha and myself, Sarah Pellet, counsel
6 OPCV.
- 7 PRESIDING JUDGE SAMBA: [9:33:50] Thank you very much, Ms Pellet.
8 Ms Naouri for the Defence, please.
- 9 MS NAOURI: [9:33:56](Interpretation) Thank you, Madam President. Good
10 morning.
11 To my right, Capucine Banet; to my left, Mr Jacobs; as for myself, I am
12 Jennifer Naouri, lead counsel for Mr Said.
- 13 PRESIDING JUDGE SAMBA: [9:34:11] Rule 74 counsel, please.
- 14 MR RAIMONDO: [9:34:13] Good morning, Madam President and your Honours.
15 Fabián Raimondo, legal adviser to Witness P-2161. Thank you.
- 16 PRESIDING JUDGE SAMBA: [9:34:27] Thank you very much, Mr Raimondo.
17 And for the record, we note that Mr Said is here in court with us.
18 Mr Said, a very good morning to you. I hope I see you well.
- 19 MR SAID: [9:34:42](Interpretation) Yes, good morning, Madam President.
- 20 PRESIDING JUDGE SAMBA: [9:34:50] Good morning.
21 Now, the Prosecution is calling P-2161 as its 48th witness.
22 It is our understanding that this witness will be testifying in French, so I remind
23 everyone of the importance to speak slowly and to observe the five-seconds rule
24 between questions and answers.
25 Before commencing, the Chamber notes briefly that protective measures are in place

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 for this witness by virtue of decision numbered 481 and the VWU recommends no
2 special measures.

3 I will now discuss the issue of Rule 47 assurances.

4 Mr Raimondo, the Chamber has been informed that you were only able to meet with
5 your client yesterday evening. You obviously did not have an opportunity to make
6 any written submissions in the meantime, so we want to give you an opportunity
7 now to raise any issue related to your mandate, specifically whether you are
8 requesting Rule 74 assurances for your client.

9 The floor is yours.

10 MR RAIMONDO: [9:36:05] Thank you very much, Madam President and your
11 Honours. It is both a privilege and an honour to stand before this Trial Chamber
12 once again.

13 My initial plan was to submit a written report under Rule 74 as is my customary
14 practice when acting as a legal adviser to a witness. However, due to the
15 circumstances leading up to this hearing, I was only able to meet the witness
16 yesterday evening. So there was insufficient time to file a written report with the
17 Registry before today's hearing.

18 It is in light of these circumstances, I am prepared to present a brief oral report with
19 the Chamber's permission.

20 So the witness and I conducted our meeting online. We communicated in French, a
21 language fully understood by the witness. During this meeting, I reviewed and
22 explained the provisions of Rule 74 to the witness, including the right to object -- to
23 object to making any statement that might lead to self-incrimination.

24 Based on the materials provided to me by the Office of the Prosecutor, there is
25 nothing that indicates or suggests the involvement of the witness in crimes within the

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 jurisdiction of this Court. Moreover, during our meeting, the witness confirmed that
2 the testimony will not raise issues of self-incrimination and, therefore, assurances
3 under Rule 74 will not be necessary.

4 In light of the foregoing, the witness and I agreed not to request any assurance under
5 Rule 74 before the appearance of the witness at this hearing. Of course, this decision
6 is made without prejudice to the rights of the witness under Rule 74, in particular, the
7 right to object to making any statement that might lead to self-incrimination and the
8 right to obtain legal advice if an issue of self-incrimination arises in the course of the
9 proceedings.

10 Thank you very much for your attention.

11 PRESIDING JUDGE SAMBA: [9:39:27] Thank you very much for that report,
12 Mr Raimondo.

13 I'm going to ask the court officer then to bring the witness in.

14 Madam Court Officer, can you help us get the witness into the courtroom. Thank
15 you.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE SAMBA: [9:40:49] A very good morning to you, Mr Witness. I
18 hope you rested well.

19 WITNESS: CAR-OTP-P-2161

20 (The witness speaks French)

21 THE WITNESS: [9:40:57](Interpretation) Good morning.

22 PRESIDING JUDGE SAMBA: [9:40:58] Good. Now, Mr Witness, you are going to
23 testify before the International Criminal Court. On behalf of this Chamber, I
24 welcome you to the courtroom.

25 You should have before you, Mr Witness, the solemn undertaking that any witness

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 who appears before this Court must agree to. I'm going to read that out to you now,
2 so listen.

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

5 Mr Witness, do you understand and agree to what I just read out?

6 Can you now hear me, Mr Witness?

7 THE WITNESS: [9:42:54](Interpretation) Yes, now I can hear you.

8 PRESIDING JUDGE SAMBA: [9:42:57] Good. So, Mr Witness, I was saying that
9 you're going to testify before the International Criminal Court and, on behalf of this
10 Chamber, I welcome you to the courtroom.

11 THE WITNESS: [9:43:12](Interpretation) Thank you very much. Thank you.

12 PRESIDING JUDGE SAMBA: [9:43:18] You have in front of you, Mr Witness, the
13 solemn undertaking that any witness who appears before us must agree to. I'm
14 going to read that out to you now.

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

16 Do you understand and agree to what I just read out, Mr Witness?

17 THE WITNESS: [9:43:55](Interpretation) Yes, I agree. I solemnly swear before you
18 that I will tell the truth and nothing but the truth.

19 PRESIDING JUDGE SAMBA: [9:44:12] Thank you very much, Mr Witness. We
20 will continue.

21 Let me now explain to you the protective measures that the Chamber has put in place
22 for your testimony.

23 We have in place for you voice and face distortion for the duration of your testimony.

24 Now, this means that no one outside the courtroom can see your face or hear your
25 real voice during your testimony.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 We also have in place for you the use of pseudonym. In accordance with that, we
2 shall all refer to you only as "Mr Witness" so that the public doesn't get to know your
3 real name.
4 When you answer questions that will not give away who you are, we will do so in
5 open session. That means that the public can hear what is said inside the courtroom.
6 When you are asked to describe anything that relates specifically to you or you're
7 asked to mention facts that might reveal your identity, we will do this in private
8 session.
9 And, lastly, I have a few practical matters you should have in mind when giving your
10 testimony.
11 Everything we say here is being written down and interpreted. It is therefore
12 important to speak slowly and clearly. Please speak into the microphone that you
13 have before you and only start speaking when the person asking you the question has
14 finished. To allow for the interpretation, everyone has to wait a few seconds before
15 starting to speak.
16 If you yourself have any question or if you need a break, please raise your hand so
17 that we know that you want to say something to us.
18 Do you understand all that I have said, Mr Witness?
19 THE INTERPRETER: [9:47:04] Inaudible.
20 PRESIDING JUDGE SAMBA: [9:47:08] Do you understand all that I have said,
21 Mr Witness?
22 THE WITNESS: [9:47:13](Interpretation) I've understood.
23 PRESIDING JUDGE SAMBA: [9:47:16] Can I ask that you speak a bit louder,
24 Mr Witness, so that the interpreters can get each and every word that you say.
25 Speak into the microphone that you have before you.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 Now, I'm going to ask the Prosecution to put questions to you in chief, but kindly
2 speak into the microphone so that the interpreters could hear you and speak at a slow
3 pace. Only speak after the person asking you the question has finished.

4 Madam Prosecutor, your witness, please.

5 MS NDAGIRE: [9:48:09] Thank you, Madam President.

6 QUESTIONED BY MS NDAGIRE:

7 Q. [9:48:15] Good morning, Mr Witness.

8 A. [9:48:17] Thank you very much.

9 Q. [9:48:18] My name is Sanyu Ndagire. I am a lawyer on the Prosecution team
10 and I will be asking you questions this morning.

11 MS NDAGIRE: [09:48:21] And before we proceed, I would like to ask if we can go
12 into private session, Madam President.

