

Trial Hearing
WITNESS: CAR-OTP-P-0664

(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 Maria del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Tuesday, 27 August 2024
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:44] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:55] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case. Thank you.
15 THE COURT OFFICER: [9:35:27] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II in the case of The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we're in open session.
19 PRESIDING JUDGE SAMBA: [9:35:41] Thank you very much.
20 Can I ask for representations starting with the Prosecution.
21 MS MAKWAIA: [9:35:50] Good morning, Madam President, your Honours. For
22 the Office of the Prosecutor this morning, myself, Ms Makwaia, senior trial lawyer;
23 Ms Sanyu Ndagire, legal assistant; and our new trial support assistant, Mr Thomas
24 Laugel, he's sitting at the back.
25 PRESIDING JUDGE SAMBA: [9:36:08] Thank you very much.

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- 1 Ms Pellet for the victims, please.
- 2 MS PELLET: [9:36:15](Interpretation) Thank you, Madam President. The victims
- 3 are represented by Tars van Litsenborgh, and by myself, Sarah Pellet, counsel with
- 4 the Office of Public Counsel for Victims.
- 5 PRESIDING JUDGE SAMBA: [9:36:25] Thank you very much, Ms Pellet.
- 6 Ms Naouri for the Defence, please.
- 7 MS NAOURI: [9:36:31](Interpretation) Thank you, Madam President. Good
- 8 morning. To my right we have Maître Jacobs, by his side we have Elina Legat, and I
- 9 am Jennifer Naouri, lead counsel for Mr Said.
- 10 PRESIDING JUDGE SAMBA: [9:36:49] Thank you very much, Ms Naouri.
- 11 And for the record I do take note that Mr Said is here in court with us.
- 12 A very good morning to you, Mr Said. I hope I see you well.
- 13 MR SAID: [9:37:04](Interpretation) Yes, good morning, Madam President.
- 14 PRESIDING JUDGE SAMBA: [9:37:08] Good morning.
- 15 Good morning, Mr Witness, I hope you rested well.
- 16 WITNESS: CAR-OTP-P-0664 (On former oath)
- 17 (The witness speaks French)
- 18 THE WITNESS: [9:37:15](Interpretation) Yes, I am well.
- 19 PRESIDING JUDGE SAMBA: [9:37:18] Good. Now we are going to continue
- 20 taking your testimony today. The Defence for Mr Said will be putting questions to
- 21 you in cross, and we want your answers as honest as possible as you undertook to tell
- 22 the truth to this Court yesterday and we want your full cooperation, much as you did
- 23 yesterday in answers given.
- 24 I want to remind you that you are still on oath to tell the truth to this Court.
- 25 So I'm going to invite -- well, Defence counsel, I don't know whether it's Ms Naouri or

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1 Mr Jacobs who will be putting questions to you, but I do want to remind you to talk
2 slowly, watch your pace so that the interpreters can get every word that you are
3 saying so that we are able to get enough of your evidence, being that, you know, we
4 are time bound here to what we can -- how much time we can use. Yesterday we do
5 recall that the Prosecutor used about 2 hours, 39 minutes. So watch your pace but
6 give enough information.

7 Defence counsel, your witness.

8 MS NAOURI: [9:38:30](Interpretation) Thank you, Madam President. Indeed, the
9 cross-examination will be led by Mr Dov Jacobs.

10 PRESIDING JUDGE SAMBA: [9:38:40] Yes, Mr Jacobs, your witness, then, please.
11 Thank you.

12 MR JACOBS: [9:39:07](Interpretation) Thank you, Madam President.

13 QUESTIONED BY MR JACOBS: (Interpretation)

14 Q. [9:39:11] Good morning, Mr Witness.

15 A. [9:39:13] Good morning.

16 Q. [9:39:13] So my name is Dov Jacobs and today I'm going to be putting a few
17 questions to you for the Defence of Mr Said.

18 A. [9:39:20] Yes.

19 Q. [9:39:21] As yesterday, and today you have been reminded that everything that
20 we are saying here is being interpreted - you can see people in the booths - and it's
21 also being transcribed, that's why I keep my eye on the screen. So we need to speak
22 slowly for everything to be on the record so that we can read it at a later stage. So
23 that's the first thing.

24 Now, secondly, we need to observe a pause, so you mustn't answer me before I've
25 finished putting the question to you. You need to wait a few seconds before you

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1 speak. You need to wait until I have finished putting the question to you. I know
2 it's complicated because we are speaking the same language. And I also need to
3 observe a pause after you've spoken. Of course we want to have some kind of
4 dialogue, but we need to make the effort for the record. All right, Mr Witness?
5 A. [9:40:16] All right.
6 Q. [9:40:19] Thank you.
7 MR JACOBS: [9:40:20] Now, Madam President, for my first questions I believe we
8 need to move into private session, please.
9 PRESIDING JUDGE SAMBA: [9:40:25] Madam Court Officer, can we go into private
10 session briefly, please. Thank you.
11 (Private session at 9.40 a.m.)
12 THE COURT OFFICER: [9:40:36] We are in private session, Madam President.
13 PRESIDING JUDGE SAMBA: [9:40:40] Thank you.
14 Mr Jacobs, please continue.
15 MR JACOBS: [9:40:54] (Interpretation) Thank you.
16 Q. [9:40:57] Mr Witness, now I would like to briefly come back to your professional
17 activity. So you explained to us that you are a (Redacted). I'd like to know which
18 year you became a (Redacted) in?
19 A. [9:41:09] Well, as I was saying yesterday, after having finished my secondary
20 studies, well, I couldn't continue because I didn't have the means to. I did
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 Q. [9:41:49] Very well. But could you give us a year? Was that under Bozizé, for
25 example, that you came -- became (Redacted) or was it before that?

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1 A. [9:42:02] Well, I learnt how to become a (Redacted), you know, as I was doing it.
2 I did a correspondence course, but in order to improve, I -- I did do the course, two
3 years of training and then I improved gradually.

4 Q. [9:42:25] Very well.

5 Now, you were a (Redacted), were you not?

6 A. [9:42:33] Yes, I worked for virtually 17 years at the (Redacted) and I changed my
7 location where I worked three times. My first (Redacted) was at another place, my
8 second was somewhere, and the third (Redacted), that was where I was arrested.

9 Q. [9:42:57] Very well. That's very clear.

10 Now when you say that you had a (Redacted), did you have (Redacted)? Did you
11 have a (Redacted)?

12 A. [9:43:06] No, it was a wide place, and at that location, we -- space -- and there
13 were about (Redacted) in that location and each person had their space and they had
14 their (Redacted).

15 Q. [9:43:32] Very well.

16 So if you remember, just briefly, you say that you had three places -- locations of your
17 (Redacted). And what about the two prior ones?

18 A. [9:43:54] It was towards the (Redacted)
19 (Redacted). And the other one, the second one, was also on the other side of the
20 (Redacted).

21 THE INTERPRETER: [9:44:10] Message from the English booth: Could there be
22 a pause observed, please.

23 PRESIDING JUDGE SAMBA: [9:44:16] Yes, Mr Witness, may I urge that you speak
24 slowly to help the interpreters. Don't talk too fast. Do you understand what I'm
25 saying?

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- 1 THE WITNESS: [9:44:28](Interpretation) I do understand you.
- 2 PRESIDING JUDGE SAMBA: [9:44:30] Thank you very much. Please try.
- 3 Mr Jacobs, please.
- 4 MR JACOBS: [9:44:41](Interpretation)
- 5 Q. [9:44:44] Very well. And I understood that you had an activity as a (Redacted)
- 6 as well?
- 7 A. [9:44:56] Yes.
- 8 Q. [9:44:58] You said yesterday that you had a (Redacted).
- 9 And I'll provide the reference. So that's the real-time transcript T-100, page 7,
- 10 11 -- line 11.
- 11 I'm giving the references for the record, Mr Witness. I need to do this.
- 12 Now could you provide us with your (Redacted)?
- 13 A. [9:45:20] (Redacted).
- 14 Q. [9:45:34] Could you please spell that out for us?
- 15 A. [9:45:36] (Redacted) (phon).
- 16 Q. [9:45:56] Thank you, Mr Witness. And do you have an activity as a (Redacted) in
- 17 addition to your activity as a (Redacted)?
- 18 A. [9:46:10] Well, I'm just about to (Redacted),
- 19 that's when I was arrested, I had to suspend that, but also because I couldn't mix both
- 20 my professional activities and the (Redacted) cooperation.
- 21 Q. [9:46:35] Very well.
- 22 You said that you had to suspend your work because of cooperation, you mean
- 23 cooperation with whom?
- 24 A. [9:46:47] I started doing that before I was arrested. When I came out of prison,
- 25 there were also difficulties with the other person there, difficulties with means, if you

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1 like, to fund that work. So I had to suspend those activities. And then in 2016, I
2 was received by -- or interviewed by the investigation -- investigators and so I started
3 to cooperate with the ICC. I couldn't mix anything else in with cooperating with the
4 ICC. So I -- I stayed -- I remained isolated from everyone because of cooperating
5 with the ICC, because at that time in Bangui, life really was rather effervescent and
6 people had violence in their minds. So I couldn't continue with that activity.

