

Trial Hearing
WITNESS: CAR-OTP-P-3112

(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 Thursday, 10 October 2024
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:05] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:31] Good morning, everyone.
14 Mr Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:34:36] Good morning, Madam President. Good
16 morning, your Honours.
17 This is the second situation in the Central African Republic, in the case of the
18 Prosecutor versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SAMBA: [9:34:55] Thank you very much.
21 Can I ask for representation, starting with the Prosecution, Ms Makwaia.
22 MS MAKWAIA: [9:35:02] Thank you, Madam President. Good morning,
23 your Honours.
24 For the Office of the Prosecutor this morning, Alessia Vitiello, Anusha Rawoah,
25 Sanyu Ndagire, Marie-Jeanne Sardacht and myself, Holo Makwaia.

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- 1 PRESIDING JUDGE SAMBA: [9:35:15] Thank you very much, Ms Makwaia.
2 Ms Pellet, you're alone today. Can you put your representation on the record,
3 please.
4 MS LANSELLE: [9:35:23] Thank you very much, your Honour.
5 So, it will be short. The victims are represented by myself Sarah Pellet, Office of
6 Public Counsel for Victims.
7 PRESIDING JUDGE SAMBA: [9:35:36] Ms Naouri for the Defence, please.
8 MS NAOURI: [9:35:40](Interpretation) Thank you very much, your Honour. Good
9 morning.
10 On my right, Maître Jacobs, Capucine Banet; behind me Clémence Farigoule. And
11 myself, I am Jennifer Naouri, lead counsel.
12 PRESIDING JUDGE SAMBA: [9:35:57] Thank you very much, Ms Naouri.
13 And for the record, we do take note that Mr Said is in court with us.
14 A very good morning to you, Mr Said. I hope I see you well.
15 MR SAID: [9:36:10](Interpretation) Yes. Good morning, your Honour.
16 PRESIDING JUDGE SAMBA: [9:36:12] Good morning.
17 Good morning, Mr Witness. I hope you rested well.
18 WITNESS: CAR-OTP-P-3112 (On former oath)
19 (The witness speaks French)
20 (The witness gives evidence via video link)
21 THE WITNESS: [9:36:21](Interpretation) Good morning, your Honour.
22 Everything's going very well. Thank you.
23 PRESIDING JUDGE SAMBA: [9:36:26] Good.
24 Now we're going to continue with your testimony and the Defence will be putting
25 questions to you. I wish to remind you that you're still on oath to say the truth to

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1 the Court. So I invite Mr Jacobs to start putting questions to this witness. Thank you
2 very much.

3 MR JACOBS: [9:37:27](Interpretation) Thank you very much, your Honour.

4 QUESTIONED BY MR JACOBS: (Interpretation)

5 Q. [9:37:35] Good morning, Witness.

6 A. [9:37:38] Good morning, Maître Jacobs.

7 Q. [9:37:44] *So you already know my name. Today I'm going to put questions to
8 you on behalf of the Defence team of Mr Said. I know that you and I are used to this,
9 but since we will be speaking the same language, I will remind you all the same that
10 we have to speak slowly and that we have to follow the five-second rule, that is to say
11 five seconds between my questions and your answers, and five seconds between your
12 answers and my questions. This is to ensure that the transcript is as precise as
13 possible, particularly when it comes to technical questions, because yesterday there
14 were times when it was a bit quick, I think. So everything needs to be transcribed.
15 Is that okay, Witness?

16 A. [9:38:34] It's perfectly understood, Maître Jacobs.

17 Q. [9:38:52] So the idea is to come back to certain aspects, not on everything, you've
18 been quite detailed yesterday with what you said about your mission and what
19 you've done. So just to go back to certain points to have some items of clarification
20 with regard to your instructions.

21 So if I've understood it well, you were instructed by Dr Baccard on 3 March 2016 to
22 conduct the scientific examinations on a lot of sites in Bangui; that is correct, is it not?

23 A. [9:39:30] I think that the date is wrong. From my memory, the letter of
24 instruction, the initial letter from the Prosecutor, Julian Nicholls, was from

25 3 March 2016. And that the appointment of an instruction was an appointment by

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1 the Dr Eric Baccard, chief of the forensic section and this letter of appointment, as an
2 expert, dated 9 March, from my memory. 9 March 2016.

3 Q. [9:40:13] Yes, absolutely. What I wanted to say is that Dr Baccard has
4 instructed you on 3 March and you've been appointed on 9 March. And you were
5 instructed to carry out examinations.

6 And I'm referring to T-119, French transcript, real-time, page 44, lines 7 to 14.

7 And you had to carry out examinations at CEDAD, OCRB, Camp de Roux, *Colline des*
8 *Panthères* and *rive de l'Oubangui*, Oubangui, banks of the river, or banks of the
9 Oubangui river.

10 Can you confirm that, Witness?

11 A. [9:40:59] Indeed, Maître Jacobs, those are the sites that are mentioned in
12 the instructions from the Prosecutor to -- of -- Julius -- these are the instructions which
13 were issued by the Prosecutor, Julian Nicholls, dated 3 March 2016.

14 Q. [9:41:31] In the transcript there is an inaudible part because was there a loss of
15 connection. Now you said it was the *sites* which were mentioned in something, I
16 imagine it is the letter of instruction of Prosecutor Julian Nicholls; would that be
17 correct?

18 A. [9:41:51] Indeed.

19 Q. [9:41:56] Did you carry out examinations on each of your site -- on each of these
20 sites during your missions to Bangui?

21 A. [9:42:07] During the mission to Bangui most of the sites or all of the sites, all of
22 the sites were examined. And, from my memory, our sites were covered.

23 THE INTERPRETER: [9:42:23] Last part was inaudible because there was a cut in
24 transmission.

25 MR JACOBS: [9:42:35](Interpretation)

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1 Q. [9:42:36] I'm sorry, once again there was a connection problem and we didn't
2 manage to catch what you said. You said another site was covered and then
3 the ending was lost.

4 A. [9:42:52] So, our sites were covered, the Centre of Research and Investigation in
5 Bangui as well.

6 Q. [9:43:21] Very well. So it wasn't mentioned in the letter of appointment that we
7 saw, the SRI wasn't mentioned. Did you receive a new letter asking you to carry out
8 an examination of the site of the SRI?

9 A. [9:43:42] As I recall, the SRI was covered by another mission letter. And, as I
10 recall, I had to draft a report on that mission. Having said that, within
11 the framework of the present testimony, I only had access to reports relating to
12 the OCRB and the former CEDAD building.

13 Where it concerns the other sites, the reports were also written about them. *You will
14 understand, obviously, that this dates back to eight years ago, and I would have to
15 review these reports in order to refresh my memory.

16 Q. [9:44:40] Absolutely, Witness. I'm not going to ask you about these reports,
17 because they weren't disclosed to us by the Prosecution, so we -- we don't even have
18 them. So we have asked explicitly for all information, for a report on Camp de Roux
19 but we haven't had any answer on that so, unfortunately, I can't question you about
20 those reports.

21 Now to come back to your appointment and the conditions of your appointment, I
22 would like to put a question to you about a phrase in the instruction letter of
23 Dr Baccard, if you would allow me.

24 So I would like the court officer to show tab 2, CAR-OTP-2062-0876. And if we
25 could go to the page 0877.

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1 Do you see the document, Witness?

2 A. [9:46:32] I see the document, Maître Jacobs.

3 Q. [9:46:40] So, do you confirm that this is the letter of instruction addressed to Eric
4 Baccard?

5 A. [9:46:55] Given that I wasn't the person who received this document, I confirm
6 that it would appear to be a copy of the letter addressed by the Prosecutor
7 Julian Nicholls to Dr Eric Baccard, but it's Eric Baccard who received the letter directly.
8 It was obviously him.

9 Q. [9:47:23] So if we could go to the page 0878. If we could go down a bit, scroll
10 down a bit. Perfect. Thank you, Court Officer.

11 So you will see the third paragraph under the heading "Considerations" where it is
12 written:

13 "Doctor Baccard, the Forensic Coordinator, may assign/delegate forensic
14 responsibilities amongst FSS team members and any external consultants engaged by
15 FSS," - or the forensic services section - "but will retain the overall responsibility for
16 the coordination of the activities of the section."

17 That's my unofficial translation, because we have the letter in English.

18 So my question, Witness, is when its written here that Eric Baccard has a general
19 responsibility, could you tell us a bit more about his role in the preparation of
20 missions and the coordination of missions?

21 A. [9:49:04] So, firstly, if you would allow me, in a way, to facilitate the translation.
22 The term "forensic" is not limited to the French term "*médico-légal*". The term
23 "forensic" in English has to be translated "forensic coordinator", it should be translated
24 as "*coordinateur criminalistique*". The term "forensic", even if it's an English translate,
25 in French, it's "*médico-légal*". You should use the French word "*criminalistique*" when

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1 you translate the English, because it's more general than "*médico-légal*" in French.

2 Now, concerning your question, Dr Eric Baccard was therefore the forensic
3 coordinator of the section and he was the person responsible for assigning the tasks to
4 different personnel within the forensic services section, and I would interpret
5 the sentence "will retain overall responsibility for the coordination of FSS activities"
6 by the fact that he was the person who organised and validated and approved
7 the missions in terms of logistics and in terms of the administration.

8 The appointment of an expert in his letter of 9 March has, to my mind, all
9 the scientific and technical part which is his responsibility as a crime scene manager.
10 I was the crime scene manager and I played the role of the forensic coordinator in
11 the field. And, of course, all the responsibility for the activities were incumbent
12 upon me, because Dr Eric Baccard was not present during the entirety of the mission
13 and he had principally a role which was coordination and logistics and
14 administration.

15 And, as I recall, he came to one of the crime scenes at CEDAD within the framework
16 of his field of expertise, which is forensic. Because Dr Eric Baccard has a specialty,
17 a forensic specialty, so, as I recall, and I think that it is present in my report relating to
18 the examination of the crime scene of the former CEDAD building, he came when we
19 found the rectangular depression behind or at the back of the former CEDAD
20 building, which could -- or which resembled a possible pit where human remains
21 might have been present.

22 So he travelled to the crime scene of the former CEDAD building and I think it must
23 be mentioned in the register of access and control of the crime scene. And, as I recall,
24 he carried out a survey with a metal object and this made it possible for him to
25 identify the objects, well, human remains that were buried -- that it made it possible

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1 for him to identify the objects or human remains were below this depression.