13 PRESIDING JUDGE SAMBA: [9:48:33] Certainly.

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

15 (Private session at 9.48 a.m.)

16 THE COURT OFFICER: [9:48:45] We are in private session, Madam President.

17 PRESIDING JUDGE SAMBA: [9:48:48] Carry on, Ms Ndagire.

18 MS NDAGIRE: [9:48:55]

19 Q. [9:48:56] Mr Witness, we are now in private session, so please speak freely.
20 Please tell the Court your names.

21 A. [9:49:08] My name is (Redacted). I was born on (Redacted) in Bangui. I'm a
22 citizen of the Central African Republic.

23 Q. [9:49:32] Thank you. And what was your religion in the year 2013?

24 A. [9:49:44] (Redacted)

25 Q. [9:49:50] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 A. [9:49:57] At one point I stopped following (Redacted). I stopped and I am now
2 a (Redacted).

3 Q. [9:50:16] Thank you. And what is your current occupation? What do you do
4 for work right now?

5 A. [9:50:24] (Redacted)

6 Q. [9:50:42] Between -- between the months of March and August 2013, where were
7 you living?

8 A. [9:51:01] In 2013, (Redacted)
9 (Redacted)

10 Q. [9:51:22] And just to take you back to the time that (Redacted)
11 what year was this?

12 A. [9:51:37] (Redacted)
13 (Redacted)

14 Q. [9:52:15] And then you mentioned that (Redacted)
15 (Redacted) ?

16 A. [9:52:30] (Redacted)
17 (Redacted)

18 Q. [9:52:57] And for how long did you continue living and being at (Redacted)
19 (Redacted) ?

20 A. [9:53:09] (Redacted)
21 (Redacted)

22 (Redacted)
23 (Redacted)

24 Q. [9:53:48] But now I would like you to focus your mind to March of 2013. Did
25 you remain at (Redacted) throughout the month of March 2013?

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 A. [9:54:04] (Redacted)

2 Q. [9:54:43] Mr Witness, do you know or have you heard of the Seleka?

3 A. [9:55:02] The Seleka coalition was coming from Chad. (Redacted) and I

4 heard that the Seleka were on their way, and there was a great deal of gunfire.

5 When they came into PK12 at the boundary where you can get to Bangui, (Redacted)

6 (Redacted) hear the gunfire as they were entering the city. And at that time

7 (Redacted).

8 Q. [9:55:47] And what did you do after you heard the gunfire (Redacted)

9 (Redacted)?

10 A. [9:55:59] (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [9:56:24] (Redacted), Mr Witness, while the

14 Seleka were in PK12?

15 A. [9:56:38] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:57:20] (Redacted), what do you mean?

20 Please describe to the Court.

21 A. [9:57:39] Yes, I mentioned that (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 Q. [9:58:59] And just so we are clear, Mr Witness, (Redacted)
- 8 (Redacted)?
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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- 16 (Redacted)
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- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

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3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SAMBA: [10:02:10] Sorry, Madam Prosecutor, I mean, we're
8 getting all of this.

9 But, Mr Witness, if I may ask you, when you say when the Seleka came, (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 PRESIDING JUDGE SAMBA: [10:04:00] Yes, carry on, Madam Prosecutor.

23 MS NDAGIRE: [10:04:06]

24 Q. [10:04:08] (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

- 1 (Redacted)
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- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. [10:05:44] And where was Camp Beal located?
- 12 A. [10:05:53] Camp Beal is almost in the city. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
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Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

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Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

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Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SAMBA: [10:18:18] Madam Prosecutor, before you go to the

21 next question or to the OCRB, I want to ask a question in respect of Camp Beal that he

22 just referred to.

23 Mr Witness, you said - and that is at page 17 between lines 6 and 7 - you said at

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 And that's how I came up with the number which I have mentioned before the Court
11 right now.

12 PRESIDING JUDGE SAMBA: [10:20:11] Thank you very much.

13 Madam Prosecutor, please carry on.

14 MS NDAGIRE: [10:20:19]

15 Q. [10:20:19] Now, Mr Witness, at page 19 of the transcript that we're referring to,
16 lines 1 to 3, you said (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

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Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Overlapping speakers)

11 MS NAOURI: [10:26:25](Interpretation) I'm drawing the President's attention to the
12 fact that the French transcript cannot keep pace with the speed of the witness. He's
13 speaking too fast. We will need to work with the transcripts, but it's going too fast,
14 Madam President.

15 I don't want to interrupt you, Mr Witness, but -- we are listening to you, but this is not
16 being written down clearly and this will be a problem for us when it comes to
17 preparing our cross-examination.

18 THE WITNESS: [10:26:56] (Interpretation) Thank you.

19 PRESIDING JUDGE SAMBA: [10:26:57] Mr Witness, as I said to you, everything we
20 say here is written down and interpreted, and so you help the interpreters, you know,
21 talk slowly so that the interpreters can get what you are saying and counsel on both
22 sides can get what you are saying.

23 So we'll take off from where you left off.

24 Madam Prosecutor, please guide the witness again so that we get the information.

25 THE WITNESS: [10:27:32](Interpretation) Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 MS NDAGIRE: [10:27:35]

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 Q. [10:30:06] Thank you for your answer.

19 And now my next question is what was Mahamat Said's role at Camp Beal -- rather,
20 at the *palais*?

21 * A. [10:30:25] Mahamat Said was one of the officers who were supervising the section
22 and ensuring that everything was orderly.

23 Q. [10:30:48] And when you were saying he was supervising the unit, which unit
24 was this, just so we can understand?

25 MS NAOURI: [10:30:58](Interpretation) Your Honour -- one moment,

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 Mr Witness -- in French he said "service", not "unit". I think that's an important
2 distinction. "Service" is vague and "unit" is probably what was said in English, but
3 that's not what the witness said in French. He said *service* in French. Lines 6 and 7,
4 page 23.

5 PRESIDING JUDGE SAMBA: [10:31:32] Yes, what appears on the English transcript
6 is "unit", hence the reason why counsel put the further question using the word "unit".
7 Madam Prosecutor, kindly put the question again, let the witness answer. It might
8 be an interpretation problem.

9 MS NDAGIRE: [10:31:56]

10 Q. [10:31:58] Mr Witness, on the French transcript you referred to a *service*. Can
11 you explain to us what -- what was a *service*?

12 A. [10:32:11] The service I was talking about was this concern within the OCRB.

13 Q. [10:32:37] And so when you say that Mr Said was one of the officers who was
14 supervising the *service*, what do you mean? What was he doing?

15 A. [10:32:55] They were officers and they were leading, running the detachment at
16 the palace. And when they would go -- they were designated. The others stayed at
17 the palace for disarmament and he and a few officers as well were detached or
18 seconded to the OCRB. That's what it was all about.

19 Q. [10:33:33] And what rank did he have, did Mahamat Said have while he was
20 still at the *palais*?

21 A. [10:33:45] He was a -- still a colonel.

22 Q. [10:33:51] And do you remember the month when (Redacted) to the
23 OCRB?

24 A. [10:34:00] I no longer recall. (Redacted) at the OCRB and (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 MS NDAGIRE: [10:34:41] Madam President, we could return back to open session at
3 this point.

4 PRESIDING JUDGE SAMBA: [10:34:46] Thank you very much.

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

6 (Open session at 10.34 a.m.)

7 THE COURT OFFICER: [10:34:59] We are back to open session, Madam President,
8 your Honours.

9 PRESIDING JUDGE SAMBA: [10:35:02] Thank you.

10 Madam Prosecutor, continue, please.

11 MS NDAGIRE: [10:35:06] Thank you, Madam President.

12 Q. [10:35:07] Now, Mr Witness, we are now in open session, so please be careful
13 not to mention your names when you are giving answers.