7 Q. [9:47:49] Very well.

8 Yes, I have understood that it's your cooperation with the International Criminal
9 Court. And you say that you weren't in a position to be able to be active as
10 a (Redacted) while you were cooperating with the ICC. Have you done any
11 (Redacted) since 2016?

12 A. [9:48:14] Well, I do -- you know, I (Redacted).

13 Q. [9:48:29] Very well. And in 2016, when you met with the investigators of the
14 OTP, did you have any other professional activity at the time?

15 A. [9:48:38] Well, before I was arrested, I was working at the (Redacted) where I
16 told you at the -- when I came out of prison, there was -- there were things going on
17 between the Seleka and the Anti-Balaka and I was cut off. I was a Christian, and we
18 were cut off from PK5 to the other side. Because we were on one side, the Christians,
19 and the Muslims were on the other side because we weren't mixing anymore.
20 So I wasn't able to work where I was working before and where I was arrested.

21 Q. [9:49:19] very well. Now that's in 2013.

22 THE INTERPRETER: [09:49:22] Says counsel.

23 MR JACOBS: [09:49:25](Interpretation)

24 *Q. [09:49:25] So the Anti-Balaka, that was after 5 December. Did you become
25 professionally active again in 2014-2015 ?

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- 1 A. [9:49:37] I was gardening at home in the compound. We have a large
2 compound and I was gardening.
- 3 Q. [9:49:48] Very well. And in 2016, when you met with the investigators from
4 the OTP, were you still doing that?
- 5 A. [9:49:57] Yes, that's what I was doing and that's how I was living.
- 6 Q. [9:50:02] And since 2016, to give a moment in time, did you change your activity
7 or are you still active in such a way now?
- 8 A. [9:50:16] Well, I'm also involved in fish breeding, fish farming.
- 9 Q. [9:50:29] Yes, thank you, Mr Witness.
- 10 So you explained to us that your father was a (Redacted). Do you
11 know until when - if you remember - your father worked in (Redacted)?
- 12 A. [9:50:49] (Redacted)
13 (Redacted) was put on retirement.
- 14 Q. [9:51:12] Did he receive a pension from (Redacted)?
- 15 A. [9:51:15] Yes.
- 16 Q. [9:51:19] Now in order to move forward rapidly with regard to your family
17 situation, how many biological brothers and sisters do you have, Mr Witness?
- 18 A. [9:51:51] Well, my father had two wives. My mother was his first wife, gave
19 birth to 16 children, 5 boys and 11 girls.
- 20 Q. [9:52:14] Well, I reassure you we are not going to compile a list of your brothers
21 and sisters. But in their midst were there individuals who worked in the police or
22 the gendarmerie?
- 23 A. [9:52:27] Well, our elder brother was working in the -- (Redacted)
24 (Redacted) in the Central African Republic.
- 25 Q. [9:52:51] Very well. Can you give us his name?

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- 1 A. [9:52:56] His name was (Redacted), so that was the eldest son of our father.
- 2 Q. [9:53:09] Very well. And when you say that he was a (Redacted)
- 3 (Redacted)
- 4 A. [9:53:17] (Redacted).
- 5 Q. [9:53:20] Now we really need to not speak at the same time. I know it's
- 6 complicated, but I'm going to finish my question. So can you tell us what that means?
- 7 Was he working for a ministry? What does it mean, the (Redacted)
- 8 (Redacted)?
- 9 [9:53:34] Well, he was working for the other (Redacted), you know, (Redacted)
- 10 (Redacted).
- 11 Q. [9:53:48] And when was he working for (Redacted), under Bozizé?
- 12 A. [9:53:55] He worked there for a long time, (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 Now when Bozizé came to power, he became (Redacted)
- 17 (Redacted)
- 18 Q. [9:54:31] And he continued to work in such a capacity under Djotodia, did he?
- 19 A. [9:54:36] No, under Djotodia he was (Redacted)
- 20 (Redacted)
- 21 Q. [9:54:49] (Redacted) under Djotodia, he was working -- was he
- 22 based in Bangui?
- 23 A. [9:55:04] Yes.
- 24 Q. [9:55:07] Very well. Thank you very much. And apart from that brother, do
- 25 you have any other brothers and sisters who were working for the administration?

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1 A. [9:55:16] No. He was the only one. It was myself and he who were lucky

2 enough to go to school. The other three boys were farmers.

3 Q. [9:55:42] Very well.

4 Now I forgot to ask you, the family house was located in which neighbourhood of

5 Bangui in 2013, Mr Witness?

6 A. [9:55:52] That is the one that I occupy now. My father was deceased and my

7 other brothers dispersed. I remained in the family compound in the (Redacted) and

8 that's where I still am today.

9 Q. [9:56:12] Very well. Thank you very much, Mr Witness.

10 So I have a few questions to put to you with regard to the way your activity of

11 (Redacted) worked in 2013. (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [9:56:45] Well, as I said to you, I worked at (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:57:24] Very well.

20 So you didn't have any activity at home? You didn't go and (Redacted)

21 (Redacted)?

22 *A. [9:57:39] Well, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR JACOBS: (Interpretation)

7 Q. [9:58:56] So it's clear for the record, for the people who are listening to us, so you

8 (Redacted)

9 A. [9:59:01] (Redacted)

10 Q. [9:59:05] Now, I know what you're talking about, but it's not necessarily clear

11 for everyone who is listening. So you (Redacted)

12 (Redacted), that's what you were describing to

13 us?

14 A. [9:59:23] Yes.

15 Q. [9:59:24] When did you (Redacted), in 2013?

16 A. [9:59:29] It was a (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) and that's how I got that job.

21 Q. [9:59:58] Very well.

22 And that was after March 2013, was it, that (Redacted)?

23 A. [10:00:06] No. I did that (Redacted)

24 (Redacted). That's how it came to a stop. I worked for two successive years before

25 that: 2011, 2012.

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1 Q. [10:00:27] Very well. Thank you, that's very clear.

2 When you met with the investigators from the OTP in 2016, Mr Witness, you gave
3 them identity documents, did you not?

4 A. [10:00:56] Yes.

5 MR JACOBS: [10:01:07](Interpretation) Court officer, could you please display tab 5
6 on our list of materials, CAR-OTP-2023-1375.

7 Thank you, court officer.

8 Q. [10:01:37] Mr Witness, can you see the document?

9 A. [10:01:39] Yes, I see the document. That's my civil status.

10 Q. [10:01:46] Very well. You see a birth certificate and your name, and then if you
11 go to the bottom of the document, you see (Redacted). Can you see that,
12 Mr Witness?

13 A. [10:02:05] Yes, that's correct.

14 Q. [10:02:06] So you confirm that you are the one who submitted this document to
15 the OTP?

16 A. [10:02:15] Yes.

17 MR JACOBS: [10:02:23] (Interpretation) Can we go to the next page, please, court
18 officer.

19 Q. [10:02:36] At the bottom of the page, yes, let's look at that. This is scanned
20 upside down, Mr Witness, I'm sorry, this is how we received the document. The
21 document is upside down. That's the national identity card?

22 A. [10:02:55] Yes, that is my national identity card, yes.

23 MR JACOBS: [10:02:57] (Interpretation) Can we scroll up, Madam Court Officer,
24 please, or go back up, please.

25 Q. [10:03:09] Mr Witness, so you confirm that this is your national identity card?

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1 THE INTERPRETER: [10:03:16] Overlapping speakers.

2 THE WITNESS: [10:03:20](Interpretation) Yes, that's my picture and my signature.

3 MR JACOBS: [10:03:44](Interpretation)

4 Q. [10:03:45] Mr Witness, this national identity card you see to the left, issued on 28
5 June, as I can read, '96 or -- '86 or '87, I don't know. Can you read the date?

6 A. [10:04:03] This is an old ID card which was used under President Kolingba at
7 the time.

8 Q. [10:04:15] Very well. But that's the document you gave to the OTP in 2016?

9 A. [10:04:21] Yes.

10 Q. [10:04:21] So in 2016, you didn't have another ID?

11 A. [10:04:25] Well, yeah, I didn't -- I had only this card, but by the time I handed it
12 to the investigators, it had already expired.