2 Q. [9:53:17] Thank you very much for these clarifications, Witness, with regards to
3 the role of Eric Baccard.

4 So when you say -- and I just want to be clear here, when you say that he had a role of
5 coordination, logistical and administrative coordination -- I'm sorry, I'm not saying
6 the right sentence.

7 So, on page 7, lines 24, 25, you said: He was the person who organised and
8 validated the missions in terms, I would say, logistic and administratively.

9 So, concretely, after your appointment you continued with coordinating with Eric
10 Baccard on the mission dates, cooperation, validation of materials. All that, you
11 were in contact with Eric Baccard for that in order to organise those logistical,
12 administrative aspects; would I be right to say that?

13 A. [9:54:25] When a mission is decided upon, a mission plan is made, and this is
14 how it happens with the Office of the Prosecutor office, the chief of section has to
15 approve this mission and it's part of the hierarchical role, because, of course, there has
16 to be an overview on the activities of the staff. And, once again, it's limited to
17 logistical and administrative aspects such as, for example - and you have it in
18 the report, you have a list of the materials which we used on the mission - so he has
19 the right and the need to be informed of the presence or not of different mission --
20 materials on the mission, because, quite obviously, in the case of Central African
21 Republic, it's not the only case we're working on. For example, when it comes to
22 photographic materials, videos, drones and 3D scanners, we have limited resources.
23 And as such, he has to have an overview of what the possibilities there are for
24 different missions in terms of logistic -- logistical resources available to them.

25 Perhaps to go a bit further here, the chief of the forensic services section, he -- there

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1 was never any interference from him. With regards to the report that I drafted, the --
2 wasn't even submitted as a draft. These reports weren't even submitted as a draft for
3 his approval, or for him to read them, and they weren't even proofread. So
4 the reports that I wrote, I was the only person to write them.

5 And there were no comments or modifications made to them by anyone. So I wrote
6 these reports and they were submitted after having -- after I'd reread them with a few
7 errors that I made with regards to the identification of photos and even making a few
8 mistakes. I was the only person to write them from the beginning to the end until
9 their submission.

10 Q. [9:57:24] So I was going to come back to the drafting of the reports later, but as
11 you're talking about them at the moment, on the basis it was Eric Baccard who had
12 the instruction and he delegated that task. So I was wondering, you're presenting
13 things in a different way, is it normal for your supervisor, who was the person -- who
14 was the person who had the initial instruction, not to look at the report that he was
15 asked to make, not you, principally?

16 A. [9:57:59] I think that it's quite normal. And perhaps you don't know, but that's
17 how it is done in a lot of different countries. He was an expert in France and that's
18 how it's done in France. And this is how it happens in the research institute of
19 the gendarmerie in which I served from 2000 to 2006.

20 Now, when a request for an expert report is made, it goes to the director of that unit
21 and that director obviously approves the experts who are appointed. So, for each
22 expert report, the scientific examination is requested and an expert is nominated,
23 unless it's an investigating magistrate who designates somebody, I think under
24 Article 68 of the code of criminal procedure. Now, this is a practice which is very
25 common.

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1 Once again, for the quite simple reason that Dr Eric Baccard is the forensic
2 coordinator, but he doesn't have the expertise, for example, in fields such as crime
3 scene investigations, ballistics, explosives. He himself is a forensic expert. So
4 the fact that he designates an expert who has the competencies to go on such
5 a mission is a common practice within forensic science.
6 You could have a case, for example, where the mission requires a group of experts
7 and, in that case, the experts form this group of experts and they will together draft
8 the report and co-sign it. And the participation of Dr Baccard was only limited in
9 this case, as I explained to you, to coming to carry out the survey of this depression in
10 the CEDAD site. And there's a photograph of Dr Eric Baccard who is carrying that --
11 out that sampling and I mentioned his presence. I don't know if he wrote a report in
12 an annex on the technical examinations that he carried out on that depression when
13 he was sampling that area. I have no idea.

14 Q. [10:00:53] So you're talking about how it's going in France. But here, to speak
15 in a very general way, Eric Baccard is your boss, he is your hierarchical chief, and you
16 tell us that he doesn't have the competence to check it, where he's the chief of
17 the entire forensic section and he doesn't have the competence to validate the report
18 written by one of his employees, namely you. Is that what you're telling us?

19 A. [10:01:27] Forensic science is an area which is relatively vast, since it uses and
20 calls upon various sciences. Dr Eric Baccard is a doctor who is specialised in forensic
21 medicine. I have a different training from that of Dr Baccard, because I have
22 a diploma as an engineer and a master in forensic science, which covers other
23 domains. By way of example, in another case, I drafted expert reports relating to the
24 identification --

25 Q. [10:02:14] I interrupt you, Witness. My time is limited, so I asked you a very

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1 simple question and I would like an answer. I understand what you're saying, but
2 my question is, was Eric Baccard, according to your testimony, the report written by
3 the members of the section, was he incapable of verifying them? You said he was
4 head of section and he gave it to other sections of the bureau. I understand your
5 competence. It's a question where you have to answer yes or no. Eric Baccard, who
6 was designated by the OTP, Eric Baccard appointed you, but he was not in a position
7 to verify the report, whereas he had overall responsibility? It's simple. Can you
8 confirm that?

9 A. [10:03:08] I apologise, but my answer cannot be so simple as that. If you allow
10 me, if Madam President allows me, I will try to explain more fully the way in which it
11 operates.

12 Let me give you an example, in the forensic service section, we have material which
13 allows us to deal with audio signals, vocal sounds, audio sounds. Now, clearly,
14 a doctor hasn't got the necessary competence to deal with this. And I come back to
15 what I said, this is for the simple reason that the forensic specialist cannot be
16 a specialist in all domains. I do not know a single expert that has competence in all
17 the domains covered by forensic science. So to review a report, a report of an expert
18 can only be verified by another expert who has competence in the same area. That's
19 how I see it.

20 I hope you've answered your question.

21 Q. [10:04:33] Thank you, Mr Witness. We will move on to another question.

22 If we could move on to page 0892 of the same document, please.

23 I think there's a bug in the -- I said 0880.

24 So this is the same letter of instruction, Eric Baccard, who then contacted you a few
25 days later. I'm going to read it in English so that we avoid any misunderstanding.

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1 (Speaks English) "Subject to advice and evaluation from and by FSS, there appears to
2 be no requirement for examinations for blood and tissue, DNA, fingerprints, or
3 firearms at the OCRB, the River and CdP sites."

4 (Interpretation) I see the French transcript has changed this.
5 CdP is *Colline des Panthères*, so can you confirm that CdP stands for *Colline des*
6 *Panthères*, Mr Witness?

7 A. [10:07:36] That's correct, Maître Jacobs.

8 Q. [10:07:38] So my question is, if you know, why did the Prosecution say to
9 Baccard that it wasn't necessary to have any examination of blood, of DNA,
10 fingerprints, et cetera, to -- in these various sites?

11 MS MAKWAIA: [10:07:56] Madam President, this calls to speculate.

12 MR JACOBS: [10:08:01](Interpretation) I said if he knew.

13 MS MAKWAIA: [10:08:04] This calls to speculation from the witness.

14 PRESIDING JUDGE SAMBA: [10:08:15] Let's allow the witness to answer, if he
15 knows at all.

16 Mr Witness, do you know what the Prosecution was thinking -- or the Prosecutor was
17 thinking about?

18 Did he give an answer?

19 THE WITNESS: [10:08:38](Interpretation) Madam President, it's not up to me to give
20 some advice on this. Where it says "Subject to advice and evaluation from",
21 the reason for this is that I carried out, particularly on the *Colline des Panthères*,
22 investigations with a forensic team. That of course includes blood and tissue. We
23 also looked for human remains. So I have no idea who gave this advice as regards
24 evidence which we should investigate on the sites mentioned, particularly as regards
25 the River Oubangui and the *Colline des Panthères*.

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1 PRESIDING JUDGE SAMBA: [10:09:38] Thank you very much, Mr Witness.

2 Mr Jacobs, please.

3 MR JACOBS: [10:09:52](Interpretation) Thank you, Madam President.

4 On the same document, can we go to page 0885.

5 Q. [10:10:30] This deals -- the -- the -- dealing with the OCRB in the letter of
6 instruction.

7 If we can scroll down so we can see the sketch.

8 Do you see the sketch, Mr Witness?

9 A. [10:11:10] I do see the sketch.

10 Q. [10:11:20] I have some questions.

11 The first question. As far as you know, when the letter of instruction was written,
12 was there already a mission from the OTP at the OCRB? Was there a mission before
13 yours?

14 A. [10:11:42] I don't have any information about that. I don't know whether there
15 was a prior mission that was carried out. I suppose there was, because in the screen
16 we have a sketch of the OCRB.

17 Q. [10:12:10] So, on your mission, you didn't ask if there were any available
18 elements or information which could have been collected and gathered in a previous
19 mission?

20 A. [10:12:28] When an expert mission is carried out - I think I've already talked
21 about this previously - the information which is made available to an expert is that
22 which is mentioned in the letter of instruction. In this case, the letter of instruction
23 stated sufficient elements which must be seen in a context so that you have a general
24 idea of the facts, the supposed facts and the sites and, in general, the possible
25 evidence which could be relevant for that particular site.

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1 The work of the expert is not to carry out investigations on the OTP to find out which
2 missions have been carried out or to read previous testimonies of different witnesses.
3 Already, because of time restraints, everybody has to carry his work in his area of
4 expertise, and, obviously, with the aim of having a very impartial mind and to be able
5 to carry out work in the most impartial and objective way possible.

6 So, no, I only took note of the information in the initial letter of instruction of Nicholls
7 without searching for other information which, of any other legal nature.

8 Q. [10:14:32] Thank you. But, as regards that this sketch was part of the letter of
9 instruction Eric Baccard sent to you, you didn't ask the question, for example, why
10 there was a block of cells over there in the OCRB? Weren't you interested within
11 your methodology to find out more about it?

12 A. [10:14:57] Absolutely not. Clearly, I didn't see why I would waste time to
13 evaluate a sketch which was already in the mission letter of Dr Nicholls, which no
14 doubt was provided by an investigator of the OTP, for the simple reason that I was
15 going there myself. I didn't see why I should try and find out how many cells there
16 were, what was the size of the cells. Why should I ask that question? Because
17 the sketch you see on the screen, you'll see there's no ladders. So are the sizes correct?
18 I didn't see that it was interest. I had the GPS coordinates. I looked at the satellite
19 images. I had amply sufficient information to carry out my mission, particularly
20 since my mission allowed me to correct that initial sketch by using a 3D scanner in
21 particular and other devices of a scientific nature.