14 Now, my first question is: What -- what was the OCRB?

15 A. [10:35:30] The OCRB was a unit that was intended to repress banditry.

16 THE INTERPRETER: [10:35:37] Or a more literal rendering would be to fight crime.

17 MS NDAGIRE:

18 Q. [10:35:50] And where was OCRB located?

19 A. [10:35:55] The headquarters of the OCRB was at the corner of the palace, at the
20 corner, not far from the palace.

21 Q. [10:36:20] And who was in charge of the OCRB when (Redacted)?

22 A. [10:36:34] When (Redacted) the current general
23 director of the police, lieutenant colonel, he was a lieutenant colonel. And then there
24 was a gendarme, a military commander, he's now a general, Linguissara is his name.

25 Q. [10:37:13] And how did you know that Linguissara was the one in charge?

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 A. [10:37:24] He was the deputy. He was the deputy to the director.

2 Q. [10:37:31] What was the director's name, if you recall?

3 A. [10:37:41] He's now the director of the police of the Central African Republic
4 currently, at present.

5 Q. [10:37:52] Do you know his names?

6 A. [10:38:00] I don't know his name, but his deputy, I just gave his name, it's
7 someone -- that person {ICR: (Redacted)}. He went to the gendarmerie in
8 seventy -- {PFR: (Redacted)} and he came in 1982, that general, he came in 1982. So
9 {PFR: (Redacted)}, that's why I remember his name.

10 Q. [10:38:34] And now you mentioned Mahamat Said was also at the OCRB; am I
11 correct?

12 A. [10:38:59] Yes. They were at the OCRB. He was working there.

13 Q. [10:39:12] And what, what was his work there? What was Mahamat Said's
14 work at the OCRB?

15 A. [10:39:26] Mahamat Said was there and he would deal with various matters, he
16 would decide upon various matters. The patrolling, coming back, if there were
17 criminals brought in, they would be taken to the police station and he would look at
18 the information. (Redacted) -- well, before, the
19 atrocities were being perpetrated, but (Redacted), it was as if -- well, I made
20 some sketches for my statement and I think my sketches are quite clear. I cleared
21 everything up with my sketches. (Redacted), {ICR: (Redacted)}
22 (Redacted)
23 (Redacted)}

24 Now, I saw this man do his work. When someone brought the information to him,
25 he would look at the information. If the person had to be arrested, he would be put in

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 the safe room and he would be -- and he would say, "Take him to the president of the
2 tribunal." And {ICR: (Redacted)
3 (Redacted)} he would make
4 decisions about the person and then he would say, "Okay, he goes to the tribunal" or
5 "Keep him in the office, I will contact the tribunal". So I saw him doing his work.

6 Q. [10:41:57] And do you know what rank he held or what rank he had while he
7 was at the OCRB, that's Mr Said?

8 A. [10:42:13] He was still a colonel. I've said this. He was a colonel at the palace
9 and -- even from the time of the BSS and the palace, and at the OCRB, he was still a
10 colonel.

11 Q. [10:42:38] Now, other than -- other than Mahamat Said and Linguissara, which
12 other senior Seleka do you recall were at OCRB at the time you were there?

13 MS NAOURI: [10:43:03](Interpretation) Your Honour.

14 PRESIDING JUDGE SAMBA: [10:43:05] Yes.

15 MS NAOURI: [10:43:06] (Interpretation) Unless I've missed something, I don't
16 believe I heard the witness talking about other senior Seleka officials. This is quite
17 leading. The witness did not speak of any other senior Seleka members. So I think
18 questions should be put in a way not to lead the witness. For example: Who else
19 was there? Did you see other people? But not "senior Seleka". Because the
20 witness is being led with a view to eliciting a name.

21 PRESIDING JUDGE SAMBA: [10:43:43] Madam Prosecutor, please rephrase. We
22 know he spoke about Linguissara. You could ask him if any other Seleka was there,
23 maybe.

24 MS NDAGIRE: [10:43:58]

25 Q. [10:43:58] Mr Witness, which other Seleka, if any, were at the OCRB?

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 A. [10:44:05] Thank you very much. Thank you. That's the part -- well, I
2 appreciate the Court. He was a member and one of them, Alkatim was his name,
3 that guy still reigns in the area engaging in violence, {ICR: (Redacted)}
4 (Redacted)} and he's still -- he's still location unknown. He's the one who
5 did everything, all the -- he's the perpetrator of all the violence. That man. {ICR:
6 (Redacted)} about the events, the patrols, when
7 he would come, twice he would bring a person who was already practically dead,
8 knocked about, so to take a decision about the person, it wasn't even possible to do
9 that. That man, {PFR: (Redacted)} -- {ICR: (Redacted)}
10 (Redacted)}

11 PRESIDING JUDGE SAMBA: [10:45:29] Sorry, Mr Witness, I'm going to ask that we
12 go into private session so we continue with your testimony because you are now
13 talking about your (Redacted).

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

15 (Private session at 10.45 a.m.)

16 THE COURT OFFICER: [10:45:54] We are back to private session, Madam President.

17 PRESIDING JUDGE SAMBA: [10:45:58] Thank you very much.

18 Yes, Madam Prosecutor, please carry on.

19 MS NDAGIRE: [10:46:08]

20 Q. [10:46:08] So, Mr Witness, what I have here in the transcript, you were about
21 to -- you were speaking more about Alkatim and you said, the last sentence that we
22 have here is, "That man, (Redacted)"
23 (Redacted)"

24 What else were you going to say?

25 A. [10:46:46] I wanted to specify -- I wanted to speak out, denounce the officers

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 who were there. I mentioned colonel from the gendarmerie, the commander
2 Linguissara. I mentioned the others. I didn't give the name of that man. That's
3 why that man, (Redacted), I remembered him. That is
4 why I wanted to stress that particular officer. I remembered him. So that's what
5 I was wanting to tell you.

6 Q. [10:47:48] And still in relation to Alkatim, you said at page 29 of the transcript,
7 lines -- lines 11 to 15, you said, "That man. (Redacted)
8 (Redacted) about the events, the patrols, when he would come, twice he would bring
9 a person who was already practically dead". Now, my question is: Where did
10 he -- where did he bring this person who was practically dead?

11 A. [10:48:29] They themselves, they would carry the body in their direction, the
12 bodies would be brought. (Redacted). Especially him, when he did things
13 like that.

14 Q. [10:48:54] But my question again is where did they bring the bodies to?

15 A. [10:49:04] They would throw the bodies wherever they wanted to.

16 Q. [10:49:12] So when (Redacted) these dead bodies?

17 A. [10:49:26] It was when -- the victims, the victims I saw. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 THE INTERPRETER: [10:50:15] The interpreter regrets, but the final part of the
24 response is unclear.

25 MS NDAGIRE: [10:50:22]

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 Q. [10:50:23] Mr Witness, the interpreters didn't catch what you were saying.

2 Could repeat your response, please, for the record?

3 A. [10:50:36] As I was telling you, (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted), I

8 knew that.

9 Q. [10:51:25] And just to confirm again, where (Redacted)

10 (Redacted)?

11 A. [10:51:38] (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:52:06] And where was this police post located?

15 A. [10:52:19] The police post was opposite the entrance to the office of Mahamat

16 Said. His office was in the big room of the arrondissement and we, we had a small

17 building where the -- that's where the cells were. There were cells there. In my

18 statement I -- well, they filmed the place. If you use the photographs of the cells,

19 you'll see (Redacted) with the other rooms (Redacted).

20 Q. [10:53:18] And this boy who was brought before you, what had he done?

21 A. [10:53:28] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted). I said Mahamat Said again.

25 Q. [10:54:07] And apart from Alkatim, which other Seleka did you see at the

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 OCRB?