13 Q. [10:04:42] Very well.

14 MR JACOBS: [10:04:44](Interpretation) Please can you take away the document.

15 And I apply for formal submission of the document, tab 5, CAR-OTP-2023-1375.

16 Q. [10:05:14] You have just told us that you had only that document when you met
17 with the investigators in 2016.

18 But, Madam Court Officer, could you please display the document

19 CAR-OTP-2020-0270 which is at tab -- I'm sorry, I'm looking for the tab number,

20 your Honour. Tab 14. Thank you, court officer. Could we move to the third page,
21 I believe, the third page of this document, 0272.

22 Mr Witness, this document is titled a "Screening Note" and it's a report by the
23 investigators following their first conversations with you.

24 *We will return to that later but in this report, which is from January 2016, the
25 investigators note that that you were unemployed and that your passport had

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1 expired.

2 A. [10:06:55] Yes, yes, that is true.

3 Q. [10:06:59] So in 2016, in addition to your old identity card, you also had
4 a passport?

5 A. [10:07:07] Yes, a passport, yes.

6 Q. [10:07:10] Did the investigators ask you to show them your passport?

7 A. [10:07:20] No, when we -- I was working with them, they didn't ask me.

8 Q. [10:07:28] Very well, Mr Witness.

9 MR JACOBS: [10:07:30](Interpretation) So I think we can take down that screening
10 note. And I request the formal submission of the document CAR-OTP-2020-0270,
11 tab 14.

12 Q. [10:08:05] So between 2016 and now, when you have had to travel to the ICC,
13 did you have to do another passport or get another passport?

14 A. [10:08:17] I am not the one who did it. I think it's the ICC which obtained the
15 passport for me.

16 Q. [10:08:27] Very well.

17 Madam Court Officer, can we display CAR-OTP-00036765, that's at tab 40.

18 Mr Witness, can you see the document on the screen?

19 A. [10:09:31] Yes, that's the new passport.

20 Q. [10:09:38] Very well.

21 So you are confirming that the ICC made the payment and obtained the document?

22 A. [10:09:50] Yes, that is correct.

23 Q. [10:09:54] Very well.

24 Just a question, when we look at your document, at the entry for profession, it's
25 written (Redacted). Are you the one who provided that information?

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1 A. [10:10:14] Well, I gave two titles, two professional titles. I wrote (Redacted)
2 (Redacted), but the policeman asked me to choose only one, one profession, and that
3 is how I -- I chose the profession of a (Redacted).

4 Q. [10:10:36] Thank you very much, Mr Witness.

5 MR JACOBS: [10:10:39](Interpretation) I would like to ask for submission of tab 40
6 on our list of materials. I give you the reference again, CAR-OTP-00036765.

7 And this document can now be taken off the screen.

8 Q. [10:11:21] Now, Mr Witness, thank you for those clarifications. I am now going
9 to hop back to some of the things you narrated to the Court yesterday. So I'm not
10 asking you to repeat what you said in your clear testimony given to the Prosecutor,
11 what I'm trying to do is simply to seek clarification on -- and specific information on
12 a number of items; is that okay?

13 A. [10:11:51] That's okay.

14 Q. [10:11:56] So you talked about your interview or questioning at CEDAD
15 (Redacted). I have a question for you. Yesterday on the real-time transcript T-100,
16 page 22*, line 19 and 20, the questions were asked to you of (Redacted);
17 is that so?

18 A. [10:12:29] Yes.

19 Q. [10:12:35] Very well.

20 I would like document CAR-OTP-2023-1362, tab 2, to be displayed, that is tab 2 of our
21 list -- on our list of materials. Thank you. Tab 2. I think there's an English version,
22 at tab 2.2*.

23 THE COURT OFFICER: [10:13:15] 2.2 for the English version.

24 MR JACOBS: [10:13:23](Interpretation) Thank you. I don't know if this is the right
25 document. Maybe we should display the French version for the witness.

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1 Thank you very much.

2 Q. [10:14:07] Mr Witness, have you already -- well, you already saw this document
3 yesterday. This is the additional complaint you filed with the ICC. You know this
4 document, don't you?

5 A. [10:14:17] Yes, I know the document and I'm its author.

6 Q. [10:14:25] Very well. If we go to page 8 of this document, 1369 --

7 A. [10:14:40] Sorry, there's a comment I need to make, the -- relating to the phone
8 number on the document. That's not my phone number. I see here, (Redacted)
9 That's not my phone number.

10 Q. [10:15:01] Very well. We will get to that a bit later. I was going to ask you for
11 your phone numbers later. Thank you.

12 Now you say telephone number (Redacted) is not your number. Is the second
13 number correct?

14 A. [10:15:20] Yes, the second number is correct, but I've lost the SIM card. I have
15 only the SIM card for Telecel now so the second number is no longer in use.

16 Q. [10:15:38] So just to be clear, the first number is wrong?

17 A. [10:15:43] (Redacted), that's the -- the right number.

18 Q. [10:16:07] Very well. So you told us that you drafted this document yourself,
19 does it mean that you put in the wrong number yourself?

20 A. [10:16:14] No.

21 Q. [10:16:25] So Mr Witness, help me to understand. This additional complaint,
22 you are the one who submitted it to the OTP, isn't it the case?

23 A. [10:16:36] I handed it over to the investigators in Bangui when they interviewed
24 me on the record. That is when I gave them this document in Bangui.

25 Q. [10:16:47] Very well.

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1 This document, you drafted it, you typed it yourself, isn't it?

2 A. [10:16:53] Yes. Yes.

3 Q. [10:17:00] You are the one who typed the information on the document,
4 including the telephone number?

5 A. [10:17:06] Yes.

6 Q. [10:17:13] Therefore, you are the one who typed in the wrong telephone
7 number?

8 A. [10:17:17] No. No. Not me. Maybe the computer person. You see, the
9 draft was handwritten, it was a manuscript that I handed over to be typed into the
10 computer.

11 Q. [10:17:35] Very well. I understand better now. I just wanted to clarify that
12 point. So the right number is (Redacted). For how long have you had this number,
13 since when, Mr Witness?

14 A. [10:17:47] When I left prison, that is the (Redacted) number that -- or the (Redacted)
15 number that I had, and two years later, I got this other number that you're talking about.

16 Q. [10:18:03] Very well. So the second number here you had it in 2013; is that
17 correct?

18 A. [10:18:18] Two weeks after I left prison.

19 Q. [10:18:24] Before that, what phone number did you have?

20 A. [10:18:28] I did not own a phone before and that complicated matters for me
21 while I was in prison.

22 Q. [10:18:45] So before you were arrested, you didn't own a mobile phone?

23 A. [10:18:50] I did not have and I did not use a mobile phone.

24 Q. [10:19:00] Please observe a pause after my question before you answer. I know
25 that it's difficult not to be spontaneous, but if we do not observe this -- a few seconds

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1 pause, it makes things difficult for the interpreters to interpret and for the record to be
2 taken down.

3 Is that okay?

4 A. [10:19:21] Yes, okay.

5 Q. [10:19:24] Very well. So when you say that you did not use a mobile phone,
6 why did you not own a mobile phone before you were arrested?

7 A. [10:19:38] As I was telling you before, where I used to work, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) and that's why I worked with them without having to use
11 telephones -- any telephone.

12 Q. [10:20:13] So, Mr Witness, you said that you were working (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [10:20:32] Well, when I was working, I did not have any problems with them
16 because, you see, the tradition for (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:21:01] I understand. But now when it comes to using your mobile phone,
21 your testimony is that you did not own a mobile phone; is that case?

22 A. [10:21:11] At that time I didn't have one.

23 Q. [10:21:14] And your reason for not having one is that you didn't want your
24 clients to have your phone number; is that the case?

25 A. [10:21:22] Yes, that is so, because you see where I used to work for 17 years, I

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1 was surrounded mostly by Muslims.

2 Q. [10:21:44] Mr Witness, I understood that you worked for 17 years at (Redacted)

3 A. [10:21:51] I said I worked for 17 years in (Redacted)

4 (Redacted)

5 (Redacted), but I spent in total 17 years working at (Redacted).

6 Q. [10:22:17] Very well.

7 So you could simply have not given your phone number to your clients; isn't it so?

8 A. [10:22:40] I simply didn't own a phone -- a mobile telephone and I didn't use

9 one.

10 Q. [10:22:49] Very well. Thank you, Mr Witness.

11 Now let's go back to the complaint, after this little diversion to your telephone.

12 So basically - and I'm returning to my question - is that you were being interviewed

13 about (Redacted) and at page 8 of the complaint, that is at page 1369 --

14 I'm waiting for that page to be displayed, Mr Witness, before I put that question to

15 you.

16 Thank you. Could we scroll down please to the bottom of the page and here we see

17 "The profound causes of my arrest". Can you see that, Mr Witness?

18 A. [10:24:17] Yes.

19 Q. [10:24:36] Now in this section you explain the deep causes or reasons for your

20 arrest, we will talk about that later, but you do not mention that you were

21 interviewed regarding (Redacted).