22 The sketch is interesting to the extent that it gives attributes to the different exhibits.

23 And perhaps you've noticed that the OCRB building, the main building, there's only
24 some rooms that are indicated which have been attributed, whereas from memory
25 there were more rooms. And I think that is more detailed in my report. There were

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1 more rooms in my -- in my report, where there were different staff. And I indicated
2 this in my expert report.

3 Q. [10:17:28] Fine. So I understand from you that other than this letter of
4 instruction, you were not given any other information as regards what potential
5 witnesses could have said of the OCRB or what happened there. You didn't have
6 any of that information when you carried out your mission; is that correct?

7 A. [10:18:02] The letter of instruction was the main element which allowed us to
8 carry out our OCRB investigation. I can confirm to you I didn't investigate further
9 the possible witnesses who had come forward as regards what had happened at the
10 OCRB. Once again, this mission letter is relatively detailed, mentions the types of
11 objects which might be relevant. And also something that is important as regards
12 operational aspects, this mission letter, as you have seen previously, mentioned
13 the OCRB and said it was still occupied, was still in operation, and that the staff of
14 the OCRB could be armed and that they were present in the building. It also
15 mentioned we had to contact on our arrival with the director of the OCRB. This is
16 precisely what we did. An investigator of the Prosecutor and I did so.

17 Q. [10:19:31] Noted. And chronologically we'll going to your arrival at the OCRB
18 a little later.

19 *You just told us some seconds ago, page 17, line 25, you said, "The letter of
20 instruction is the main element which allowed us to conduct our mission at the OCRB
21 ". When you said "the main element", were there other elements that were passed on
22 to you within the framework of your mission?

23 A. [10:20:09] Let me be more specific. The letter of instruction is the only element
24 relating to the OCRB that I received. Obviously, had I received other instructions,
25 other information, that information would have been mentioned in my expert report.

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1 Everything I knew was transmitted. Furthermore, this letter is of -- covers several
2 pages and is very extensive for this type of mission which we carried out.

3 Q. [10:21:01] Mr Witness, I just want a clarification, you said you didn't receive
4 other instructions. You explained to us yesterday - we will go back to that - that
5 there were investigators of the OTP who accompanied you during this mission.
6 What was their role, saying -- saying that this was a police and technical visit, what
7 was their particular role?

8 A. [10:21:38] The investigators of the OTP who were present during this mission in
9 Bangui had the main role of controlling access to the crime scene. * So as was the case
10 when I was questioned by Madam Prosecutor during the previous days, there was a
11 register used to record and monitor access to the various crime scenes.

12 It was..... the investigators of the OTP were responsible for that. There was one
13 particular investigator who recorded all the individuals who entered or exited the
14 crime scene.

15 The OTP also -- or the investigators of the OTP liaised with the local authorities as
16 well. For example, for the OCRB, the investigators of the OTP was the one, from
17 memory, who knew the director, the previous director of the OCRB, and helped me
18 meet that particular director so that when we went to the OCRB, we had a meeting
19 with the director of the OCRB. This was organised and managed by the investigator
20 of the OTP. So, again, they also controlled the entry and exit and also liaised with
21 the local authorities, because, quite clearly, I didn't have any knowledge. It was
22 the first time I went to the Central African Republic. It was the first time that I met
23 these individuals.

24 I can also add -- my apologies.

25 *Just to go back to your previous question, it seems to me that in order to investigate

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1 the the crime scene at the former CEDAD building, I received - and this was what
2 led to the third mission in September 2016 - I received information from the lead
3 investigator to carry out three types of investigation. One was to see whether there
4 were holes in the outer wall of the CEDAD compound, I beg your pardon, to look for
5 traces of blood washed off the metal gate and to investigate the crime scenes just
6 outside the CEDAD compound opposite the metal gate.

7 So there, I suppose, that the information, additional information was obtained by
8 the investigators of the OTP, which they then passed on to me, and within
9 the framework of the letter of instruction so that I could carry out investigations on
10 those three aspects of the former CEDAD building.

11 Clearly, there was no letter of -- an additional letter of instruction, because everything
12 was covered in the initial letter of instruction. I'm just mentioning this because this
13 was complementary information without explicitly mentioning it in my expert report.

14 Q. [10:25:48] Thank you, Mr Witness.

15 Can we move on to page 0886. 0896.

16 Can you see this, Mr Witness?

17 A. [10:26:41] I can see the photo, Mr Jacobs.

18 Q. [10:26:44] This is the annex 1 from the letter of appointment of Mr Baccard.

19 There are several pages like this.

20 I don't know if we can scroll through them. Perhaps slowly.

21 There are 14 pages of photos of CEDAD.

22 My question is the same as the previous one for the OCRB. Did you ask the Office of
23 the Prosecution whether there were any previous missions at the CEDAD, who took
24 those photos, et cetera?

25 A. [10:27:38] Absolutely not. I didn't even know who took those photos.

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1 Once again, the only thing that I was interested in was to have general information,
2 an overview of context. I didn't even ask the -- who -- the origin of these photos, for
3 the simple reason is that I didn't have time to do that. And, secondly, some days
4 later I would be there myself and I could cover that area myself in a very meticulous
5 way, more extensive.

6 Furthermore, I was responsible for the samples taken from the crime scene only from
7 the moment when I started my own work. So what the site was like six months ago,
8 one year ago, two years ago was not part of my mission.

9 My mission was to take samples, to have comprehensive documents of the crime
10 scene to investigate from the moment onwards when I was there myself.

11 So to answer your question, no, I don't know who took the photos and I did not try
12 and find out who took -- what sort of other missions had taken place beforehand,
13 before my appointment as expert on this crime scene at the CEDAD.

14 Q. [10:29:43] I have no further questions on this document.

15 So I require the formal submission of this document, tab 2, CAR-OTP-2062-0876.

16 Witness, to the best of your knowledge, after your mission in 2016, did the Office of
17 the Prosecutor, or the forensic section of the Office of the Prosecutor carry out other
18 missions at the OCRB?

19 A. [10:30:34] As I recall, and I was also engaged in other missions afterwards, I left
20 afterwards for Iraq, it would seem to me that other missions were carried out.

21 I don't want to make a mistake, but I think that the sealed items that I had already put
22 in the metal boxes within the container of the *Pasteur* institute, that these sealed items
23 were expertly reviewed for the bones, and it would seem to me that I had given
24 advice at meetings for an additional meeting at -- for an additional mission at
25 Camp de Roux.

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1 So yes, I would say that other missions were carried out, but I would say that I only
2 carried out the missions on which I wrote the expert reports, but other staff from
3 the Forensic Science Section will have carried out other forensic missions in Bangui.

4 Q. [10:32:28] Very well. I'm now going on to another issue or the next question.

5 Now, you explained to us yesterday in the hearing, the Prosecution put a question to
6 you on the required qualifications for the staff to be taken on mission.

7 And that's in T-119, page 49, from lines 24 onwards.

8 Now, my first question is, were you the person who chose -- I'm going to put it
9 differently, I'm sorry.

10 How were the persons chosen, the ones who would accompany you? And you
11 spoke about two people from the Portuguese police yesterday and that can be seen in
12 the report. So how were these two people chosen?

13 A. [10:33:30] Within the framework of the exchanges between experts, there are
14 networks, European networks, European Network of Forensic Science Institutes
15 where we meet, regularly, to have exchanges with other European laboratories. And
16 within the framework of these exchanges, obviously, you make links between
17 the different heads of laboratories or between different experts.

18 And in the case in point, Dr Eric Baccard had contacts with the chief of the judicial
19 police or with the chief of laboratory in Lisbon, and, of course, given that we had
20 limited means and resources in the section, we got pro bono assistance and exchanges
21 were carried out with the laboratory to ask for two technicians who were experts in
22 crime scene investigations.

23 And so these were the two colleagues from the judicial police in Portugal who came
24 and they gave assistance to us within the framework of -- well, at the administrative
25 level, within the framework of their engagement for the forensic section, contracts

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1 were drawn up. That's obviously the chief of the Forensic Science Section who
2 manages that with human resources section and they draw up contracts which
3 obviously, well, their CVs are received and their CVs corresponded with the -- and
4 their qualifications corresponded perfectly with the mission or the missions which
5 had to be carried out in the Central African Republic.

6 And, of course, the determining element, decisive element was the fact that these two
7 colleagues gave assistance to us on a free basis, unpaid basis.

8 Q. [10:35:56] Thank you for these clarifications. If I understand well, it was
9 Mr Baccard who had this contact with the Lisbon laboratory, as you say. So he was
10 the person who had a preponderant role when it came to selecting these persons or
11 was it you?

12 A. [10:36:25] So, of course I had access to the CVs of the two Portuguese colleagues
13 and I was the person who validated their participation because I was the one who
14 was in charge of the crime scene, the investigation of the crime scene. So I was
15 the person who validated them and considered that their competencies at a technical
16 and scientific level were perfectly adequate for the mission to be carried out.

17 Q. [10:36:57] To the best of your knowledge, did the Office of the Prosecutor or
18 the forensic section, did it already work with this laboratory previously?

19 A. [10:37:15] I have no idea. From 2015, because I joined the ICC in 2015, from
20 February 2015, that was the first mission that they participated. Before 2015, I have
21 no idea.

22 Q. [10:37:37] And, to the best of your knowledge, these two people, had they
23 already carried out forensic missions in an international context such as this?

24 A. [10:37:50] To have spent several -- having spent several days with them in
25 Bangui and after the discussions that we had, it seemed to me that it was their first

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1 mission at international level for an international organisation and that, where they
2 had been outside their country of origin, namely Portugal.

3 Q. [10:38:47] I'm sorry, I'm trying to see if I've got other questions on these two
4 people.

5 Just so we're clear, the need to have recourse to external persons was because there
6 weren't the people with the necessary competencies within the forensic unit to
7 accompany you to Bangui?

8 A. [10:39:24] Indeed, the forensic staff is relatively small in number and the staff
9 who were present have expertise in other fields than the investigation of crime scenes.
10 In the case in point, in the past I had carried out other crime scene investigations
11 alone, but what was problematic, given the number and size of sites to be investigated,
12 that required a much longer presence in place. But thanks to the support of
13 the two Portuguese colleagues, it was possible to be much quicker when it came to the
14 examination of the crime scenes in the Central African Republic.