2 A. [10:54:26] I didn't -- I don't really remember. There were four. I haven't kept
3 their names, but the one who was relevant, the one who was very aggressive who
4 I was keeping an eye on was Alkatim. He is the one I noticed and I certainly
5 remember him.

6 Q. [10:55:04] Now, earlier on in your testimony, you had mentioned that about 30
7 Seleka had been deployed, a group of 30 had been deployed to OCRB.

8 And I'm trying to find the reference of this. I will provide it to the Court later.

9 But my question is now: These 30 Seleka, what were they doing at the OCRB?

10 A. [10:55:49] They were there for security purposes, for the security of the unit.

11 Q. [10:55:56] And I found the transcript reference. It's page 21, lines -- lines 24 to
12 25 of the English real-time.

13 And now my next question after that is: These Seleka who were at the OCRB, who
14 did they report to?

15 A. [10:56:29] General Nouradine. He was the supreme chief. He was the one
16 giving the orders. He was running the show, him, Nouradine.

17 Q. [10:56:55] And what is Nouradine's other name?

18 A. [10:57:03] Adam. He was the one. He was always with President Djotodia.

19 He was always with President Djotodia. And everything he did he reported directly
20 to the president.

21 Q. [10:57:24] And how often (Redacted) Nouradine Adam at the OCRB?

22 A. [10:57:41] Several times. At night, during the daytime, he was always at the
23 OCRB. Be it day or night, he was always there.

24 Q. [10:57:59] And what was he doing at the OCRB?

25 A. [10:58:12] He was the one issuing the orders, orders to -- he would give orders

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 and they would be passed on. When he would bring someone in his car, he would
2 ask that the person be immediately locked up and immediately (Redacted) hurry in a
3 security room to keep him there.

4 Q. [10:58:47] And when you say at page 34, line 6 that he would give orders and
5 they would be passed on, who did he give these orders to?

6 A. [10:59:10] I can see that the OCRB was a mixture of people. There were police
7 officers, national police, supported by the Seleka. So all those people received orders
8 from the general -- were subjected to the orders of the general.

9 MS NDAGIRE: [10:59:49] Madam President, I see that it is almost time. Perhaps
10 we can take the break now.

11 PRESIDING JUDGE SAMBA: [10:59:56] Okay.

12 Mr Witness, we're going to take a short break and we'll come back at 11.30.

13 I rise the Court for 11.30, please.

14 THE COURT USHER: [11:00:08] All rise.

15 (Recess taken at 11.00 a.m.)

16 (Upon resuming in open session at 11.33 a.m.)

17 THE COURT USHER: [11:33:41] All rise.

18 Please be seated.

19 PRESIDING JUDGE SAMBA: [11:34:07] Good morning again, everyone.

20 Now, Mr Witness, we are going to continue with your testimony in-chief by the
21 Prosecution. We're in open session.

22 Madam Prosecutor, your witness, please.

23 MS NDAGIRE: [11:34:34] Thank you, Madam President.

24 I think we can -- we can try and continue in -- we can try and continue in open session
25 and see how it goes.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [11:34:50] Yes, continue then, please.

2 MS NDAGIRE: [11:34:55]

3 Q. [11:34:56] Now, Mr Witness, just before the break, you were telling us about
4 Nouradine Adam -- and I'm referring to page 34 of the transcript.

5 And now my question is: How was Nouradine Adam treated by the Seleka at the
6 OCRB?

7 A. [11:35:32] He was the first person who was highly respected. He was a general.
8 He was always close to the president, who would issue orders and everybody would
9 comply with his instructions.

10 Q. [11:36:02] Thank you, but my question was how did the Seleka at OCRB treat
11 Mr Nouradine Adam?

12 A. [11:36:22] Well, he was a general, respected by everybody. That's my answer.

13 Q. [11:36:37] And how did Mr Said treat Nouradine Adam at the OCRB?

14 A. [11:36:54] He was also a simple executing person, like any other.

15 PRESIDING JUDGE SAMBA: [11:37:11] I'd like to know when he says
16 "he" -- counsel, at times when the witness refers to people like "he", "we", "she", "they",
17 I'd like to know who he is really talking about.

18 MS NDAGIRE: [11:37:28] Yes.

19 Q. [11:37:29] Mr Witness, could you be specific, please. When you say, "He was
20 also a simple executing person", who are you referring to?

21 A. [11:37:50] I was answering your question on Mahamat Said. Mahamat Said
22 was answerable to orders from General Nouredine.

23 Q. [11:38:10] And what orders, if you know, did Nouradine Adam give Mahamat
24 Said while he was at the OCRB?

25 A. [11:38:33] When he would come back from patrols, if he brings back any

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 individuals, he would hand them over to the OCRB to Mahamat Said who would
2 then keep them in the cells and determine their identity and proceed with anything
3 else that needed to be done.

4 Q. [11:39:13] And so that the transcript is clear, again, can you confirm who it was
5 that had come back from the patrols? Your answer, you said, "When he would come
6 back from patrols" -- who was that?

7 A. [11:39:29] That is Nouradine -- Nouradine. When he went out, whenever he
8 came across people involved in violence and attacks, he and his men -- you see,
9 General Nouredine when he went about, he would be in the company of some men
10 in his vehicle. And whenever he found something wrong, he would arrest persons
11 and then bring them to (Redacted) unit, the OCRB.

12 Q. [11:40:30] And when you say that Nouradine when he went out, whenever he
13 came across people involved in violence and attacks, he and his men -- who -- who
14 were these men that you referred to?

15 A. [11:40:57] He had his *aide-de-camp*, and his men would be those who were close
16 to him. That is why I told you that he came to the OCRB both during the day and at
17 night.

18 Q. [11:41:21] And so that we understand, when -- when Mr Nouradine went out on
19 these patrols, who was in charge of affairs at the OCRB?

20 A. [11:41:39] I have told you that the OCRB service was a joint or mixed service, the
21 legal police as well as the Seleka detachment in support. So orders would be issued
22 either by the person in charge of the police, but then it will be the Seleka which would
23 do the work on the ground.

24 Q. [11:42:25] And who was the person in charge of the police?

25 A. [11:42:36] The person is currently the general director of the police.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 Q. [11:42:45] And then who was in charge of the Seleka at the OCRB?

2 A. [11:42:58] It was the officers, a group of officers, General or Colonel Mahamat
3 Said who was under General Alkatim. And then there were other colonels who
4 were officers and whose names I now don't remember.

5 MS NDAGIRE: [11:43:22] All right. Perhaps, Madam President, we can now turn
6 back to private session. My apologies to the gallery.

7 PRESIDING JUDGE SAMBA: [11:43:33] Madam Court Officer, can we go into
8 private session please.

9 (Private session at 11.43 a.m.)

10 THE COURT OFFICER: [11:43:58] We are in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [11:44:02] Thank you very much. Madam Prosecutor,
12 carry on please.

13 MS NDAGIRE: [11:44:10]

14 Q. [11:44:11] Now, Mr Witness, you told us earlier this morning that (Redacted)
15 (Redacted), and what I'd like to know is (Redacted).

16 A. [11:44:38] (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SAMBA: [11:44:55] Carry on, counsel.

19 MS NDAGIRE: [11:45:04]

20 Q. [11:45:04] (Redacted)?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [11:47:11] And these prisoners that (Redacted), where

9 were they kept or where did they stay at the OCRB?

10 A. [11:47:30] They were -- there was a jail, or there were compartments. The

11 highway robbers were held somewhere, and common law offenders who would fail

12 to pay their debts or those such minor crimes would also be held at another end. So

13 every morning (Redacted) had to open the door to see in which state the detainees

14 were. If some were unwell, the elements would promptly have to take them to the

15 hospital and bring them back. (Redacted).