22 A. [10:24:53] I didn't talk about it. It was during the interrogation (Redacted)

23 (Redacted), but I didn't know what

24 the causes are, I didn't know how the CEDAD management had received information

25 on him. Yet he was putting questions to me about him.

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1 Q. [10:25:22] I understand. But it would appear to me that you do not at any time
2 in 2015 tell the International Criminal Court investigators that you had been
3 questioned on (Redacted).

4 A. [10:25:39] It is when (Redacted) that it came up.
5 Maybe I said it or maybe it's the investigators who didn't jot it down or mention it in
6 their report.

7 Q. [10:25:54] Just to be clear, Mr Witness, this document on the screen is your
8 document. It's your complaint. The investigators talked to you about it, but here in
9 your complaint, which you wrote yourself, you didn't talk about it?

10 A. [10:26:10] No.

11 Q. [10:26:11] So now I want to know why, in drafting your complaint in 2015, you
12 do not talk about (Redacted), and questioning -- you only talked about
13 (Redacted)? So I don't know -- I want to find out from you why it is mentioned in
14 one document and not the other?

15 A. [10:26:31] Well, it's simple. The methodology with which we worked with the
16 investigators in Bangui was based basically on this document. On the first day we
17 started working, they asked me questions, according to their understanding of issues.
18 Now when I brought forward this document, they took it with them on the same day
19 to their hotel, and then the next day, they decided to work with me on this document
20 point by point and that's -- that's how they decided to work.

21 And so we took point number 1, dealt with it exhaustively. If we didn't finish on the
22 same day, we would push forward the item to the next day. And that's how they
23 prepared their report based on this document.

24 Q. [10:27:35] Very well, Mr Witness. This is very clear and it helps us to
25 understand that you had this document with you, and you went through it with the

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1 investigators of the OTP and they asked you for clarifications based on the document?

2 A. [10:27:49] Yes, based on that document and that's how my statement was taken.

3 Q. [10:28:04] Very well. And when they put questions to you with regard to this
4 document, did you add the fact that you were questioned about (Redacted),
5 if I understand correctly?

6 A. [10:28:16] No, I said we talked about it point by point. As the name of
7 (Redacted) is not actually mentioned in this document, we didn't talk with them
8 about (Redacted). They thought it was better for us to go through this document
9 and for ideas to be clearly ordered.

10 Q. [10:28:46] Very well, Mr Witness. Now once again, I'm going to insist on this:
11 We need to be clear how the information comes before us, all right, Mr Witness? I'm
12 just trying to understand. So we have a document, we have a complaint that you
13 filed in 2015 where (Redacted) is not mentioned?

14 A. [10:29:11] Yes.

15 Q. [10:29:11] You talked to the investigators in 2016 on the basis of this document?

16 A. [10:29:16] Yes.

17 Q. [10:29:17] And you say that they -- you say that you did not talk about
18 (Redacted), but in your prior statement -- so that is tab 1.4 for the French version and
19 tab 1 for the English version.

20 I'm going to be reading to you an excerpt from your prior statement of 2016. All
21 right, Mr Witness?

22 A. [10:29:56] Yes.

23 Q. [10:29:58] At paragraph 40 of the French version, so it's 2104 --

24 THE INTERPRETER: [10:30:07] The interpreter did not catch the end of the
25 reference.

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1 MR JACOBS: (Interpretation)

2 Q. [10:30:18] 2104-0546.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 So that is what you said to the investigators in 2016?

10 A. [10:30:57] That's correct.

11 Q. [10:30:58] So you did talk to the investigators about (Redacted) in 2016, did you
12 not?

13 A. [10:31:02] Yes.

14 Q. [10:31:13] Very well.

15 Could we please come back, Madam Courtroom Officer, to the complaint. I know
16 that we need to go from one document to another here, but it is document
17 CAR-OTP-2023-1362, and that's tab 2 for the French version and 2.2 for the English
18 version.

19 And we could -- yes, perfect. And could we please come back to page 8.

20 So Mr Witness, now in your part where you talk about the root reasons behind your
21 arrest --

22 A. [10:32:12] Yes.

23 Q. [10:32:14] -- you explain here -- and I'm going to read it into the record.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 So Mr Witness, if I understand correctly, *you're explaining your arrest in 2013 as

12 resulting from (Redacted)

13 is that correct?

14 A. [10:34:23] Yes.

15 Q. [10:34:31] So that we understand (Redacted)

16 (Redacted)

17 is that correct?

18 A. [10:34:49] Yes. Yes, it's (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:35:15] Very well.

22 And you yourself, (Redacted) dates back to when?

23 A. [10:35:26] Well, (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:35:57] And so to be clear, did you have -- entertain (Redacted)

2 (Redacted)

3 A. [10:36:06] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [10:36:40] No.

8 Q. [10:37:04] Very well.

9 And you say that in the year 2013, so that was seven years after the beginning of your

10 (Redacted)

11 A. [10:37:21] Yes, (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:38:14] Very well. And at the time of your arrest, were you still in the

20 (Redacted)

21 A. [10:38:31] Yes.

22 Q. [10:38:49] Very well.

23 (Redacted), did you know that person too?

24 A. [10:38:59] Yes, he was a young boy (Redacted)

25 (Redacted). He was the intelligence agent. (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [10:39:32] So this -- to be clear for the record you say -- so, (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [10:40:06] (Redacted)

8 A. [10:40:10] Yes.

9 Q. [10:40:16] Please go ahead. You need to wait for the few seconds for the
10 record.

11 A. [10:40:21] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:40:55] Very well. That's clear. And after Djotodia, to your knowledge, did

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:41:31] So if I understand correctly, after Djotodia - under Samba-Panza and

22 Touadera - (Redacted); is that correct?

23 A. [10:41:46] Yes.

24 Q. [10:41:47] And what about (Redacted), did

25 he?

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1 A. [10:41:52] He was a trader.

2 Q. [10:42:15] Very well, Mr Witness, thank you.

3 Now we're -- as we're talking about the questions put to you by (Redacted)

4 (Redacted), I'm going to read to you an excerpt of what you said

5 during the hearing yesterday in order to put a couple of follow-up questions to you,

6 Mr Witness; is that all right?

7 A. [10:42:55] Yes.

8 Q. [10:42:55] So I'm going to be quoting from T-100, page 24, and I'm going to read

9 to you the question that was put to you so we have the context. At 11 -- line 11, the
10 question was put to you -- line 12, sorry:

11 "How long did that interrogation last? Are we talking about minutes or hours, if you
12 recollect?"

13 To which you answered:

14 "It lasted a bit because (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [10:43:48] Yes.

18 Q. [10:43:49] "(Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 So I'm going to continue, just one more question. This is the Prosecutor putting the
23 question to you:

24 (Redacted)

25 And you answer:

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 know. That's what happened after I was taken back into the cell."

9 A. [10:45:04] That is correct.

10 Q. [10:45:17] So you confirm having said this, do you, to the Office of the
11 Prosecutor yesterday?

12 A. [10:45:22] Yes.

13 Q. [10:45:27] I'm starting -- I'm trying to understand, how is it that you came to talk
14 about (Redacted)

15 (Redacted)

16 A. [10:45:43] Well, he was the one who asked me (Redacted)
17 (Redacted). That's the question he put to me.

18 (Redacted)

19 So it was in the context of that question that I answered what you have just read out.

20 Q. [10:46:07] So if I understand correctly, *you were talking about (Redacted)
21 (Redacted)

22 A. [10:46:20] Before he arrived -- acceded to power, (Redacted)
23 (Redacted)

24 (Redacted), we would talk about things.

25 Q. [10:46:44] Thank you, that's clear.

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1 Now I have a question, I am trying to understand things here. Now if (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [10:47:10] Well, I'm going to tell you a little story. The CEDAD prison was -- it
7 was difficult. Even if Nouradine Adam had been appointed by presidential decree,
8 people did not have access to that prison. And the example I'm going to be giving to
9 you is as follows: I gave you a name yesterday, the name of (Redacted), and I told
10 you that I (Redacted)

11 (Redacted), he remained

12 in prison with us. There was no means for him to communicate with (Redacted)

13 (Redacted), or with an outside person in order to have the news out

14 that he was in the CEDAD prison. Everything was closed there. We didn't have

15 any contact with the outside world. And nobody in our family knew where we were

16 being detained. Now, the name of Djotodia's wife was Madina, she was the

17 *sous-préfet** for the other one, Ombella-Mpoko, in Bimbo, (Redacted)

18 (Redacted)

19 Q. [10:49:10] Very well.

20 And there were other people who were detained at CEDAD (Redacted)

21 (Redacted)

22 A. [10:49:23] I'll give you another example. (Redacted), we talked about him
23 yesterday, he was working for (Redacted)

24 (Redacted). That is information that you can go away and verify.