15 Q. [10:40:34] Very well. So we're now going to move further and go on to
16 the preparatory phase.

17 Now, when you got there - and we're interested in the OCRB mission, by way of
18 priority - you explained to us yesterday that -- that an essential principle of
19 the scientific police is to make the location secure.

20 And here I'm referring to transcript T-119, real-time, page 54 and lines 4 to 22. That
21 passage.

22 Do you remember saying that yesterday, Witness?

23 A. [10:41:27] Yes, indeed, Maître Jacobs.

24 Q. [10:41:33] Now I have a methodological question to put to you within
25 the context where you arrive at a scene years after the alleged crimes, the crime scene

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1 is already contaminated, so what is the point of making it secure then?

2 A. [10:41:59] Even years after the facts, you obviously have to make it secure to be
3 able to ensure that every element that is found which is relevant in the crime scene
4 was present on the day that it was -- on the day and the time when this securing
5 process took place.

6 Obviously, these scenes were not kept against the -- after the supposed date of
7 the acts or alleged date of the acts, and it is not the work of the expert to go back in
8 time, if we can put it like that. The expert arrives, makes the place safe, the fixing or
9 the freezing of the crime scene. And what happens between the date of the acts,
10 the alleged acts, and the investigation of the crime scene, coming to reconstitute that
11 is the work of an investigator, which can, for example, that person can question
12 people, he can question the guards of the former CEDAD buildings to find out were
13 they there permanently, who was there, the elements that -- that they might have
14 moved, and the work of the expert. And I can give you an example for CEDAD is
15 what was relevant - and it was relevant in the case in point - is to have, when you
16 carry out the forensic work on the blood traces on the door, then you have the lead
17 investigator. *Now, what I was interested in determining --- because Bluestar
18 Forensic has a detection limit of 1 part to 10,000. So if there had been one milliliter of
19 blood, then you would need 10 liters of water to eliminate the reaction. So if you put
20 more than 10 liters of water on one milliliter of blood, the Luminol -- the Bluestar
21 Forensic -- will no longer react to the blood. So there, the only moment where we
22 are interested as an expert in the date where the point is made safe is in that example
23 where you have several years later and with quick research you can find out that
24 there was thousands of litres of water which were produced in that place. So there
25 you can arrive at a conclusion or you can have an explanation or you can say that

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1 even if blood was present it's probable that heavy rain over all these years prevents
2 the reaction of Bluestar Forensic.

3 Q. [10:45:29] Thank you for these clarifications. So to come back to the OCRB.

4 Now, you explained to us yesterday that there was a logbook or register that was
5 maintained which was -- which listed all entries and exits. And the Prosecution --
6 well, yesterday you said that you were the crime scene manager.

7 So that's in transcript T-121 -- T-120, page 16 -- page 17, lines 4 and 5.

8 "The crime scene manager, in case in point, is myself."

9 I would like us to show, Court Officer -- sorry, I said "Madam Court Officer", but it
10 happens occasionally, I meant Mr Court Officer, obviously.

11 So, tab 6, and that is the item CAR-OTP at tab 6, CAR-OTP-2062-0934. And there's
12 a non -- unredacted version of the document which was presented to you yesterday
13 by the Prosecution. So if we can go to the following page just to see what it is. And
14 you will see -- you see "Crime Scene Entry/Exit Logbook".

15 And if we go to the next page.

16 THE INTERPRETER: [10:47:29] Overlapping speakers.

17 MR JACOBS: [10:47:32](Interpretation)

18 Q. [10:47:32] So there we have the nonredacted version. And at the top you can
19 see "Individual in charge of Crime Scene". I'm not going to say the name, but it's
20 the name of an investigator. I'm not going to say it in open session.

21 A. [10:47:50] I can see the document, Maître Jacobs.

22 Q. [10:47:57] So my question is why, if you are the crime scene manager, why is it
23 your name that we can see here rather than the name of the investigator?

24 A. [10:48:11] Well, as a crime scene manager, if I am responsible for investigations
25 in the crime scene, then I carry that out myself, to be.

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1 Well, so that you can understand this perfectly, the individual who's marked
2 "Individual in charge of [the] Crime Scene", that is a person has access to the crime
3 scene.
4 In the case in point we ask that one sole door of the OCRB be used as an access, so
5 the investigator in question was present during the entire investigation of the crime
6 scene under the responsibility, and you can see there's a person who's responsible for
7 security. That was the director of the OCRB, because, of course, we didn't come with
8 our own security team because the OCRB was occupied, people working there.
9 And so the investigator was present for the entire duration at the entry of the OCRB,
10 the OCR building, and would register the entries and exits when people came out.
11 So you will understand that I cannot be an expert on the crime scene and be
12 everywhere all at once and I can't -- so I can't at the same time be at the entry of
13 the crime scene to register people who enter or exit. So it's quite normal, and this is
14 something done in all countries, in all crime scenes. And it's been done in this way
15 for decades.

16 Q. [10:50:18] *Very well. So I understand from what you have told me, that this
17 investigator -- because we see the times, 9.23 am to 15.30 -- this investigator had to
18 stand at the OCRB gate from 9.23 to 15.30, that's what you're telling me?

19 A. [10:50:40] Indeed, nobody entered. And just to be perfectly clear, this crime
20 scene in the OCRB was just one day. Other crime scenes, for example, CEDAD or
21 Camp de Roux, the presidential palace, the crime scene was made secure during
22 the night, and so I would say that the security, the guards, or the team of guards on
23 the time of the crime scene at night, that was carried out by the local authorities and,
24 in this case, it was very often MINUSCA who would provide this assistance. So
25 the investigator in charge of access to the crime scene would transmit the logbook and

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1 the responsibility for the crime scene to the authorities responsible for security during
2 the night or during the period in which there was no investigation on the crime scene.
3 So, to guarantee that they stayed there for all these hours, I think there are natural
4 needs that they might have had to meet, but nobody went in and, from the best of my
5 knowledge, the metal doorway or gateway where it's written "OCRB Anti-Gang" was
6 closed. So for measures of security, this was done so people could not see what was
7 happening. So this was done so that passers-by could not see what was happening
8 inside.

9 Q. [10:52:36] Down in this document, if we scroll down, what we can see is
10 the name, your name, the name of the two people from the Portuguese police, and
11 then we see two names of investigators from the Office of the Prosecutor. I'm not
12 going to say the names in public, but one person is responsible for the crime scene
13 and we see another name of another investigator. So what was that person's role?
14 There's one who was at the gateway and there's another one that we can see here,
15 the line before 1, what was his role during the mission on that day?

16 A. [10:53:12] So, as you see, Maître Jacobs, there were two investigators who were
17 assisting the mission. The investigator who was not in charge of entries and exits
18 and taking them in the register at the crime scene played the role of liaison. So he
19 was the person who had contact and he was the person who arranged all the different
20 logistical elements for this mission at the OCRB. And I remember very well
21 having -- after setting up the register of exits and entries, this investigator and myself,
22 we had a meeting with the director of the OCRB, in the office of the director of
23 the OCRB, and this investigator knew the previous director of the OCRB. For my
24 part, it was my first time that I met him and that I found out what his name was.
25 This investigator stayed --

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1 THE INTERPRETER: [10:54:32] Overlapping speakers.

2 THE WITNESS: [10:54:35](Interpretation) I'm sorry, I wanted to say that this
3 investigator, during the entire investigation of the crime scene was present most of
4 the time, had exchanges with the director of the OCRB.

5 MR JACOBS: [10:54:56](Interpretation)

6 Q. [10:54:57] Very well. So if we -- so during the time from 9.23 to 1530,
7 the mission hours, this person didn't just stay there and speak with the -- he was just
8 staying there speaking with the director of the OCRB. He wasn't carrying out any
9 forensic evaluation or assessment, that's what you're telling us, he had no role in
10 the forensic assessments?

11 A. [10:55:27] Of course, being an investigator and having no competence in police
12 technical techniques, then he didn't carry out any act with regards to the investigation
13 of the crime scene. His liaison role, I would say, was important. In particular, as I
14 recall, at the end of the investigations when it came to the sampling that had been
15 carried out of the semi-buried room, because he had to take decisions which were not
16 within my competence with regards to the different rooms, what was to be done with
17 them, such -- and to be perfectly clear here, a lot of elements were buried here. So
18 we were with the Portuguese colleague, I myself, we seized a lot of different
19 evidentiary items and, afterwards, the investigator in question, he had exchanges
20 with the director of the OCRB to see what should be done with these evidentiary
21 items, either put them back in the room or, given that they were OCRB archives that
22 the OCRB wanted to have, they had to see what the idea was there.
23 So the investigator in question spent most of his time with the director of the OCRB
24 who was there and who also followed our police activities, our forensic police
25 activities.

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1 Q. [10:57:46] Thank you.

2 So, I repeat, we're going to come back to this question afterwards but I wanted to
3 finish with this document before the break.

4 Now, you indicated to us yesterday, and I don't have the reference, but I have
5 the reference in your report, which -- that there was a nurse present.

6 And the reference in the report is at tab 1, CAR-OTP-2062-0743. We don't need to
7 show it. I'm just giving the reference for the record. *At page 0753 it says that there
8 was a nurse.

9 I don't see the name of the nurse in this register. Do you have any comment to make
10 on that?

11 A. [10:58:45] So the nurse, well this wasn't a particular mission. If the nurse isn't
12 mentioned, then the nurse did not have access. Perhaps there was another reason.
13 I know that he had meetings with the MINUSCA nurses, and other meetings as well.
14 So if a nurse isn't mentioned in the register, it is because that person was not present
15 and did not enter.

16 Q. [10:59:26] So when you state in your report at 0753 that you were assisted by
17 people and the name of the nurse, you don't know why he was there for the mission
18 in March 2016. So what was the nature of the assistance if it wasn't to be present at
19 the OCRB?

20 A. [10:59:52] I will clarify this point. This nurse was present for the entire mission.
21 And, no, he wasn't present permanently on every site, because he had other tasks to
22 be carried out during this mission, such as, for example, taking up contacts with
23 the MINUSCA infirmary and having contact with the hospitals to be able to prepare
24 operational procedures should somebody be injured. And so he didn't have a role,
25 I would say, which was particular within the framework of the mission. He came for

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1 the mission and there were days where he had other tasks to carry out rather than
2 coming to the crime scene.

3 But he was in a general way very often present on the crime scenes, and to be
4 perfectly clear, he played both the role of a nurse and he also had a role providing
5 logistical assistance. For example, I had trained him to change the drone batteries, so
6 he would also help me at the scenes for tasks which were very simple, such as
7 charging batteries and other such tasks.