16 Now, when the other took over, (Redacted)

17 (Redacted)

18 Q. [11:48:31] And when you say "the other took over", who do you mean?

19 A. [11:48:41] I'm referring to (Redacted).

20 Q. [11:48:50] All right.

21 Mr Witness, earlier this morning, at page 20 -- 28 of the transcript - I'm referring to the

22 English real-time transcript, lines 3 to 5 - you said the following:

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 And now my question is: Were these -- these activities part of (Redacted)

2 (Redacted)?

3 A. [11:49:48] Yes, that's what (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [11:51:02] And who made these complaints?

12 A. [11:51:14] The victims. Those who considered themselves to be facing
13 problems would draft complaints and (Redacted).

14 Q. [11:51:37] And when you say (Redacted), with the exception of crimes, the
15 crimes were referred to the hierarchy, who was the hierarchy?

16 A. [11:51:57] Well, in legal matters Colonel Mahamat Said was in charge. If it
17 came to interventions, General Alkatim was the one who would go to the field and
18 take the necessary actions and bring back -- bring them back.

19 Q. [11:52:31] Could the court officer please display on the witness's screen tab 2 of
20 the Prosecution list. This is CAR-OTP -- CAR-OTP-2100-2694.

21 I'll repeat again it's 2100-2694.

22 This document is not yet formally submitted.

23 Mr Witness, do you see the document on your screen in front of you?

24 A. [11:53:18] Yes, I can see it.

25 Q. [11:53:27] And what is this document?

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 A. [11:53:37] This is the plan that I drew of the OCRB. It's the situation map so to
2 speak.

3 Q. [11:53:51] And perhaps could the court officer turn -- turn the -- the document
4 anticlockwise? Oh, the other way around, and make it a little bit bigger so we can
5 see it. Thank you.

6 And when did you draw this plan, Mr Witness?

7 A. [11:54:24] That was when the ICC investigators called me and asked me to shed
8 light on their investigations.

9 Q. [11:54:44] Now, I'd like you to take us through the illustrations that we see here
10 on this plan, starting with -- I see a letter "B" to the left of the plan. Do you see that,
11 Mr Witness?

12 A. [11:55:06] Yes. That is the security chamber.

13 Q. [11:55:21] And what was the purpose of this security chamber?

14 A. [11:55:29] You see that building which is separated into three rooms, in the first
15 room highway robbers were held -- that is, those who killed others were held in that
16 house, in that cell, in those cells. You see three of them. Then you see at number
17 "1", "B", and then you can see the second and the third on the sketch.

18 Q. [11:56:06] And perhaps if I can ask the assistance of the court officer to assist the
19 witness to indicate with the electronic pen.

20 And now, Mr Witness, I'll ask you kindly to indicate with the number "1", the cell
21 where you say the high -- highway robbers were kept -- were held, rather?

22 A. [11:56:50] You see, there are three rooms. The first one. The second one here.
23 And that's the third one. This was especially for the highway robbers, that's where
24 they would be dumped.

25 Q. [11:57:22] And so am I correct that the highway robbers were in all these three

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 cells that you have just indicated with the dots?

2 A. [11:57:36] Yes. That's what it is, and that's what I drew myself in my own
3 hand.

4 Q. [11:57:58] Okay. Now, Mr Witness, moving on to the next illustration at the
5 top of the plan, we see some writings there. They're not legible, at least for me.
6 Could you explain what you wrote up there?

7 A. [11:58:26] In the first room to the left that is the security room. This was where
8 prisoners who did not commit any serious crimes were generally held. They would
9 be the common law prisoners who would have defaulted in paying their debts or
10 have been caught in adultery or any other in flagrante delicto misdemeanours not
11 involving great violence, well, they would be held there. But when it came to
12 violence with assault and injuries, they would be in part B. But for the other
13 common law offences, they would be in that security room.

14 MS NAOURI: [11:59:43](Interpretation) Madam President.

15 PRESIDING JUDGE SAMBA: [11:59:45] Ms Naouri.

16 MS NAOURI: [11:59:47](Interpretation) I'm sorry, I just want to interrupt simply for
17 a practical reason. We have a few dots and when we read the transcript back, we
18 will not be able to know what those dots are -- relate to and where there would be
19 arms or individuals, and so on and so forth. So it might be better to have a
20 numbering from 1, 2, 3, and so on and so forth, so that when we return to the
21 transcripts we will be able to understand them better.

22 PRESIDING JUDGE SAMBA: [12:00:22] Yes, Madam Prosecutor.

23 MS NDAGIRE: [12:00:26] Yes, you pre-empted -- she pre-empted what I was going
24 to do. I was just letting the witness complete his answer and then ask him to
25 complete the numbers.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [12:00:36] Okay then, carry on then.

2 MS NDAGIRE: [12:00:40]

3 Q. [12:00:40] Mr Witness, were you still giving your answer, and you were
4 interrupted by Defence counsel, please complete what you were telling us. You had
5 said here, "for the common law" -- "the other common law offences, they would be in
6 that security room". Were you going to say anything else?

7 A. [12:01:06] No. Otherwise -- for example, if a staff member did something
8 wrong, they would be put in the second one. And then the second, that's the place
9 where staff members. If the third -- the third, that was like the police station. If
10 things had been stolen, goods had been stolen, they'd be put in there. And behind
11 us, in front, there's sort of a tablet and (Redacted)
12 (Redacted)
13 (Redacted). So, you see, there's three rooms, or

14 compartments. There's another safety room and the other room is -- well, if there's
15 enough -- if there's enough stuff, you would put it there, and so on and so forth.

16 Q. [12:02:29] All right. So, Mr Witness, I would like you to indicate by writing
17 specific numbers to show the places that you've just talked about.

18 Now, starting with the cells where you said the highway robbers were held. Please
19 indicate with the number "1", *numéro 1*, using that electronic pen.

20 A. [12:03:04] Yes.

21 Q. [12:03:05] Thank you very much. And now the *chambre de sécurité* that you
22 talked about next, please indicate the number "2", *numéro 2*?

23 A. [12:03:31] Yes.

24 Q. [12:03:31] And now the cell where staff members who did something wrong that
25 you also told us about, please indicate with the number "3", *numéro 3*.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 A. [12:03:59] I started with "B" and I indicated "1", and the security room I marked
2 "2". So are you talking about the chamber that was underneath the ground or?

3 Q. [12:04:18] No, no, we haven't got there yet. Just before you started marking the
4 numbers, you told us sometimes there were staff members who did something wrong,
5 and you then indicated with a dot somewhere on the map that -- to indicate that's
6 where those staff members were held. Now, could you, using the pen, put that
7 number "3" to show where those staff members were held.

8 A. [12:04:58] It's number "3".

9 Q. [12:05:02] Thank you very much.

10 Now, moving on to the -- the illustration that's next to the number "3", could you
11 explain to us what that is?

12 A. [12:05:22] That's the police station, or post. I wrote "post" here "A". "A",
13 police post. It was an office where (Redacted).

14 Q. [12:05:40] And when you say "(Redacted)"
15 (Redacted)?

16 A. [12:05:54] (Redacted)

17 (Redacted)

18 (Redacted)

19 I even -- I even marked that with an "A". That's the police post.

20 Q. [12:06:34] And just to confirm again, which people worked at the police post?

21 A. [12:06:48] The elements who took part in the various interventions, who
22 reported to Alkatim. He would send them out into the field and they would come
23 back. They were the ones whom we used to keep an eye on the detainees when they
24 were outside doing their chores. (Redacted).

25 Q. [12:07:21] Mr Witness, so that it's very clear for the court record, when you say

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:08:02] Thank you for that clarification.

7 And now if I can ask you in the same manner, using the pen, please indicate number
8 "4", *numéro* 4, the police post (Redacted)? Thank you very much.