25 Q. [10:49:55] Very well, Mr Witness. These -- this -- these details are very useful to

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1 us.

2 So yesterday you were explaining that it was the relations (Redacted)

3 (Redacted) at that point in time, if I understood correctly?

4 A. [10:50:24] Yes.

5 Q. [10:50:26] And after a question put to you as to why (Redacted)

6 (Redacted)

7 MR JACOBS: [10:50:31](Interpretation) So I'd like for us to bring up the prior

8 statement of the witness, please, Madam Courtroom Officer, so that's 1.4 from the

9 French and tab 1 for the English version. CAR-OTP-2104-0540. We're going to be

10 going to paragraph 48. So that's page 0547, I'm sorry. 0545, I'm sorry.

11 Q. [10:51:24] So, Mr Witness, this is your prior statement, so that is the statement

12 that was drafted with the investigators in 2016, for us to be very clear about the

13 document that we're talking about. And here you're talking about -- so it's

14 paragraph 48, I'm sorry. If we could please go up a little bit the page, Madam

15 Courtroom Officer.

16 So here we are talking about your interrogation (Redacted) and you say, quote:

17 "(Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)." End of quote.

23 Paragraph 49:

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 So Mr Witness, do you remember having said this to the investigators of the OTP?

4 A. [10:53:35] Yes, I do, and I do remember that period. Because when they got me
5 out of the cell, it was about 10 o'clock. And (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:54:23] Very well. You told this -- us this yesterday, but my question is a
12 little bit more specific. Yesterday, during the hearing, you were talking about

13 (Redacted). In your prior

14 statement you don't talk about your (Redacted)

15 (Redacted). You didn't

16 talk about that yesterday, so I'm trying to ascertain what you talked to (Redacted)

17 about at that moment in time?

18 A. [10:54:56] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:56:22] Very well. Thank you for making that point of clarification,

5 Mr Witness. We understand now better.

6 But you told us yesterday that after (Redacted)

7 (Redacted); is that

8 right?

9 A. [10:57:04] Yes.

10 Q. [10:57:05] And that's what happened, is it not?

11 A. [10:57:09] They took me back into the cell and when (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) And that's how they threw me in with that

20 other person and they closed the door.

21 And I remained there throughout that day and -- (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 So for those two weeks in that cell, I wasn't able to get to my feet alone. If there

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1 wasn't somebody to help me, I couldn't get to my feet. I was lying down with
2 wounds all over my body.

3 MR JACOBS: [10:59:15](Interpretation) Madam President, I can see what time it is,
4 I'm going to be moving on to a new subject matter now, so it might be a good idea for
5 us to take a break.

6 Thank you, Mr Witness.

7 PRESIDING JUDGE SAMBA: [10:59:30] Certainly, Mr Jacobs.

8 Mr Witness, we are going to take a 30-minute break and we will come back at 11.30
9 and continue with your testimony.

10 I rise the Court for 11.30, please.

11 THE COURT USHER: [10:59:46] All rise.

12 (Recess taken at 10.59 a.m.)

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

14 THE COURT USHER: [11:32:58] All rise. Please be seated.

15 PRESIDING JUDGE SAMBA: [11:33:32] Good morning, again, everyone.

16 Mr Witness, we're going to continue with your testimony and I'm going to ask

17 Mr Jacobs to continue putting questions to you in cross.

18 We are in open session.

19 MR JACOBS: [11:33:55](Interpretation) Thank you, Madam President.

20 Q. [11:34:09] Good morning once more, Mr Witness.

21 A. [11:34:15] Thank you.

22 Q. [11:34:19] One moment, please, I just want to check a reference and I'll be with
23 you, Mr Witness.

24 So we will again hop back to things that you talked about yesterday as we seek
25 clarification.

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- 1 When you were -- talked about -- when they talked to you about the structure of
2 CEDAD yesterday, you were asked who was the person in charge of CEDAD - and
3 this was at the real-time transcript *T-100 on pages 13 and 14 - and at page 13, line 28,
4 you answer as follows:
5 "As I was telling you before, it was the policy or politics of Djotodia. CEDAD was
6 administered when Nouradine Adam was appointed as its director-general, he was
7 appointed by decree."
8 On the next page, that's page 15, the question was put to you as follows:
9 "Which other Seleka were present when you were detained at CEDAD?"
10 And at line 4, your answer:
11 "Each time I was taken out I passed by the interrogation venue, Nouradine Adam
12 would be seated in the middle, like three people would be sitting, there was Mahamat
13 Seleman next to him, and also Mahamat Said next to him..."
14 PRESIDING JUDGE SAMBA: [11:36:26] Yes, Mr Witness, I see your hand up. Can
15 we hear you?
16 THE WITNESS: [11:36:36](Interpretation) It's not Mahamat Seleman, it's Mahamat
17 Saleh who was the number 2. After Nouradine, Mahamat Said was number 3 and
18 they are the ones who are in charge. So it's not Mahamat Seleman. Mahamat
19 Seleman was the one who ran errands throughout Bangui and conducted arrests.
20 PRESIDING JUDGE SAMBA: [11:37:07] Thank you, Mr Witness. Mr Jacobs, please,
21 continue.
22 MR JACOBS: [11:37:14](Interpretation)
23 Q. [11:37:15] Thank you, Mr Witness. That was indeed going to be one of my
24 questions. I was going to hop back to that.
25 In any event I have some clarifications -- several questions for clarification in

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1 relation to what you said yesterday.

2 You have already provided this clarification, you say that Mahamat Saleh was -- that

3 Mahamat Saleh was the number 2 of CEDAD. Can you confirm that?

4 A. [11:37:53] Yes.

5 Q. [11:37:56] In your prior statement at paragraph 62 -- and I provide the reference

6 again, tab 1.4 for the French version and tab 1 for the English version,

7 CAR-OTP-2104-0540, at page 0548, we are in open session, so Mr Witness, do not refer

8 to any information that may identify you.

9 This document can be shown to the witness, but not to the public by way of

10 precaution.

11 At paragraph 62, you say the following:

12 "Nourredine was the boss. Mahamat SALEH was the first person to question

13 a detainee. He was the second important person of the CEDAD. SALEH is

14 a Chadian Muslim. He is short and thin. He often used to come to the cell door

15 and we had the opportunity to see him."

16 Then, at paragraph 63 you continue as follows:

17 "The third one who was deployed to the CEDAD was a staff member of OCRB. I do

18 not know his name. He was called commander. These three were in charge of the

19 CEDAD premises."

20 Now, Mr Witness, I have several questions for you.

21 In your prior statement you say that it was Mahamat Saleh who questioned detainees.

22 Do you confirm that?

23 A. [11:40:24] Well, some corrections were made to my statement in Bangui and I

24 pointed out to these persons in the video conference that I had his name on -- in

25 a notebook, and it was on page 44 of my notebook. I believe that the Court has

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1 a photocopy of that notebook.

2 Q. [11:40:57] Can you just simply answer my question in relation to your prior
3 statement given in 2016, can you confirm what you said in 2016; namely, that the
4 person who questioned prisoners was Mahamat Saleh? Can you confirm that? Did
5 you say that to the OTP?

6 A. [11:41:16] It was not only Mahamat Saleh. Yesterday I repeated here that there
7 were three of them and Nouradine was in the middle. During the questioning,
8 Nouradine would not take the floor - and this is what I said to the Court here,
9 yesterday - it was Mahamat Saleh and Mahamat Said who asked us questions. If it
10 happened that the questions were not satisfactorily answered, Nouradine would
11 order those henchmen who were behind us to flog us until they were ordered to stop.
12 So during the questioning, Nouradine Adam never put any questions to us. It was
13 the two, one on this side and the other on that side, and they were the ones who
14 would ask us questions and we would answer, and this is what I told the Court here
15 yesterday.

16 Q. [11:42:22] Very well, Mr Witness. But my question is: this is not what you told
17 the Office of the Prosecutor in 2016.

18 A. [11:42:28] This is what -- what is written here is not correct. When my statement
19 was being corrected in Bangui, I pointed out some corrections and related them to
20 point 44 in my notebook and they took down that for the benefit of the Court. You
21 can cross-check that yourself.

22 Q. [11:43:00] Mr Witness, corrections -- well, that's one thing, but in 2016 -- 2016,
23 and I'm talking about your prior statement, it was given to the Office of the
24 Prosecutor, and then you say that you did not know the name of the person who
25 came from the OCRB.

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1 But you had an opportunity to reread this 2016 statement and to sign it and you said
2 that it was the truth. This was in 2016. So what I'm trying to understand is, how it
3 is that in 2016 you signed a document which says that you didn't know the name of
4 the person from OCRB, and, then yesterday, you provided a name? What happened
5 between 2016 and today?

6 A. [11:43:41] Well, the truth is that I knew his name in reality. Now, what I was
7 telling the Court here yesterday is that he is the one who went along with Jaffar*
8 every morning during the roll call in the morning.