8 Q. [11:01:17] Very well.

9 Madam President, I see the time. I will continue with this line of questioning after
10 the break, I think.

11 PRESIDING JUDGE SAMBA: [11:01:24] Yes.

12 Mr Witness, we're going to stop here for now and we'll come back in 30 minutes to
13 continue with your testimony.

14 I rise the Court for 11.30, please.

15 THE COURT USHER: [11:01:36] All rise.

16 (Recess taken at 11.01 a.m.)

17 (Upon resuming in open session at 11.35 a.m.)

18 THE COURT USHER: [11:35:54] All rise.

19 Please be seated.

20 PRESIDING JUDGE SAMBA: [11:36:14] Good morning again, everyone.

21 Mr Witness, we are going to continue with your testimony.

22 Mr Jacobs, please continue putting questions to this witness, please.

23 MR JACOBS: [11:36:39](Interpretation) Thank you, Madam President.

24 Before we continue, even though we have already started, I would like to inform the
25 Chamber that in relation to the time taken by the Prosecution, I think three hours, 20, I

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1 think we would need more time because the reports are voluminous, but maybe we
2 will not need the five hours originally expected but perhaps four hours in total. That
3 is about 30 minutes more than what the Prosecutor had given that -- taking into
4 consideration the witness's answers. So we would like to have a little bit more time
5 than the OTP, even if it is not up to the five hours initially requested.

6 PRESIDING JUDGE SAMBA: [11:37:48] Well, because the Prosecution used about
7 three hours, 20 minutes, we are happy to give you -- okay, up to four hours, and that
8 would be it, actually. Thank you.

9 MR JACOBS: [11:38:10](Interpretation) Thank you, Madam President.

10 Q. [11:38:14] Good morning once again, Mr Witness.

11 A. [11:38:20] Good morning, Maître Jacobs.

12 Q. [11:38:24] Now, the document that we were discussing before the break is still
13 displayed on the screen. You told us on Tuesday in this courtroom that in order to
14 secure all the sites - and that is T-119, page 53, as from line 14 - you stated that when it
15 came to securing the site for all the locations and all the crime scene investigations,
16 there was physical security provided by a team made up of staff members of the
17 Office of the Prosecutor, as well as security officers from the Registry and from the
18 field office in the country, with the assistance of the local authorities and, more
19 specifically, the local police.

20 Mr Witness, my question is as follows: On the day that you visited the OCRB in
21 March 2016, who was responsible for the security of your visit to the OCRB? Were
22 there people from the OTP, from the Registry, and from the local authorities, as you
23 said?

24 A. [11:40:21] As far as I remember, given that to begin with the OCRB was
25 relatively close to where we were staying, and the OCRB was a building which was

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1 permanently occupied by the local authorities, it does not seem to me that there was a
2 deployment of the MINUSCA forces, but I cannot be sure, because I was not the one
3 managing the security issues. It was the staff members of the OTP who were present
4 with us and who assisted the -- who were assisted by the field office in Bangui.

5 Q. [11:41:21] Very well. As far as you can remember, during your forensic exams
6 at the OCRB, were there people providing security for you on 19 March 2016?

7 A. [11:41:40] As far as I can remember, there was no one. The investigator who
8 was at the entrance of the OCRB and who kept the entrance and exit logbook, if
9 someone else entered who was not part of the team, that would have been mentioned.
10 Quite frequently, what happened was that the people responsible for security - that is,
11 the OTP and from time to time the people from the local office in Bangui - would stay
12 outside, because generally speaking that security would have been provided outside
13 of the perimeter wall of the OCRB.

14 Q. [11:42:36] So, this document is document 6, tab 6, and I would like to request its
15 formal submission. It is CAR-OTP-2062-0934.

16 And the document can be removed from the screen.

17 Still considering the registers, you carried out a second mission to the OCRB with a
18 canine team. Did you have a register for that mission? Because you disclosed the
19 register for 19 March, but not the other one, for the other visit. Do you remember
20 whether there was a register?

21 A. [11:43:52] If there is no register attached to that report, I think it was probably
22 not a crime scene investigation, as such; it's just that the dogs came in and had a brief
23 examination of the area behind the OCRB in order to complete and maximise, to the
24 extent possible, the presence of those dogs on the -- on site.

25 But if there is no register, I don't remember why the investigators were not there and

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1 why the register was not present.

2 Q. [11:44:38] And, as far as you can remember, who was present during the second
3 mission?

4 A. [11:44:47] As far as I can remember, there was the dog handler with his dog,
5 Rock. But then I have to reflect, or maybe consult the expert report, to see who took
6 the photographs, and I would need to look at my notes mentioned in the expert
7 report, please.

8 Q. [11:45:27] I was asking you the question because the advantage of the register is
9 that it is contemporaneous to the events, and you carried out this -- your analysis later.
10 You mentioned the two dog handlers as well as the two people from the Portuguese
11 police, as well as the nurse, and no one else. That is page 0753.

12 A. [11:46:09] Yes, indeed.

13 Q. [11:46:12] And, so, the two investigators who were present in March were no
14 longer there during that second mission; is that correct?

15 A. [11:46:22] That is what it seems to me. I'm almost certain that there was at least
16 one investigator present. One of the investigators was present. I'm sure of that,
17 because together we carried out research for about one hour on the *Colline des*
18 *Panthères*, but I'm not sure the other investigator was present with that other mission
19 with the canine team.

20 There were other people present who did not necessarily carry out activities on the
21 crime scene. I think there was the coordinator of the Office of the Prosecutor.

22 Q. [11:47:38] Very well. Thank you, Mr Witness.

23 You have told us that the entrances and exits were sufficiently controlled.

24 Can you please display, Madam Court Officer, tab 51, CAR-OTP-2033-7038.

25 I don't know whether you can see that photograph, Mr Witness?

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1 A. [11:48:35] Yes, I can see the photograph.

2 Q. [11:48:39] We can see some people under the tree, and if we can zoom in a little
3 bit, please, we can see three people. My first question is: Do you know who they
4 are? And, if you know, perhaps we may have to go into private session so as you
5 can give the names.

6 A. [11:49:05] The quality of the photograph which is in the hard copy version is
7 lower than the initial quality of the photograph. The two people at the background
8 are obviously staff members, or people from the OCRB, because, as I have told you,
9 the OCRB was operational, so their staff members were working. And the person in
10 front, because of the poor quality of the photograph, I'm not able to identify him.
11 I think maybe I would need the original of the photograph. Maybe he is one of the
12 Portuguese colleagues, but I'm not very sure about that.

13 Q. [11:50:29] Very well. You have said that the two people in the background are
14 obviously OCRB workers, but I think I understood that the place was emptied out
15 and no one was there for the purpose of your work.

16 So how did they get there? Do their names figure in the register?

17 A. [11:51:02] Let me clarify. When we arrived at the OCRB, the people were
18 present there and there they were working, so access was controlled during that
19 period for our activities. But people continued working. In fact, what is even more
20 interesting than that photograph is that we have watched video footage that I saw
21 during the preparation - video footage of the cells - and in those videos you can see
22 and hear people in the vicinity, and I can even tell you that there were detainees in
23 those cells. So you can even remember someone who was trying to open the lock of
24 a cell and who was doing -- making a lot of noise.

25 So there were people from the OCRB making a lot of noise that even disturbed us

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1 from working. But we had no interest in trying to identify the staff members of the
2 OCRB who were present, nor were we interested in the people detained in the cells.
3 And, as I have already said, contrary to the CEDAD, the OCRB was a building where
4 we made the documentation of the crimes, and it is the reason why we did not pick
5 up any elements outside of the OCRB or in the offices, because ever since the date of
6 the events, the building has been operational, just like other buildings that people
7 kept going in and out of, such as -- including CEDAD. That is why we took samples,
8 particularly from the semi-subterranean room, because it was not easy of access. It
9 was a hatch covered with a wooden plank, so it would conserve a lot of evidence,
10 contrary to the rest of the OCRB, in which many activities were still going on.

11 Q. [11:54:13] Thank you, Mr Witness, but I don't understand very well. You
12 explained to us in detail the importance of securing the locations so as to avoid
13 fingerprints and DNA prints. I understood that people who had -- who were not
14 identified could not access the premises. Now you are telling us that there were
15 policemen there, staff members there. So how would that work if this area was
16 operational and had not been emptied out for the purposes of your mission?

17 A. [11:55:10] Keeping a register is quite important for all the subsequent traces, but
18 we are talking about a crime scene that had been preserved, and the police and
19 scientific police actions which might have been contaminated were carried out.
20 Obviously considering the locations, it was absolutely not necessary to take samples
21 in the cells, for example, which were occupied by other people.

22 Q. [11:56:00] I'm sorry, Mr Witness. In transcript T-119, page 54, you were put the
23 question: Why was it important to secure the locations and to prepare a register?
24 And you said it is an important practice of the scientific police so as to secure the area
25 in the OCRB. And, today, you seem to be telling me that it served no purpose at all.

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1 Is it important or is it not, Mr Witness? As you know, I have been given limited
2 time.

3 A. [11:56:43] Let me explain more simply. For important sites, if you take samples
4 that might be contaminated, that is okay, but if you make the samples that might have
5 been contaminated, then the register would be less important, so who can do more
6 can do less. So, I will try to throw some light on this.

7 We could have frozen the crime scene and carried out samples, as well as take
8 samples from the underground cells. So everything that was done outside was
9 documentation of the crime scenes, and samples were not taken in those areas
10 because it was really not important, given that the location, the premises, were still
11 functional and occupied ever since the events.

12 Q. [11:58:03] Now, apart from the person responsible for the OCRB, did you have
13 any conversations with the OCRB staff members who were present during your
14 mission?

15 MR JACOBS: [11:59:17](Interpretation) Madam President, we cannot receive sound
16 from the witness. I don't know whether it is just me or the others.

17 THE WITNESS: [11:59:26](Interpretation) I'm sorry.

18 Apart from the meeting with the director of the OCRB and the investigator at the
19 beginning of the meeting, given that the director was present during all the work of
20 the scientific police, well, I did not speak with any other people from the OCRB apart
21 from greetings which simply happen when you meet with new people. But there
22 was no substantive exchanges, as such, except for purposes of courtesy or politeness.