9 Okay. Okay.

10 And now moving to the illustration right below. Please explain to us what those
11 illustrations mean or what you were trying to show?

12 A. [12:08:55] Opposite the police post there was a large building, the building of
13 the unit. There was a large building with different compartments, rooms. So at the
14 entrance to "B" there was an entrance there. And opposite the director of the OCRB,
15 there was a police officer. His rank was lieutenant colonel. He was there, at the
16 corner there, when you come in on the left.

17 Q. [12:09:38] Can you indicate with the number "5" where this entrance that you're
18 referring to is?

19 A. [12:09:52] Here's the entrance.

20 Q. [12:10:02] And then when -- the large building that you said had different
21 compartments or rooms, I see a square there with some illustrations. What is that
22 square? It's to the right of number "5".

23 A. [12:10:29] That's the large office of the unit. The large office.

24 Q. [12:10:41] Okay. And in this large office I see the letters "D" and "E". What
25 was in the -- or what was the letter "D"?

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 A. [12:10:55] Letter "D" that's the office of Mahamat Said.

2 Q. [12:11:02] All right. And now using the number "6", please indicate to confirm
3 the office of Mahamat Said.

4 Thank you very much.

5 And then we now see the letter "E". What does "E" represent or indicate?

6 A. [12:11:35] That's the room, or chamber, in which they made a big hole, a big pit,
7 and bandits -- the men who had done evil, who had killed. It wasn't dug by the
8 Seleka. When this unit, or this office -- when the OCRB was built, they built -- they
9 dug a cellar, so that's where I put letter "E". It's a gulf. Ever since that office was
10 created, they -- they dug that hole and they dug it deeper.

11 THE INTERPRETER: [12:12:43] Interpreter's message: The witness used the word
12 "*gouffre*", which could be rendered best by "pit".

13 THE WITNESS: [12:12:54](Interpretation) May I mark that?

14 MS NDAGIRE: [12:12:57]

15 Q. [12:12:57] Yes, please. Mark it with the number "7".

16 And so I would now like to focus a bit more on this pit that you have marked with the
17 number "7". You said it was a "room, or chamber, in which they made a big hole, a
18 big pit, and bandits -- the men who had done evil, who had killed".

19 What do you mean? Who are these people who had done evil?

20 PRESIDING JUDGE SAMBA: [12:14:04] Did you get the question, Mr Witness?

21 THE WITNESS: [12:14:10](Interpretation) If you could repeat the question please.

22 MS NDAGIRE: [12:14:15]

23 Q. [12:14:15] So my question was: You were telling us about the pit which was at
24 number "7", and you said earlier on that it was a "room, or chamber, in which they
25 made a big hole, a big pit, and bandits -- the men who had done evil, who had killed".

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 And my question is: Who were these people who had done evil?

2 A. [12:14:54] Well, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) -- and it was at the

8 corner, you see. At the outside there's sort of a -- a wall just to let some air in. And

9 inside there's a pit. It was an underground hole that had been there ever since the

10 OCRB was built, ever since the OCRB. Even now the police officers of that office are

11 using this pit, at the present time, right up until now.

12 Q. [12:16:28] And who -- who would decide who would be put in this

13 underground pit at the OCRB?

14 A. [12:16:42] I tell you, (Redacted)

15 (Redacted) that's where they kept -- the police officers who were

16 keeping the bandits, the highway robbers, they put them there. And, you see, it's

17 impossible to even see the bottom of it. It is so dark. (Redacted)

18 (Redacted)

19 Q. [12:17:36] And how close, if you can measure, how close was Mr Said's office to

20 this underground pit, if you know? You can perhaps use the size of this courtroom

21 to describe to us.

22 A. [12:18:09] It was -- well, his office -- let's say his desk is here and the pit was over

23 there. When you cross his office, you immediately find yourself at the pit that you

24 walk over. And then there's a corridor that leads directly to the director of the

25 national police. So the office, the -- the director of the national police, the director of

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 the unit, OCRB, it -- it goes to the pit here by way of a sort of a hallway and it goes
2 directly at the corner. And he -- when he -- the director of the police -- well, when
3 they are working, (Redacted) to assist. They themselves put people in that hole.
4 Even today it -- it still is happening.

5 Q. [12:19:24] Thank you for that.

6 Perhaps this document could now be given an exhibit number, the witness having
7 completed marking it.

8 PRESIDING JUDGE SAMBA: [12:19:36] Madam Court Officer, can we have an ERN
9 number for that document, please.

10 THE COURT OFFICER: [12:19:42] Of course, Madam President. The annotated
11 item displayed in court, tab 2 of the list of the Prosecution material, will bear the
12 following Registry number: CAR-REG-0002-0126.

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

14 Madam Prosecutor, please carry on.

15 MS NDAGIRE: [12:20:14] Thank you very much. And we formally request the
16 submission of that document. And it may be now removed from the screen.

17 And could the court officer now, please, display tab 18 of the Prosecution list. This is
18 CAR-OTP-2033-6871.

19 I'll repeat the number, CAR-OTP-2033-6871.

20 And this document is already formally submitted.

21 Q. [12:21:05] Mr Witness, do you see the image on your screen?

22 A. [12:21:14] Yes. That's the location.

23 Q. [12:21:22] What location are you talking about?

24 A. [12:21:33] The compartment of the OCRB. Behind, at the corner on the table,
25 there's sort of a thing, (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 Q. [12:22:06] And using the electronic pen again, can you indicate number "1"

4 to -- to show where (Redacted) was?

5 A. [12:22:29] There you go.

6 Q. [12:22:31] Thank you.

7 And now we see a number of doors next to (Redacted). Can you explain to the

8 Court what these doors were, or what these structures were?

9 A. [12:22:57] Number "1", to the left, that's the storage room. The door to the left,
10 that's the storage room. May -- may I number it as number "2".

11 Q. [12:23:15] Yes, I'd be grateful.

12 A. [12:23:26] 2 -- and 3, door number "3", if one of the men or staff -- I've already
13 written "4" I think. One of the effective members -- I'm going to write "4", if you
14 don't mind, and I'll explain.

15 Q. [12:23:56] Please go ahead.

16 A. [12:24:05] Okay, number "4". If the number of common criminals -- (Redacted)
17 (Redacted) if the number was large, (Redacted) move some of them to number
18 "3" -- to 3. So these two compartments were for common criminals.

19 Q. [12:24:43] And when -- when you say "common criminals", what kind of crimes
20 had these people committed?

21 A. [12:24:55] (Redacted)

22 (Redacted)

23 (Redacted) -- for example, nonpayment of debt or a

24 violation of the home, other offences that were, well, more minor. The people would

25 be chucked in here. If there was a fight between two people, (Redacted) would grab

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 them by the ear and put them in number "3", chuck them into number "3". So that's
2 what "4" and "3" were for.

3 Q. [12:26:04] And who decided that cells number "3" and "4" were to be used for
4 common criminals?

5 A. [12:26:19] The director of police, the person in charge of the unit, the OCRB. If
6 he saw the extent of the infraction or the offence committed by the person, (Redacted)
7 (Redacted), "Put him in -- in number '4'." Or if there were too
8 many people, he would be put in "3". So the police as well. And also police officers
9 who had been seconded (Redacted).

10 Q. [12:27:10] All right, so going back to (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [12:29:10] And back to when you told us earlier this morning at page 28 of the
22 transcript that (Redacted) receive complaints and then (Redacted) report
23 these things to Said by way of the daily logbook. Who was in charge of this daily
24 logbook, (Redacted)?

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:30:37] I'm just waiting for the rest of the sentence.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 OCRB, how many people were brought, who were detained at the OCRB?