9 I want to point out to you also that during the 55 days of my detention, Nouradine
10 Adam never -- never came to the cells. Never. It was him and Mahamat Saleh.
11 But the number of visits to the cells is higher than those by Mahamat Saleh.
12 You see, Mahamat Saleh was number 2 and he was of a higher status and dignity than
13 Mahamat Said. So whenever Nouradine Adam was absent, it was Mahamat Saleh
14 who was in charge of CEDAD.

15 Q. [11:44:59] Very well.

16 Now, Mr Witness, when did you find out or learn that Mahamat Said had been
17 arrested by the International Criminal Court?

18 A. [11:45:31] I heard it over radio Ndeke Luka. I heard that he had been arrested
19 in Bria and this was information that I got from the radio.

20 Q. [11:45:47] The OTP never contacted you to inform you of the arrest and to ask
21 you whether your prior statement can be used in the trial?

22 A. [11:46:03] Well, at the time there was a registrar of the ICC who came to Bangui
23 and he provided us with participation forms for those who wanted to participate as
24 a witness in the trial against Mahamat Said. All the conditions that were requested
25 or required of us I met, so I was one of those who attended the meeting at that time.

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1 Q. [11:46:40] Do you remember when this meeting took place, Mr Witness?

2 A. [11:46:48] I don't have the date but the meeting was held at CPJ, the Protestant
3 youth centre.

4 Q. [11:47:17] So I understand that there was a meeting at the Protestant youth
5 centre. *To explain how, you said, to become a witness.

6 A. [11:47:26] Well, it was for participation, namely, that whoever wanted to
7 participate in the hearing of -- what can I say? The hearing for - what can I say? - for
8 Said.

9 Q. [11:47:47] Very well. *But by that time had you already provided your prior
10 statement to the OTP ?"

11 THE WITNESS: [11:47:57](Interpretation) This must have been in 2023 or 2022, it's
12 quite recent.

13 MR JACOBS: [11:48:07](Interpretation)

14 Q. [11:48:11] Did you apply to participate as a victim in this Court? Did you fill
15 out a form to be recognised as a victim at the ICC, Mr Witness?

16 A. [11:48:25] Yes. That registrar -- well, there were two teams of legal experts.
17 There was a lady and then there was a man and they were the ones who interviewed
18 us. There were three of us and it's the lady who interviewed us. There were some
19 boxes which they filled out. They filled out our names and then they prepared
20 a report with us on that day.

21 Q. [11:49:00] Very well. I'm just trying to understand you clearly. You say that
22 you were interviewed by a man and a woman. They were experts. Were they
23 people working for the ICC?

24 A. [11:49:13] Yes, I think so, it must have been that way. But the woman told us
25 that she did not work for the ICC, but that whenever there was a need, she would be

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1 called up to do the kind of work she was doing. So when I asked her for her phone
2 number, she told me that she could not give me her phone number and it was better
3 for me to ask for the phone number of the other person, that is, the Registrar.
4 That's what she told me at the end of it.

5 Q. [11:49:45] Very well. Maybe we can go to private session for -- to be cautious,
6 but do you remember the names of the persons you talked with? Those experts, the
7 man and the woman? Do you know their name? Don't say the names yet but I just
8 want to find out if you know the names.

9 A. [11:50:04] No, she did not give me her name and she did not give me her phone
10 number.

11 Q. [11:50:14] Very well.

12 Did you fill out the form with those persons?

13 A. [11:50:40] Yes.

14 Q. [11:50:41] *Do you have a copy
15 of this document ?

16 THE WITNESS: [11:50:47](Interpretation) I -- I don't have a copy. This was
17 their working document. They were asking us questions and they were filling out
18 certain boxes for which that information was required.

19 So it was not our personal document.

20 PRESIDING JUDGE SAMBA: [11:51:00] Mr Witness, can I ask that you wait for
21 Mr Jacobs to finish his question before you answer. If not, your answer will overlap
22 with his question and the interpreters will not get all of your answer. So wait when
23 he asks the question, you wait a bit, five seconds, and then you answer. Is that okay?
24 Thank you very much.

25 Mr Jacobs, please.

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1 THE WITNESS: [11:51:33](Interpretation) Okay.

2 MR JACOBS: [11:51:36](Interpretation)

3 Q. [11:51:38] Very well. Do you know - if you know - whether a document was
4 submitted to the Court or to the judges in which you would have been recognised as
5 a victim?

6 A. [11:52:05] Yes. That was what the Registrar was doing, I think that's what he
7 was doing.

8 Q. [11:52:13] Very well. But --

9 MS PELLET: [11:52:20](Interpretation) Madam President, maybe we could quickly
10 deal with this issue, *because the witness participated in the confirmation of charges
11 hearing and the number of his application to participate was 12056821*, a number he
12 does not know, because he doesn't have a copy of his application to participate.

13 Thank you, your Honour.

14 PRESIDING JUDGE SAMBA: [11:52:51] Mr Jacobs, please, continue. Let's see
15 where the question leads us. Thank you.

16 MR JACOBS: [11:52:58](Interpretation) Thank you for that useful detail. Because
17 we had asked for disclosure from OTP whether there was an application for
18 participation for this witness and we were told in response that there was none. So
19 this is very useful information. Thank you.

20 MS PELLET: [11:53:25](Interpretation) Well, yes, indeed, I didn't receive the request
21 myself, but as such we are not dealing here with a dual-status victim *since he is not a
22 victim authorized to participate since the charges were not confirmed at the
23 confirmation hearings, and that is why I am also not this person's legal representative.
24 Thank you, Madam President.

25 PRESIDING JUDGE SAMBA: [11:53:57] It's understandable because he's not

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- 1 appearing before us as a victim but a witness. We do know that a lot of issues go on,
2 I mean procedurally before witnesses come before the Court to testify.
3 So I'm going to ask Mr Jacobs to continue his line of questioning and let's see where
4 that leads us. We know that he's not a victim before us. Thank you.
5 MR JACOBS: [11:54:29](Interpretation) Thank you, Madam President.
6 Q. [11:54:30] Mr Witness, we will continue, bearing in mind this interesting
7 information we have received.
8 So we have just learned that you applied for participation?
9 A. [11:54:36] Yes, that's what I was saying.
10 Q. [11:54:38] Did you sign a document?
11 A. [11:54:39] Yes, with the woman who questioned me.
12 Q. [11:55:05] Now, following what the legal representative of victims said, did you
13 fill out a form at the time for participation in the confirmation of charges hearing?
14 A. [11:55:19] Yes, I filled out a form and I mentioned my name and appended my
15 signature.
16 Q. [11:55:29] Just to be sure, the person with whom you filled out the form, is it the
17 person who just rose before the Court just now?
18 A. [11:55:37] No. It was -- she is white. The other person was not white.
19 Q. [11:55:53] Very well. So just to be sure, you did not receive or have a copy of
20 your application to participate? Is that correct?
21 A. [11:56:06] No.
22 Q. [11:56:14] Thank you very much, Mr Witness, for that clarification. I think we
23 got to it in a somewhat roundabout manner.
24 So what you've said is very clear so I'll proceed. And you said, concerning Mahamat
25 Said, yesterday - and I'm referring to transcript T-100, page 17, line 16 -- or, rather,

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1 line 20 - you say:

2 "He did not work at CEDAD, he was the commander of the other -- or what can I say,
3 the OCRB, but he simultaneously worked at CEDAD and whatever you -- he was not
4 seconded to CEDAD, but he was the commander at OCRB. He was -- well, he was
5 also the third personality at CEDAD. This means that he had two functions, namely,
6 commander of CEDAD and commander of OCRB. He was also the third personality
7 at CEDAD."

8 So, Mr Witness, can you confirm that you were arrested in September 2013?

9 A. [11:57:58] I was arrested on 13 September 2013, it was a Sunday.

10 THE INTERPRETER: [11:58:09] Correction from the interpreter: On 15 September
11 2013, it was a Sunday.

12 MR JACOBS: [11:58:13](Interpretation)

13 Q. [11:58:19] Did you know -- or do you know that at the time all the persons of the
14 former Seleka OCRB had left because there had been a ceremony on 30 August 2016
15 for them to leave the OCRB. Did you know that?

16 A. [11:58:39] I did not know, but what I know is that when Said was working at
17 CEDAD, he continued to work as the commander of OCRB as far as I know, so he
18 was double hatting so to speak.

19 Q. [11:59:02] Very well, Mr Witness. You have told us what you remember and
20 what you think is true. Does the name Al Bachar Fadoul ring a bell, Mr Witness?