23 MR JACOBS: [12:00:18](Interpretation) I remember I did not ask for the formal
24 submission of the document. It is tab 51, CAR-OTP-2033-7038. So I ask for it to be
25 formally submitted and that document can be removed from the screen.

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1 Q. [12:00:55] Given your answers, your previous answer, I think I know the answer
2 to my next question but, nevertheless, within the framework of your mission, before
3 leaving to go to that location, did you ask the people present to say something about
4 the architecture of the OCRB and whether there had been any changes compared to
5 2013? Did you have a plan of the OCRB? Did you try and find out the architecture
6 layout of the building before and whether there had been any changes?

7 A. [12:01:38] Absolutely not. As I already have explained several times, I had the
8 letter of instruction and I didn't try and find out more information about the eventual
9 site. The only thing I did - and I think I mentioned this in my expert report - is that
10 I -- I got two satellite images, one satellite image which was as close as possible to the
11 commission of the fact, and another one which led to the investigation in the crime
12 scene so that I could have more information, more testimony to see whether there had
13 been any significant changes on the OCRB site, or the destruction of the building or
14 the construction of a new building.

15 Since -- I'm sorry, I'm going to continue. Since this has an impact on my
16 investigations, if I had seen any major changes, which I thought were important, then
17 I would have paid particular attention to certain areas on that site. However, there
18 were no major changes within the OCRB between the date of the alleged facts and the
19 time when I went to visit the site.

20 Q. [12:03:31] So if you say "major change" which would have affected investigation,
21 rather than using satellite images, you could have asked people on the spot whether
22 there had been any changes, if it was important?

23 A. [12:03:54] Once again, the work of an expert is not based on witnesses and their
24 statements. As I've already said, there was a question of time. I think that the
25 satellite images are more important and speak more and as regards -- the satellite

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1 image sufficed for the mission that I was asked to complete. Furthermore, probably,
2 there might have been work that had been carried out in the OCRB over the years, but
3 it was no interest to me to find out what had happened in this and that office,
4 particularly since they were occupied. That would mean that DNA or digital
5 imprints would have been without any purpose.

6 Q. [12:05:06] Thank you, Mr Witness.

7 There was a part that was inaudible because there was -- I think you said the satellite
8 images "speak more and", and then there was a cut in the transmission. So what did
9 you say after that?

10 A. I think that the satellite images are more important, they speak more and useful.

11 Q. [12:05:55] Mr Witness, I've noted once again that the satellite images can help
12 you see that there was a change, and you said this would have an impact on the
13 investigations to be carried out, right? I've understood what you said?

14 A. [12:06:17] Absolutely, Maître Jacobs.

15 Q. [12:06:23] Could we have tab 1 of the OCRB report. I'm just looking. One
16 moment. CAR-OTP-2062-0743. And if you could display page 0755.

17 Can you see it, Mr Witness? Do you recognise this photo?

18 A. [12:07:29] Yes, I see the photo. The resolution is not optimal, but I do see the
19 photo.

20 Q. [12:07:51] As seen, you have satellite image 3 of the building of the OCRB.
21 Satellite image 3 of the building of the OCRB and immediate surroundings, with the
22 position of the perimeter wall on 8 May 2013. So this is one of the satellite photos
23 that you're talking about; is that right?

24 A. [12:08:23] Yes, this is a satellite image which is the closest to the supposed date
25 of the alleged facts.

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1 Q. [12:08:40] And what does it say on the bottom of the photo? I know the quality
2 isn't very good, but we have to deal with what we've got. So it says "Copyright
3 2017", so you used Google Earth. I use it a lot in my work, and copyright is
4 indicated at the moment when the screenshot is taken. So am I to understand that
5 you looked at this image in 2017, that is to say, a year after your visit? Can you
6 confirm that, Mr Witness.

7 A. [12:09:22] I can confirm that I extracted this image when I drafted the report, or
8 wrote the report, but the preparatory work included, obviously, a satellite image of all
9 the sites, including the OCRB, when the actions -- the alleged actions took place, and
10 this was also included in my report. So the photo -- and you're absolutely right,
11 Maître Jacobs, this screenshot was carried out and was also included in my report.

12 Q. [12:10:10] I'm just looking at the transcript. Yes, Mr Witness, it's clear to me.
13 We can remove this from the screen, court officer, please.

14 I just want to have a clarification on the date of the second mission to the OCRB with
15 the dogs and their handlers. Can you remember the date, Mr Witness?

16 A. [12:11:49] From memory, it was May 2016. The precise date I believe is
17 mentioned in my report. *Maybe it was 30 or 31 May. I do not remember another date.
18 But it was in May 2016.

19 Q. [12:12:22] In your report there are several dates, and since there was no register,
20 it's very difficult for us to check. So could we look at the report again, it's tab 1 on
21 our list of materials, CAR-OTP-2062-0743.

22 If you go to page 0753, for example, there you can see, Mr Witness -- can you see it?
23 You can see "Mission in March 2016" and then "Mission in June 2016".

24 A. [12:13:11] From memory, it was end of May, during June -- could you look -- go
25 to the relevant page as regards the investigation at the OCRB with the dogs and their

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1 dog handlers, please?

2 Q. [12:13:30] I was just about to display that.

3 Page 0873. 0873.

4 So you see, Mr Witness, it says it's 30 May 2016, between 12:30 and 14:30.

5 A. [12:14:17] Yes, that's right, so 30 May 2016. So, indeed, in the summing up of
6 the mission, it was May, June 2016 that this was carried out. Now, this date seems to
7 me to be correct. It's very easy to check when looking at the metadata of the photos.
8 That will help us to confirm whether it's really 30 May 2016. But I think this was
9 indeed the case.

10 Q. [12:15:06] Can we move on to page 0765. And if you could scroll down to the
11 second part, please.

12 There we have a table of the photos that have been taken, as you can see, and who has
13 taken what when.

14 And for the third line, we have PRF. So the first two lines are on 19 March, which is
15 the first mission, and the third line is the second mission, and we see a date of 4
16 June 2016. That's in your report.

17 A. [12:16:05] That's correct.

18 Q. [12:16:07] Do you have any comment on that?

19 A. [12:16:11] I'll have to check the originals to see what the date is on the actual
20 photos, and perhaps if there is a mistake on my part as regards the date. I'll have to
21 access the originals of the 47 photos to check the exact date and I'll have to look at the
22 PRF as well.

23 Q. [12:16:49] Very well, Mr Witness.

24 But today you're saying that the second mission was 3 May, in your testimony today?

25 A. [12:17:15] I cannot remember day by day what we did. We're talking about a

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1 period. It's more than eight years ago. But reading this and reading through what
2 you've just shown me, this date might be a mistake, of 4 June -- between 30 May and 4
3 June. It's very simple to check. We'll have to look at the photos. And I would say,
4 going further, this is really irrelevant, be it 30 May or 4 June, particularly since the
5 investigation of the rest -- the human remains in the OCRB gave us a negative result.

6 Q. [12:18:12] This can be removed from the screen, court officer.

7 Sorry, could we display the document again, please, court officer. I have a further
8 question on page 0775.

9 Can you see the document, Mr Witness?

10 A. [12:19:18] I can see the document, Maître Jacobs.

11 Q. [12:19:23] This outline of the layout of the inside of the OCRB, if I understand
12 your report, was done from a photo of -- a satellite photo of February 2014. I would
13 like to know why did you choose this satellite image to carry out this coloured image
14 of the layout?

15 A. [12:19:54] If I chose this image of February 2014, it was the one probably that
16 had the highest resolution, coverage and which I thought was the most relevant for
17 the vision that we had of the building, the OCRB building. I would say it really is
18 not very important because it is a satellite vision, so the only thing that's important is
19 the form, the shape of the building without the roof. And afterwards I showed
20 different pieces of the OCRB, the different rooms, and I called them OP.1 to OP.12.
21 And, frankly speaking, whether I took a satellite image of 2014, '15 or '16 really is not
22 important. I must admit, I find your -- I don't understand the purpose of that
23 question.

24 Q. [12:21:18] You are here to answer questions. I know what's important or not,
25 so just answer questions with politeness when looking at my questions so we can

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1 move ahead. Fine?

2 A. [12:21:33] Fine, Maître Jacobs. Perhaps you could explain a little bit more so
3 that I could understand better, so I can understand the best and the most relevant
4 way possible. Thank you.

5 Q. [12:21:48] You've answered my question. You explained why and how you
6 chose that photo. I will move on to my next question.

7 Can you see in the image there's a space in the middle of the building without a
8 number? What is that?

9 A. [12:22:07] I think I'd have to look at the photo again and also the complete
10 images of the OCRB building that was taken. I think that must be a corridor which
11 gives you access to the various rooms. That's from memory. But if I didn't indicate
12 it as a particular room, then I think it must be a passageway. But it's simple to check.
13 I'll have to look back on photos and look at the different rooms and I'd also have to
14 refer back to the video.

15 Q. [12:23:12] Can we go now to page 0786, please.

16 As you can see, this is a photo of room OP.11. And on the right you can see a door,
17 on the left, the blue doors. If you compare this with the plan, it goes on to this
18 non-identified place on your scheme.

19 What is behind that blue door?

20 A. [12:23:55] From memory, all the rooms -- perhaps it was a cupboard that was
21 empty, according to my recollection.

22 Q. [12:24:18] Thank you for the clarification, because we have 800 photos, but we
23 have no photos with an open door to check what was inside, so we can't check it
24 ourselves.

25 A. [12:24:33] I'll have to check, but from memory all the rooms were inspected.

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1 Q. [12:25:00] Fine. You said that the video -- you talked about a comprehensive
2 video of the layout of the building, if I'm not mistaken. The video, is that the one
3 that the Prosecution showed you yesterday, the one of seven minutes that we saw
4 yesterday? Is that the one you're talking about?

5 A. [12:25:26] Yes, absolutely. I don't remember exactly, but there might also be
6 other videos. I'm sure there are other videos as well. But, particularly as regards
7 the exterior, but also for the interior, it seems to me that the Lisbon colleague is the
8 one that carried this out. It wasn't -- I didn't do it personally.

9 Q. [12:25:55] Mr Witness, I'm not going to impose everybody to look at the seven
10 minutes of the video. We looked at them. But we don't see all the rooms. We
11 don't have OP.12 and OP.11. The video stopped before that. So if there is a video
12 that shows us all the rooms, it's not that one, because -- do you know if there's another
13 video? Because we don't have it, and if there is another video, could it be disclosed
14 to us?