2 A. [12:33:31] Well, you know, these were -- these were difficult times (Redacted)
3 experienced, and (Redacted) tried to restore order to the extent possible from where
4 (Redacted) were. If the police and the Seleka came together here following orders
5 from the president, you see, before, the policemen were unable to reach their
6 objectives, they were overwhelmed by people who would break into various places
7 and leave, or break out and leave. And that's how the Seleka were brought in as
8 support, and then, gradually, the number of misconduct by the bandits began to
9 reduce. That's how it happened.

10 Q. [12:34:40] Thank you for that. But I'll rephrase or ask the question again.
11 How many people, the different prisoners or detainees that you said were held in
12 places like number "3" and number "4" in your cell -- on this photograph, how many
13 were brought to OCRB during the time that (Redacted), if you recall?
14 You can give us an estimate.

15 A. [12:35:11] I -- I think (Redacted). Then
16 the president came and put an end to (Redacted) support mission. He, himself, came
17 to (Redacted) that now it's all over and you have to go back to Camp Béal so that the
18 unit can be in the hands of experts.
19 So it was a rainy day, it was raining heavily on that day and he came himself and
20 ordered (Redacted) to return each to their own previous units.

21 Q. [12:36:05] I'll try again.
22 My question is: During the period of time, the (Redacted)
23 (Redacted), how many people were detained in the cells? How many were brought
24 and put in the cells?

25 A. [12:36:35] Well, (Redacted), there were already

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 people who had already been arrested there. Now, well, over time, what I can say is
2 I cannot be specific. Sometimes people would be released on a daily basis while
3 others would be brought in, so I'm sorry, I cannot give you a clear number, I can't.
4 Some were released, some were brought in, maybe two or three at night or four or
5 five in the day, and then some would be released, and then two or three would be
6 released per day and so things -- there was a quick turnover and I'm not able to give
7 you an exact number at this time.

8 Q. [12:37:32] That's all right, Mr Witness.

9 But I would like to know now, who decided which people would be released from the
10 OCRB?

11 A. [12:37:52] Well, most of the time it would be people who had problems with,
12 well, you know, like this -- the fights and skirmishes or problems on public highway.
13 Maybe they would be fined 10,000 -- 10 francs or something like that. If the two
14 would agree, then they would be released. Failure to pay debts, if someone was
15 arrested for that reason and a relative brought the money that was required, then the
16 money would be handed over to the rightful owner and those persons would be
17 released. And that is why I -- I tell you that I cannot give you an exact number of the
18 people, because, you see, sometimes (Redacted) may be aware of how many people
19 had gone through. But it could be someone -- it would be the other one working and
20 then he would deal with a different situation, and that's why the job was split
21 between both (Redacted).

22 Q. [12:39:07] But do you know who would take the decision to release people from
23 the OCRB?

24 A. [12:39:21] It was mostly Mahamat Said or the director of the police -- those two.

25 Q. [12:39:34] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 I think we can -- could we -- could we please have a number for this document, the
2 exhibit.

3 PRESIDING JUDGE SAMBA: [12:39:45] Madam Court Officer, can we have an ERN
4 number for that document, tab 18, please?

5 THE COURT OFFICER: [12:39:52] Yes, Madam President.

6 Tab 18 of the Prosecution list of material annotated by the witness in court will bear
7 the following Registry number: CAR-REG-0002-0127.

8 PRESIDING JUDGE SAMBA: [12:40:13] Thank you very much.

9 Madam Prosecutor, please continue.

10 MS NDAGIRE: [12:40:19] Thank you very much, Madam President. This
11 document may now be removed from the screen.

12 And could the court officer please display now tab 19 of the Prosecution list. And
13 this is -- the ERN for this document is CAR-OTP-2033-7064.

14 And I'm wonder maybe perhaps we can try and move to open session for the next
15 series of questions.

16 PRESIDING JUDGE SAMBA: [12:41:04] Madam Court Officer, can we go into open
17 session please.

18 (Open session at 12.41 p.m.)

19 THE COURT OFFICER: [12:41:18] We are in open session, Madam President.

20 PRESIDING JUDGE SAMBA: [12:41:22] Thank you very much, Madam Court
21 Officer.

22 Please carry on.

23 MS NDAGIRE: [12:41:33] Thank you. And perhaps then the document can also be
24 displayed in the gallery for the public to see.

25 Q. [12:41:44] Mr Witness, do you see the document on your screen?

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 A. [12:41:53] Yes. Yes, I can see it.

2 Q. [12:41:57] Have you seen this photograph before?

3 A. [12:42:06] Yes, that's the jail for the anti-gang.

4 Q. [12:42:24] And when you say, I think it was anti- -- the "anti-gang", what do you
5 mean? That's the word we have here on the English transcript.

6 A. [12:42:43] The anti-gang, well, this deals with highway robbers, killers, those
7 who snatch things from others forcibly or by firing arms, and those types of people
8 are held in those three rooms.

9 PRESIDING JUDGE SAMBA: [12:43:12] Madam Prosecutor, before you go -- before
10 you proceed, maybe just for clarification. I know the tab 18 you asked for -- that the
11 court Registrar give it an ERN number. But do you want it formally submitted, the
12 annotated version, just for the record so we -- I know it's implicit, but just for the
13 record so it's correct and clear.

14 MS NDAGIRE: Yes, please, we would like it formally submitted. My apologies.

15 PRESIDING JUDGE SAMBA: [12:43:41] Thank you very much. Carry on please.

16 MS NDAGIRE: [12:43:52]

17 Q. [12:43:53] And, Mr Witness, who decided that these highway robbers and killers
18 should be detained in these cells?

19 A. [12:44:14] Well, {ICR: (Redacted)}, it
20 is the national police that decided on what happened to such people by dumping
21 them in there. It is opposite the office of the director of the OCRB. That house is
22 opposite his. As you can see, I showed you at the entrance his office is right here,
23 which I identified as "police", I put in "police". That is the office of the director of the
24 OCRB.

25 But this unit is opposite his office. So when he decides and he sees that things are

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 not going well, he would send those people directly to that location, and that is where
2 they have always held those criminals.

3 Q. [12:45:09] And now you've mentioned the office of the director of the OCRB.
4 Can you see that in this photograph?

5 A. [12:45:20] Well, if you look to the left as you come in at the entrance, there's a
6 small spot at the entrance where I have positioned his office, where there is a "1" -- no,
7 rather "B". This is referring to the previous sketch. So opposite that you would see
8 "police" where I have identified, I have marked "police". That's the director's office.

9 Q. [12:46:02] And just to confirm, were all the three rooms or -- yes, rooms, that we
10 see in this photograph, were they all held -- used to hold the highway robbers that
11 you told us about?

12 A. [12:46:21] Yes. Yes, there. That's where the OCRB, even from its creation, has
13 always held all the robbers and killers, all of them, there.

14 Q. [12:46:52] And who -- who decided when and if these highway robbers or
15 people held in these cells could be released? I'm talking about the period when
16 (Redacted).

17 A. [12:47:23] Well, {ICR: (Redacted)}, which I showed you on that sketch. It is the
18 director of the police or Mahamat Said who, after contacting the president of the court
19 or the tribunal, would come back and then decide whether or not to release the
20 person. Or it could be the director of the police who, after obtaining some
21 clarifications, would be able to find out from the president what the appropriate
22 action should be, whether it's release or not. And if it were release, he would write it
23 down {PFR: (Redacted)}, and {ICR: (Redacted)}, the person
24 would be released to his office. And he would be the final person to determine the
25 release, or issue the release order.

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Open Session)

ICC-01/14-01/21

1 Q. [12:48:34] Just so it's clear for the record, when you say "he would be the final
2 person" who -- to determine the release, who are you talking about?

3 PRESIDING JUDGE SAMBA: My understanding is that it would be the two
4 persons -- either of the two persons to whom he refers the matter, either
5 to -- according to him, Mahamat Said or the police director.