21 A. [11:59:19] What name is that?

22 Q. [11:59:21] I will repeat the name, Al Bachar Fadoul?

23 A. [11:59:25] I don't know that name.

24 Q. [11:59:38] Very well.

25 MR JACOBS: [11:59:40](Interpretation) Court officer, could you please display tab

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1 18 on our list of materials. This can be shown to the witness and to the public,
2 CAR-OTP-2005-0328. This document has already been submitted into evidence.

3 Q. [11:59:57] So Mr Witness, can you see the document before you?

4 A. [12:00:16] Yes, I can.

5 Q. [12:00:17] So it's a decree nominating or appointing the deputy director-general
6 for the extraordinary committee for the defence of democratic achievements, the
7 CEDAD. So if we could go down somewhat, please, if we go down to the bottom of
8 the document, we can see that it's a decree dated 7 June 2013, signed by Djotodia.

9 And we can see the first article: "Mr AL BACHAR Fadoul is appointed Deputy
10 Director-General of the CEDAD."

11 So my question to you is, does this refresh your memory with regards to the name or
12 the person?

13 A. [12:01:10] No.

14 Q. [12:01:36] So, Mr Witness, does the name Commander Yassir ring a bell?

15 A. [12:01:44] I do not know that name and even Yassir, I do not know that name.

16 Q. [12:02:04] Very well.

17 Now a person who was interviewed by the investigators of the OTP -- and I refer to
18 document CAR-OTP-2018-0454, that's tab 32 on our list of identification, and 32.3 for
19 the English version, should be shown neither to the public nor to the witness, please,
20 Madam Courtroom Officer.

21 So this other individual says -- this is paragraph 18 of the document that I've just
22 talked about at page 0457 for the French version:

23 "I did not know a Commander Yassir, he is of Chadian origin who came to the CAR
24 approximately three years before the crisis. He was the president of the basketball
25 club, called Red Stars of Bangui. And it was NOURREDINE Adam who appointed

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1 him to the position of commander within the CEDAD."

2 So my question, Mr Witness, is, did you know that or does this help you remember
3 whether this Commander Yassir was indeed appointed as a commander for the
4 CEDAD?

5 A. [12:04:06] I don't remember this name. I have just heard this for the first time
6 here before the Court and I never rubbed shoulders with him in Bangui.

7 Q. [12:04:23] Very well.

8 And you spoke to us yesterday - I'm sorry, I didn't take down the reference - of the
9 three sections, the three 15 guards. Do you remember the individuals who were in
10 charge of those different sections?

11 A. [12:04:47] Well, in the CEDAD prison, it was difficult for a guard to give you his
12 name. We, generally speaking, would learn the names of those guards because it
13 was the leaders of those guards who would come to the doors of the cells to take us
14 out and that's how we came to know some of the names.

15 But more often than not in the management of CEDAD, there was a system where
16 they can take a person and hit them as a guard and hit them, and then throw them in
17 with us in order to spy on us.

18 For example, Bebele Achille - he was the one who allegedly assassinated Dido in the
19 CEDAD compound with two gunshots - they put him in our midst in the cell with
20 a view to spying on us. And so if we were talk at night-time, he would listen to us,
21 passing himself off as prisoner, and then the next day, he was taken out and he would
22 reveal what he had heard in the cell.

23 As he was with us in the cell, we made the most of this to spy on him and that is how
24 we understood a lot about the management of CEDAD.

25 On occasion, he would give us a lot of information at night-time in the cell. He spent

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1 his first punishment with us in the cell, he spent 15 days with us in the cell, and when
2 he left after this first spate of punishment, it was just two days later that he
3 assassinated Dido, that young Seleka man. He went back into the cell with us until
4 we were transferred to the CERD together with him, and he was one of the
5 individuals who was not acquitted. He was transferred to the Ngaragba prison
6 because he had killed Dido in the CEDAD compound.

7 He was the one who gave us a lot of information in the cell with regard to the
8 management of CEDAD. He gave us names, he gave us information.

9 Q. [12:07:33] Very well, Mr Witness, thank you.

10 But let me put the question to you - and we've understood all of that - as a result,
11 were you aware of the names of the chiefs of the sections? Not the guards
12 themselves. I'm going to give you the reference of the transcript of yesterday, T-100,
13 page 16, lines *8 to 16. Were you aware of the names of the chiefs of those three
14 sections of guards, yes or no?

15 A. [12:07:59] The only name that I knew was Mahmoud who -- who died in the cell.
16 The second person was the one who was a footballer. He was a captain of the
17 national Bamingui team, but at that time I did not have his name.

18 Q. [12:08:31] Now, the same person who spoke to the investigators that I talked to
19 you about earlier -- that's paragraph 60 of the document that's still up on the screen,
20 0462 is the page that should not be brought up either for the witness or the public,
21 please, Madam Courtroom Officer.

22 So this person says to the Prosecutor:

23 "In total there were three sections, three duty sections at the CEDAD. The first
24 section was under the command of Commander MAHMOUD and his co-worker
25 TAHIR. The second section comprised Commander NOUARO and his elements.

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1 And finally there was a third section, who -- and I do not know the leader of that
2 section."

3 I'm not going to read the last sentence of the paragraph for confidentiality reasons as
4 it might be identifying in nature. So, Mr Witness, I can see you have raised your
5 hand, do you know any of these people being in charge of the various sections?

6 A. [12:09:51] Well, that's the reason why I raised my hand. Nouaro was not one of
7 the guards there. He was at the presidential guard of the president, President
8 Djotodia. He was at the president's office.

9 I heard his name, but he was not part of the three commanders. He was not an
10 officer of the Seleka. He was at the presidential security for Djotodia. And he was
11 driving around in Bangui in the command vehicle that Bozizé had, he was a leader.
12 And Nouaro was the person who was in that lorry, and, in each convoy of Bozizé's,
13 he was upfront. He wasn't one of the CEDAD guards, he was at the presidency.

14 Q. [12:10:56] Thank you. And how do you know that, Mr Witness?

15 A. [12:11:00] Because one day, President Djotodia went twice to the CEDAD. On
16 the first occasion, he went in the company of his presidential guard in the vehicle that
17 I've just mentioned to you earlier. They went there in order to release us.

18 When he was in the CEDAD compound, there was an exchange of gunfire between
19 the CEDAD guard and the presidential guard of Djotodia. Djotodia was amongst
20 them in their midst in the CEDAD compound.

21 Now, the presidential guard of Djotodia thought it would be a better idea to take the
22 president and leave because, according to the CEDAD management, they said that
23 they had been there a while and -- we had been there a while, and that were we to be
24 released, we would give up the secrets that we'd gleaned in prison, so that they
25 wanted to exterminate all of us from the CEDAD. They didn't want anyone to stay

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1 alive. Everything that had gone on in that compound and in that prison was not to
2 be disclosed one day.

3 Q. [12:12:27] All right, Mr Witness. Thank you.

4 You said that President Djotodia came to CEDAD on two occasions; is that right?

5 A. [12:12:48] Yes. The first time was because of our release. There had been an
6 exchange of gunfire between CEDAD and his guards and one of his guards received a
7 gunshot wound in their foot. And as it was the president, they had to turn around
8 and take him forcibly out of the compound.

9 On the second occasion, he left with the two wives of the collector, {ICR: (Redacted)}
10 (Redacted)) and when the wife of {ICR: (Redacted)} gave the 500,000 francs of
11 ransom to Mahmoud and that he waited for two or three days, and when he didn't
12 see what was happening, he forced through the roadblock to go and see Djotodia in
13 person. And that is how Djotodia and those two wives arrived for the second
14 occasion in the CEDAD compound.

15 Q. [12:13:49] Very well, Mr Witness, you told us this yesterday and that's why I'm
16 interrupting you. We've got it on the record so we don't need to come back to it.
17 The two times when Mr Djotodia came, just for us to be clear, it was during your
18 detention, was it?

19 A. [12:14:04] Yes.

20 Q. [12:14:05] You say that during your detention, Djotodia came to the CEDAD
21 twice; is that correct?

22 A. [12:14:11] Yes. It was during the first visit that I heard the name Nouaro that
23 you just mentioned.

24 Q. [12:14:22] Yes, I have understood the nexus. Indeed, I put a question to you
25 and you explained to me how you know that, it's very clear.

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1 So still in the excerpt with regard to the guards, at T-100, page 16, lines 8 to 16, you
2 say that there were three groups of 15 guards.
3 Another person who talked to the investigators -- and that is tab 26.2 on our list of
4 notification, that's 26 for the English version, and it should not be shown either to the
5 public nor to the witness, please, Madam Courtroom Officer, CAR-OTP-2122-3490.
6 Like as at an earlier stage, I'm going to read an excerpt to you, Mr Witness, and then
7 I'm going to ask you to comment. All right?