15 A. [12:26:34] I don't remember whether the Portuguese colleague who
16 carried -- who made this video, I have no doubt that he carried out the instructions
17 that he was given, that he made a video recording of the entire interior of the building,
18 of the OCRB. From memory, even the subterranean piece was videoed, so I think all
19 the rooms were taken in the video.

20 Q. [12:27:17] Thank you. Remaining on the organisation of the interior of the
21 building, you explained to us in the last days that you did a 3D scan of the exterior
22 which enabled you to carry out measurements. In your report there is no indication
23 that you took measurements of the interior of the building. So, can you confirm that
24 you have no measurements of the interior of the building?

25 A. [12:27:56] I confirm that no measure, no -- any scan was taken of the interior of

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1 the building. And before you ask me the question, I would like to answer like this:

2 The reason is because the building was operational and the 3D scan would have taken
3 a considerable amount of time, and clearly it was not my priority, bearing in mind the
4 relevance that was relatively limited for the 3D. To have a complete scan of the
5 interior, we would have needed 30 minutes per room, so it would have taken us at
6 least seven hours and we would have restricted the access during that time when we
7 carried out the scan. So, it was really not of any scientific interest to us to carry out
8 the scan.

9 Q. [12:29:13] Now, I'm not talking about a 3D scan in particular. I'm talking about
10 taking measurements, or manually just take a tape measure and measure it,
11 Mr Witness, without having a 3D scan.

12 When you say it wasn't the priority, on what basis did you decide this is not a priority,
13 to know the dimensions of the interior of the building? You explained to us that it
14 wasn't of interest to you to find out the report or the file, or what had happened in the
15 OCRB.

16 A. [12:30:08] All the elements can be -- if you wanted to check, no sample was
17 taken from the inside of the OCRB for the simple reason that people were working in
18 the building and there was activity. So no sample was taken. Clearly it's important
19 to do a 3D scan, so when you take samples in order to find out the exact positioning.
20 This was done, for example, in the former building of CEDAD where a 3D scan was
21 done of the interior and also of the exterior, because samples were taken.

22 As I explained, to take measures, to do a sketch, demands a lot of time, and to know
23 the exact dimensions of a building was not the priority, because no samples were
24 taken. Clearly, it is possible that the size of the offices during the investigation had a
25 particular importance at the time of the events for the investigators of the OTP. But

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1 that wasn't the case. It would have been possible to have another mission, a full day,
2 to make a 3D scan of the interior of the OCRB.

3 Q. [12:31:58] Very well. So, to answer my question, simply you carried out no
4 measurements at all of the interior of the building; is that correct?

5 A. [12:32:15] That is correct, Maître Jacobs. I did not carry out any measures
6 because it was absolutely not relevant.

7 (Counsel confers)

8 MR JACOBS: [12:32:31](Interpretation)

9 Q. [12:32:31] I'm sorry, Mr witness, you have said that obviously it is possible that
10 the measurements of these offices, when it comes to investigations and testimony,
11 could have been important for the OTP, but in that case that was not essential.

12 Now, your studies are scientific and technical, and you were not interested in the
13 substance of the case.

14 Now, you were not -- you say you were not interested in the testimony, so how did
15 you decide what importance this may have?

16 A. [12:33:26] Let me say what I said. That was not the case. If it had been the
17 case, the investigators of the OTP and Mr Nicholls would have asked me to carry out
18 an additional mission to execute those additional studies, like they did when I
19 returned in 2016 to carry out additional studies, because I suppose they had received
20 further information that required that.

21 You are obviously aware that I did not do this because I did not use the drone over
22 the OCRB, contrary to CEDAD where we had aerial photography, and that was
23 because it was not pertinent in that case. And, as you are aware, the resources are
24 limited and there was no purpose for carrying out a 3D scan of the interior of the
25 OCRB building. The issue was simply to have a photographic view and a video

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1 footage that might assist the investigators during their investigations and the hearings.
2 So there was no sample to be taken. And if I had spent maybe another additional
3 week in the Central African Republic with the canine team, for example, I would have
4 been able to produce a 3D model. I would have increased the reality of the situation.
5 I could have done many more things which might have been useless for their case,
6 and it would have taken a lot of time and a lot of money. So, once more, it was not
7 that relevant.

8 Q. [12:36:00] Very well, Mr Witness.

9 You explained to us that you relied on the letter of appointment without being
10 interested -- being interested in the substance.

11 Now, I would want that letter to be displayed, and that is tab 2, CAR-OTP-2062-0876,
12 page 0886.

13 Mr Witness, there is a table here which is in the letter of instruction of the OTP, sent
14 by Mr Baccard to you, and it is entitled "Forensic Activity Required". On the left, one
15 can see the first entry, "Aerial photography", and then the second column, "Video and
16 3D laser scanning at ground level". In the notes, you can see, "Interior of
17 compound".

18 My question to you, Mr Witness: Did you receive this -- you had this instruction.
19 You said you were not interested in the substance of the case, so what did you rely on
20 to decide to measure the exterior of the building but not the inside? So what did you
21 rely on to make your decisions, especially given this letter of instruction?

22 A. [12:38:39] I'm sorry to have to repeat them for the third time. These measures
23 were not taken - and I personally took the decision not to do so - because there were
24 detainees in the cells and the OCRB was operational. There were many people
25 inside there at that site, and we had many other activities to carry out in Bangui, and

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1 to visit many other sites. I do not think this was a problem for Mr Nicholls, because
2 after the submission of my expert report, he did not ask me to carry out an additional
3 mission to carry out those measurements of the interior of the building.

4 If it had become necessary, I would have, of course, been required to carry out an
5 additional meeting to implement that request. Otherwise, it seems that my analysis
6 on the ground was correct. If not, I would have had to carry out an additional
7 mission.

8 You would have also noticed, because when I'm telling you that the objective, the
9 purpose of the mission was to be objective, impartial and neutral, I do not remember
10 that under the forensic activities to be carried out it was mentioned that we should
11 use the canine teams. This is something that we decided to use subsequently.

12 Q. [12:40:54] Very well, Mr Witness.

13 This document can be taken off the screen.

14 In the hearing of yesterday, transcript T-120, page 10, lines 5 to 12, you said that --
15 while commenting on the selection of photographs in your report, you said the
16 photographs chosen were chosen in such a way that they would give an accurate
17 overview or vision of the locations.

18 Do you remember having said that, Mr Witness?

19 A. [12:42:03] Well, if it is in the transcript, it must be true.

20 Q. [12:42:18] Absolutely, but I needed to confirm it.

21 Just one moment, please.

22 (Counsel confers)

23 MR JACOBS: [12:42:27](Interpretation)

24 Q. [12:42:27] Tab 89, CAR-OTP-2033-7241 -- that is tab 89, CAR-OTP-2033-7241.

25 Can you see the photograph, Mr Witness?

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1 A. [12:43:12] Yes.

2 Q. [12:43:15] That is a photograph that is inserted in your report. I'm trying to
3 look for the precise page. And there you see that the walls are sort of curved, there
4 is a sort of distortion of the image.

5 Can you tell us why this image seems to be distorted in this manner?

6 A. [12:43:47] I do not know who took that photograph. It was not me. I think
7 this photograph is distorted by the use of a very wide angle. When you want to give
8 the maximum of vision in terms of dimension which is being seen, you have to use a
9 wide angle, because if you take a photograph of a small room with a traditional view,
10 you will not have -- you will only have a limited view, for example, a wall. So the
11 use of a wide angle is part of efforts, optical efforts on the one hand to ensure that the
12 photograph has another side, so that you should be able to make it possible to view
13 the walls on the left, right, as well as the ceiling, as well as the opposite wall.
14 So this photo makes it possible to have a general view from the angle, and that is
15 where the distortion comes from.

16 Q. [12:45:19] Thank you, Mr Witness. I try to observe a five-minute pause and
17 sometimes you use it as a possibility to add something. I'm sure you are unable to
18 see me when I'm trying to switch on my microphone.

19 So, you have said that this gives the impression of a larger dimension when you take
20 a photograph of this sort.

21 A. [12:45:56] It's not an impression of expansion of a wider room, but it just makes
22 it possible to take an entire room at once with a wide-angle view of 12 or 24
23 millimetres. And, of course, the fact that you can cover a larger surface is made
24 possible by the dioptré, which sort of bends in the camera and creates the impression
25 that there was a distorted -- and, of course, in the report, in order to cover that area, I

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1 could have included four photographs, four photographs taken with this particular
2 angle.

3 Q. [12:47:01] Mr Witness, I have limited time, please, I'm sorry, I think you've given
4 me sufficient information to understand this photograph.

5 And for the record, I think it is published on page 0785 of the report. That
6 photograph can be withdrawn.

7 I don't think it is submitted, so I would like to ask for the formal submission of tab 89,
8 CAR-OTP-2033-7241.

9 I have another photograph for you to comment on. It is tab 362, which should be
10 displayed, CAR-OTP-2033-7775. If it is possible to turn to flip it 90 degrees towards
11 the left. Perfect, thank you very much.

12 Can you see the photograph, Mr Witness?

13 A. [12:49:16] I can see the photograph, Mr Jacobs, but with very low resolution.

14 Q. [12:49:22] We can see it very sharply. I don't know whether there is a display
15 problem on your side. But it is a photograph from the interior of the
16 semi-subterranean room. Can you confirm that?

17 A. [12:49:44] It is because of that opening that I designated or I characterised that
18 room as semi-subterranean.

19 Q. [12:49:59] Very well. Now, did you take the dimensions of that window and
20 the bars?

21 A. [12:50:09] No, it was not necessary. And in order to elaborate - and that is
22 mentioned in my report - on the basis of the photographs and video footage, there is a
23 software called Pix, which is in my report, and that software automatically brings all
24 the photographs together and creates a 3D model. So, if we needed measurements
25 subsequently, we would have simply used that software, Pix4Dmapper Pro.

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1 Pix4Dmapper Pro.

2 Q. [12:51:12] Mr Witness, I have understood that there are software that can be
3 used. I was at the OCRB and I had a tape with me and --

4 MS MAKWAIA: [12:51:32](Overlapping speakers)

5 THE WITNESS: [12:51:32](Interpretation) I had a tape measure with me and I
6 simply measured the place, 38 centimetres, 99 centimetres, and the width between the
7 bars 36 centimetres.

8 PRESIDING JUDGE SAMBA: [12:51:49] Madam Prosecutor, I didn't get what you
9 said. It's not on record.

10 MS MAKWAIA: [12:51:57] Apologies, your Honours. I was saying is Mr Jacobs
11 testifying now, because he's giving certain measurements to the witness, unless he
12 wants to put a proposition to the witness.