6 THE WITNESS: [12:49:06](Interpretation) Mm-hmm, that's correct.

7 MS NDAGIRE: [12:49:14] I'm guided, Madam President.

8 This document may be removed from the screen.

9 Could the court officer please display now tab 22 of the Prosecution's list. The ERN
10 of this document is CAR-OTP-2033-7056 -- 2033-7056.

11 And it may also be displayed in the gallery. And this document is already formally
12 submitted.

13 Q. [12:50:07] Mr Witness, do you see the photograph on your screen?

14 A. [12:50:17] Yes, I can see it.

15 Q. [12:50:20] And have you seen this photograph before today?

16 A. [12:50:33] I -- it -- it is actually Mahamat Said's office, beside -- near -- behind.

17 That is, which leads to the -- to the pit. That's the office.

18 Q. [12:50:52] Could you, using the electronic pen, please indicate with the number
19 "1" where Mahamat Said's office was or is in this photograph?

20 PRESIDING JUDGE SAMBA: [12:51:13] If -- if you can see it at all. If you can see
21 the office at all, Mr Witness, mark that as "1".

22 THE WITNESS: [12:51:27](Interpretation) Well, you see the door, the blue door,
23 that's where his office is.

24 So that's the entrance and that's where the office is. You come in and that's his office.

25 Well, the bench, which you can see opposite the arrow, you can see the tip, the tip of a

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 bench or desk where the complainants would sit in front of him to -- to lay their
2 complaints.

3 MS NDAGIRE: [12:52:26]

4 Q. [12:52:26] And you mentioned a pit, Mr Witness. Could you illustrate, again
5 using the pen, or write the number "1" where you see the pit in this photograph?

6 A. [12:52:48] It's here.

7 Q. [12:53:05] I see an arrow that you have drawn, but could you, so that we can
8 distinguish the illustrations you've made, please write the number "1", *numéro 1*,
9 where the pit is?

10 PRESIDING JUDGE SAMBA: [12:53:27] And, Madam Prosecutor, before you
11 continue, may I, because we've had a lot of redactions -- Mr Witness, can I advise that
12 you refrain from talking about your role or saying anything that would reveal your
13 identity, because we're in open session. So be cautious, please.

14 Madam Prosecutor, please continue.

15 MS NDAGIRE: [12:53:59] Or perhaps out of caution we could move back to private
16 session.

17 PRESIDING JUDGE SAMBA: [12:54:03] Madam Court Officer, can we go into
18 private session, please.

19 (Private session at 12.54 p.m.)

20 THE COURT OFFICER: [12:54:17] We are back to private session, Madam President.

21 PRESIDING JUDGE SAMBA: [12:54:20] Thank you very much.

22 Madam Prosecutor, please carry on.

23 MS NDAGIRE: [12:54:29]

24 Q. [12:54:29] Now, Mr Witness, who decided -- or firstly -- yes, who decided who
25 should be detained in this pit? You told us earlier this afternoon -- this morning, that

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 the pit was used to -- it was used to detain -- I forget what the reference was.

2 But who decided who should be kept in this pit?

3 A. [12:55:13] I told you that that pit was created even from the time of the creation
4 of that unit -- that is, the unity for -- the unit for repression. It was at the time the
5 house was being built that the hole was dug. And at that time people were being
6 locked up there. And this was the era of the dictatorship -- there was a dictatorship
7 ongoing. So that pit has been operational since the days of Bokassa. It was Bokassa
8 who allegedly created that unit for the repression of banditry. So this is something
9 that was in place for a long time ago. People were being put in there.

10 And (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)." And that's how I got to find out about that

16 pit.

17 Q. [12:57:09] Yes, and while (Redacted), who decided that

18 highway robbers --

19 PRESIDING JUDGE SAMBA: [12:57:21] Yes.

20 MS NAOURI: [12:57:23](Interpretation) Madam President, the witness needs to be
21 guided in time. He did not say that he did not see (Redacted)

22 (Redacted). That's not the witness's testimony. I let my

23 learned colleague ask the question the first time, but the witness needs to be guided in

24 terms of time, the time frame. You cannot ask him who decided to put people into

25 that pit (Redacted), because the witness never said that he saw

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 anybody (Redacted). So we are putting a question to the witness based on false
2 information.

3 PRESIDING JUDGE SAMBA: [12:58:07] The witness's testimony is that even before
4 (Redacted), when the OCRB was built people were being put in that particular
5 location, in the pit. And (Redacted), his testimony is also that people were put in the
6 pit. Yes, he did. (Overlapping speakers)

7 MS NAOURI: [12:58:34](Interpretation) No, no, Madam President. No, the witness
8 has just said that I did not say that. His testimony is that he did not see anybody,
9 and I know the floor be given to the witness. My objection is based on what the
10 witness said, Madam President.

11 PRESIDING JUDGE SAMBA: [12:58:50] His -- the witness's testimony is that that
12 (Redacted) anybody in the pit. He had already said that the pit was dark and things
13 like that. I think I'll allow the counsel's question as to who decided. If there was
14 nobody in the pit or if nobody decided that people would be put in the pit, that
15 witness is -- is -- I mean, he's clear enough -- he would say so. He would say so.
16 Please put the question.

17 MS NDAGIRE: [12:59:30]

18 Q. [12:59:30] Now, Mr Witness, I will ask you the question again and I now found
19 the reference in the transcript where you told us that you were informed that this pit
20 or the underground chamber was for bandits. This is page 49, the English real-time
21 transcript, lines 22 and on to page 50, where you said this:

22 "Well, (Redacted)

23 (Redacted)

24 (Redacted)

25 And then you go on to say:

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 And my question is: Who decided at the time (Redacted)

4 (Redacted), who took the decision that highway robbers, killers and criminals should
5 be held in that underground pit?

6 A. [13:00:55] I speak the truth and only the truth. Let me say that this is the
7 statement. When (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) that is

11 where highway robbers and killers are usually dumped.

12 You see, if you look at the photograph, you will see at figure "1" -- you will see there's
13 a hole there at number "1". So when, (Redacted)

14 (Redacted)

15 (Redacted). So

16 I don't want to lie to you. I simply want to objectively tell you the truth. And I will
17 speak the truth and I will always end up telling my truth. (Redacted)

18 (Redacted). But it has been verified, even if you go to Bangui today you will see that
19 there is a pit there. Even the police today are still using that pit. Thank you.

20 PRESIDING JUDGE SAMBA: [13:02:46] Madam Prosecutor, in respect of tab 22, can
21 we have an ERN number, Madam Court Officer for that document, please.

22 THE COURT OFFICER: [13:02:58] Absolutely, Madam President.

23 So the annotated item, the list of material -- Prosecution list of material tab 22, will
24 bear the following CAR Registry number: CAR-REG-0002-0128.

25 PRESIDING JUDGE SAMBA: [13:03:24] And do you want that formally submitted,

Trial Hearing
WITNESS: CAR-OTP-P-2161

(Private Session)

ICC-01/14-01/21

- 1 Madam Prosecutor?
- 2 MS NDAGIRE: [13:03:29] Yes, Madam President.
- 3 PRESIDING JUDGE SAMBA: [13:03:32] Thank you.
- 4 Mr Witness, we are going to end with your testimony here for today. Tomorrow, we
- 5 shall come again in the morning at 9:30 and take off from where you've left today.
- 6 So it will be examination-in-chief again by the Prosecutor, the Prosecutor on your left.
- 7 I'm going to advise that you do not discuss your testimony with anyone when you
- 8 leave this courtroom. You'd still be on oath when we meet here again tomorrow.
- 9 I rise the Court for 9:30 tomorrow morning, please. Thank you.
- 10 THE COURT USHER: [13:04:09] All rise.
- 11 (The hearing ends in private session at 1.04 p.m.)