13 PRESIDING JUDGE SAMBA: [12:52:15] The witness has answered that he did not
14 take any measurement. So, I suppose that's what we'll have to pay attention to when
15 we are reading the record.

16 Mr Jacobs, continue, please.

17 MR JACOBS: [12:52:49](Interpretation)

18 Q. [12:52:49] Mr Witness, you said that it was not relevant. Do you know that a
19 witness in this case explained that he would come in and go out using that hole and a
20 ladder? So the witness said that he could pass --

21 MS MAKWAIA: (Overlapping speakers)

22 MR JACOBS: (Interpretation)

23 Q. [12:53:12] -- in between the bars here. Are you aware of that?

24 PRESIDING JUDGE SAMBA: [12:53:17] Madam Prosecutor, your mic was either off
25 or you were talking while the interpreter was talking, so you are not on record.

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1 MS MAKWAIA: [12:53:30] Sorry, your Honours. I was just asking for the
2 pseudonym of the witness.

3 PRESIDING JUDGE SAMBA: [12:53:41] Yes, noted.
4 Yes, Mr Jacobs.

5 MR JACOBS: [12:53:44](Interpretation) Thank you, Madam President. I was going
6 to give the reference later, but I will give it right now. It is P-2179, and the precise
7 reference is tab 1143 for the English version, and 1143.4 for the French version, and it
8 is CAR-OTP-2130-2342. So that is the prior recorded statement of P-2179.
9 And, for the record, I can read out a non-identifying excerpt.

10 Q. [12:54:50] "When someone asked the three Seleka to remove the barrel, I realised
11 that there was a small window just under the ground level. The window had some
12 bars, but some of them had been removed. The person told me to enter the
13 underground through the window. The Seleka started by putting up a wooden
14 ladder through the window so that I should be able to go down to the underground
15 room."

16 Mr Witness, that was my question. So, the issue of the dimensions of that window
17 appeared to be a little relevant, given what the witness told us.

18 Were you asked to cross-check the dimensions of that room after or before that
19 testimony?

20 A. [12:56:07] To begin with, I was absolutely not aware of such a testimony and I
21 was not asked to carry out an additional mission to produce a 3D model of that room.
22 And whatever you have said a short while ago, it is all new to me.

23 Q. [12:56:36] Thank you, Mr Witness.

24 I would like to ask the submission of this document, tab 362, and it's

25 CAR-OTP-2033-7775. And the document can be removed from the screen.

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1 Mr Witness, I think I have enough time before the break to show you tab 1120.

2 It's CAR-OTP-2033-6844.

3 Can you see the -- that photograph, Mr Witness?

4 A. [12:58:02] I can see it, Mr Jacobs.

5 Q. [12:58:08] Do you recognise the location at which it was taken?

6 A. [12:58:20] It was taken within the compound of the OCRB, if I can locate myself
7 accurately. So you have the right angle, at the right angle there, if you are coming in
8 from the main gate.

9 Q. [12:58:56] Absolutely. Now, you can see on the left at the bottom of the
10 building, you can see that small window. I know that the resolution on your side is
11 not very good, but one can see the OCRB building on the left and a small window at
12 the bottom there, which is the window opening into the semi-subterranean room.

13 Can you see that?

14 A. [12:59:28] Yes.

15 Q. [12:59:28] And you can see that this window opens up towards a wall opposite.
16 Can you confirm that?

17 A. [12:59:39] Yes, that is indeed within the compound of the OCRB.

18 Q. [12:59:45] And so you, who were there during your mission, you can confirm
19 that from that window, you cannot see the cells G1 to G4 on the other side of the
20 courtyard? It is not possible to see them?

21 A. [13:00:13] It seems to me that you are making an error there. From memory,
22 the semi-subterranean room -- I don't remember whether it is one or two windows.
23 It seems to me that the size of that room window -- that window, it seems to me to be
24 smaller than the photograph, the one in the photograph that you displayed a short
25 while ago. So I cannot be sure that we are referring to the same window. So I don't

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1 want an error to be made on the identification of that window. So, is that window
2 the same as the other one seen from the inside? To be honest, I'm not sure.

3 Q. [13:01:23] I will ask my question and it will be my last question, given the time.
4 Now, this window, whichever it is, seeing its location, this window cannot be seen
5 from the G1 to G4 cells; is that correct?

6 A. [13:01:42] Yes, that is correct, because the G1 to G4 cells are on the other side of
7 this building.

8 Q. [13:01:59] Thank you, Mr Witness.

9 MR JACOBS: [13:02:02](Interpretation) Madam President, I am looking at the time.

10 PRESIDING JUDGE SAMBA: [13:02:05] Yes.

11 So, Mr Witness, we are going to end with your testimony here for today. We shall
12 not be meeting tomorrow, but we will meet again on Monday to continue with your
13 testimony and hopefully finish hearing your testimony.

14 I am going to ask that you do not discuss your testimony with anyone when you
15 leave your current location, and you will still be on oath when we meet again on
16 Monday at 9.30.

17 I rise the Court for Monday, 9.30.

18 THE COURT USHER: [13:02:42] All rise.

19 (The hearing ends in open session at 1.02 p.m.)

20 CORRECTIONS REPORT

21 The following interpretation corrections, marked with an asterisk are brought into the
22 transcript.

23 Page 3 line 8-14:"Q. [9:37:44] So you already know my name, so I'm going to put
24 questions to you from the Defence team of Mr Said. I know that you are -- and I
25 know it -- you speak slowly, but I would like to remind you that we have to speak

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1 slowly and that we have to follow the five-second rule, that is to say five seconds
2 between my questions and your answers and five seconds between your answers and
3 my questions to ensure that the transcript is as precise as possible, particularly where
4 it refers to technical questions, because there are times when it was a bit quick, I
5 think."

6 is corrected to

7 "Q. [9:37:44] So you already know my name. Today I'm going to put questions to
8 you on behalf of the Defence team of Mr Said. I know that you and I are used to this,
9 but since we will be speaking the same language, I will remind you all the same that
10 we have to speak slowly and that we have to follow the five-second rule, that is to say
11 five seconds between my questions and your answers, and five seconds between your
12 answers and my questions. This is to ensure that the transcript is as precise as
13 possible, particularly when it comes to technical questions, because yesterday there
14 were times when it was a bit quick, I think."

15 Page 5 line 14:" A. [9:43:42] [...] You will understand, obviously, that it -- from
16 eight years ago and I would have to review these reports in order to refresh my
17 memory."

18 is corrected to

19 " A. [9:43:42] [...] You will understand, obviously, that this dates back to eight
20 years ago, and I would have to review these reports in order to refresh my memory."

21 Page 15 line 19:" Q. [10:19:31] [...] You just told us some seconds ago, page 17, you
22 said, "The mission letter is the main element which allowed us to have our mission of
23 the OCRB".

24 is corrected to

25 " Q. [10:19:31] [...] You just told us some seconds ago, page 17, line 25, you said,

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1 "The letter of instruction is the main element which allowed us to conduct our
2 mission at the OCRB".

3 Page 16 line 9-14:" A. [10:21:38] [...] When I was questioned by the Prosecutor --
4 Prosecutor, there was a register which was the access to the different scenes. This
5 was a register of access where the investigators of the OTP were responsible for that.
6 There was one particular investigator responsible for that who recorded the entry and
7 exit on the crime scene of all individuals who went there."

8 is corrected to

9 " A. [10:21:38] [...] So as was the case when I was questioned by Madam Prosecutor
10 during the previous days, there was a register used to record and monitor access to
11 the various crime scenes. It was..... the investigators of the OTP were responsible for
12 that. There was one particular investigator who recorded all the individuals who
13 entered or exited the crime scene."

14 Page 16 line 25 - Page 17 line 6:" A. [10:21:38] [...] Just to go back to your previous
15 question, it seems to me, in order to investigate the -- investigate the crime scene of
16 the previous OCRB, I received - which was the third mission in September 2016 - I
17 received information from the main investigator to carry out three types of
18 investigation, one to see whether the wall -- look at the walls in the CEDAD to look if
19 there was any washed sand -- washed blood on the metallic doors and to look at the
20 crime scenes just outside the CEDAD in front of the metal door."

21 is corrected to

22 " A. [10:21:38] [...] Just to go back to your previous question, it seems to me that in
23 order to investigate the the crime scene at the former CEDAD building, I received -
24 and this was what led to the third mission in September 2016 - I received information
25 from the lead investigator to carry out three types of investigation. One was to see

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1 whether there were holes in the outer wall of the CEDAD compound, I beg your
2 pardon, to look for traces of blood washed off the metal gate and to investigate the
3 crime scenes just outside the CEDAD compound opposite the metal gate."

4 Page 22 line 18-21:" A. [10:41:59] Now, what I was interested in was to know,
5 because the Bluestar Forensic had one in 10,000. So if you had a millilitre of blood,
6 then you needed 10 litres of water to get the reaction, so that is more than 10 litres,
7 otherwise you get no reaction with Bluestar Forensic."

8 is corrected to

9 " A. [10:41:59] Now, what I was interested in determining --- because Bluestar
10 Forensic has a detection limit of 1 part to 10,000. So if there had been one milliliter of
11 blood, then you would need 10 liters of water to eliminate the reaction. So if you put
12 more than 10 liters of water on one milliliter of blood, the Luminol -- the Bluestar
13 Forensic -- will no longer react to the blood."

14 Page 24 line 15-17:"Q. [10:50:18] Very well. So I understand from what you have
15 told me, that this investigator, if we look at the hours 9.20, 1530, that he was -- he had
16 to stay standing up at the door from 9.20 to 1530, that's what you're telling me?"

17 is corrected to

18 "Q. [10:50:18] Very well. So I understand from what you have told me, that this
19 investigator -- because we see the times, 9.23 am to 15.30 -- this investigator had to
20 stand at the OCRB gate from 9.23 to 15.30, that's what you're telling me?"

21 Page 27 line 6-7:" Q. [10:57:46] [...] At page 0743 it says that there was a nurse."

22 is corrected to

23 " Q. [10:57:46] [...] At page 0753 it says that there was a nurse."

24 Page 37 line 16:" A. [12:11:49] [...] Maybe it was 30 May, but it was in May 2016."

25 is corrected to

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- 1 " A. [12:11:49] [...] Maybe it was 30 or 31 May. I do not remember another date. But
- 2 it was in May 2016."