8 A. [12:15:37] Yes.

9 Q. [12:15:38] So this individual who was interviewed by the Office of the
10 Prosecutor explains in paragraph 77, so that's page 3509 in the French version:
11 "The CEDAD guards were working in teams of seven, each commanded by a 'leader'.
12 The leader and his seven guards were on duty for 48 hours before another team took
13 over. There was three leaders, each having a team of seven guards under their
14 orders. MAHMOUD was the only leader that I knew."

15 PRESIDING JUDGE SAMBA: [12:16:23] Sorry. Sorry, Mr Jacobs, did you say there
16 were "three leaders" or -- because from the English version, I'm seeing there were four
17 chiefs in that paragraph 77.

18 Can you clarify that for the records, please. I mean, the French version, does it have
19 three chiefs or --

20 THE INTERPRETER: [12:16:47] Message from the English booth: a mistake from us,
21 it's four leaders. Our apologies.

22 MR JACOBS: [12:16:56](Interpretation) Yes, maybe I spoke too fast, but indeed in
23 the French version, there are indeed four leaders.

24 Q. [12:17:07] Very well. So let me continue, I will carry on with this sentence.

25 "There were four chiefs, each having under their orders a team of seven guards.

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1 MAHMOUD was the only chief that I knew. Higher up than the leaders, there
2 were -- than the chiefs, there were Colonel Mama SALE and Colonel BICHAR.
3 Below them, there was the deputy to General Nouredine, BACHAR."
4 So, Mr Witness, this other individual said that there were four teams of seven guards
5 and mentions a Colonel Bichar who was one of the chiefs with Mama Sale.
6 Does that ring a bell?
7 A. [12:18:05] No, I said - and I swore to speak the truth before the Court - I spent 55
8 days in the CEDAD cell and as I was saying to you yesterday, when I arrived at the
9 CEDAD, {ICR: (Redacted)} in the cell. All the other prisoners arrived {ICR:
10 (Redacted)} Bichar was not working at the CEDAD. That is his testimony. He said
11 that there were four groups of guards, that is his opinion. I said that there were
12 three groups of guards and that each chief has 15 soldiers.
13 The compound at the CEDAD is very large, and, as I said, that they would post
14 themselves around the compound at night-time in order to avoid that any prisoner
15 escaped. So seven individuals can't post guard around CEDAD.
16 And I should tell you one thing, namely, that some of those Seleka soldiers during the
17 rebellion arrived in Bangui and they did not have any relatives, nor did they know
18 the town at all. There's the example of Kpebo Achille who was working with Tahir
19 at the CEDAD, and he did not have anywhere to live in Bangui, and when he clocked
20 off after his duty, he lived in the CEDAD compound. And many of those
21 soldiers -- most of them did not have relatives. So there were soldiers who lived in
22 the renaissance palace compound. They didn't know the town and they didn't know
23 where to live. So according to my knowledge, *the Seleka chiefs were lucky enough
24 to be able to requisition houses in the neighbourhoods, houses of the dignitaries of the
25 overthrown regime. It was they with their team who lived in the neighbourhoods,

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1 because they had requisitioned houses from the dignitaries that had fled. But those
2 soldiers, however, didn't know Bangui town. They didn't have relatives and they
3 would sleep there where they worked. That was the case of Bebele Achille, as I said.
4 He was working at the CEDAD and he slept at the CEDAD. That's how things went.

5 Q. [12:20:38] Thank you very much for that information. I'm still trying to
6 understand the hierarchical structure of the CEDAD. I'm going to read a last -- our
7 final excerpt to you, Mr Witness. CAR-OTP-2127-9348, that's tab 29 for the English
8 and 29.2 for the French version. It should neither be shown to the public nor to the
9 witness, please.

10 So at paragraph 69, this individual who was interviewed by the investigators says as
11 follows:"There was Nourredine, DHAFFANE, Mohammad SALEH and a fourth
12 individual whom I did not know. It was NOURREDINE who spoke first. He told
13 me that he was with his superiors. He introduced SALEH and DHAFFANE as being
14 chiefs."

15 So, Mr Witness, does that ring a bell with regard to the fact that Dhaffane was a chief?

16 A. [12:22:12] Well, what I shall say in order to shed light on the matter before the
17 Court, is that in this Seleka coalition, Dhaffane was a -- the chief of a rebellion group.
18 However, Mohammad Saleh and Nouradine Adam were the co-founders of the CPJP.
19 If you understand, the introduction to the document that I sent, I tried to talk about
20 how the CPJP came into being. So Dhaffane was not part of the guards, nor did he
21 fall under the orders of Nouradine. He was quite highly placed in the Seleka
22 hierarchy. He had his own rebellion group before those groups fused or merged in
23 order to become the Seleka. He wasn't there in order to work under Nouradine.

24 Q. [12:23:24] Thank you very much for that clarification. It's very useful for us to
25 be able to understand.

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1 So I'm going to be moving on to another point now in order to continue with what
2 you were telling us earlier. *You said that Djotodia came on two occasions to the
3 CEDAD, during your detention ?

4 A. [12:23:47] Yes.

5 Q. [12:23:48] During your detention, do you remember the visit of Minister Binoua
6 during that period?

7 A. [12:23:56] No -- I'm sorry, {ICR: (Redacted)}
8 (Redacted)} and when the
9 relatives were looking everywhere for me in Bangui, they went to see him and asked
10 him if they could see --

11 Q. [12:24:30] I'm sorry, Mr Witness.

12 Could we please go into private session, Madam President.

13 PRESIDING JUDGE SAMBA: [12:24:34] Yes.

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

15 (Private session at 12.24 p.m.)

16 THE COURT OFFICER: [12:24:52] We are already in private session,

17 Madam President.

18 PRESIDING JUDGE SAMBA: [12:24:55] Mr Jacobs, continue, please.

19 MR JACOBS: [12:24:57](Interpretation) Thank you, Madam President.

20 Q. [12:24:59] Now, Mr Witness, as you were starting to talk about (Redacted)
21 (Redacted), it was a better idea for us to move into private
22 session, so please continue.

23 A. [12:25:11] So when the relatives were looking for me, that lasted a while. They
24 were looking for me here and there. Sometimes they were told that I had been
25 assassinated; that I was in the water. So they went out to look at a specific body of

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1 some individual. They searched for me in vain.

2 They went to see (Redacted)

3 (Redacted)

4 Now, the (Redacted)

5 (Redacted)

6 told my parents -- my relatives this, and I heard this when I got out of prison.

7 At that moment in time, nobody knew where I had -- where I was and where I was

8 arrested, and they -- they were looking for me whilst I was in prison.

9 Q. [12:26:25] Very well. Now regarding Binoua, we have an individual who was

10 questioned by the Office of the Prosecutor who told us something, and I'm going to

11 tell you something and you're going to tell me whether this rings a bell.

12 Now, this is CAR-OTP-2122-3583, tab 28.2 for the French version and 28 for the

13 English version. That should be shown neither to the witness nor to the public,

14 please.

15 So I'm going to be changing a sentence somewhat by precaution: "So this person

16 told me that he had gone to see the French army and the minister for security,

17 BINOUA, and that he had taken them to the compound."

18 We're talking about the CEDAD.

19 "I do not *know whether the French went into the compound, but I do know that

20 BINOUA came and that he tried to inspect it, but access was denied him. At that

21 moment, I had heard the guards explaining that Minister BINOUA shouldn't be

22 there."

23 So that's for the record, paragraph 55, page 3591 of the French version.

24 So, Mr Witness, does that ring a bell? That Binoua and the French came to

25 the CEDAD with a view to inspecting it?

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1 A. [12:28:29] To my mind, that is the contents of his testimony. To my mind, the
2 first time that I became aware of the presence of those French soldiers was at the
3 CERD. Those were the French gendarmes who had arrived when we were taken at
4 night-time to -- and in the morning, there were French gendarmes who had arrived
5 and they asked the brigade commander who authorised from his window, and those
6 French gendarmes brought us together and filmed us on their computer inside the
7 office of the other person.

8 So I -- that's what I know about those French people. They filmed us with their
9 mobile telephones -- no, not their mobile telephones, the other thing. Their
10 computer.

11 So to my mind, that was it. And that's all.

12 Q. [12:29:50] Very well. If I have understood you, that would have been after you
13 left CEDAD?

14 A. [12:30:03] Yes, we were taken out in the night and it was the next day in the
15 morning.

16 Q. [12:30:07] Very well. So you're telling us that when you at the CERD, some
17 French gendarmes came?

18 A. [12:30:11] Yes.

19 Q. [12:30:12] Did they question you?

20 A. [12:30:13] No, they did not question us. They asked us for the authorisation
21 from the CB of CERD but -- the CB authorised, but we were all assembled outside.
22 But they were inside the office and they recorded us or filmed us on a computer, but
23 we didn't have any contact with them.

24 Q. [12:30:43] Very well, thank you for that clarification.

25 Now, talking about Djotodia's visit, which you mentioned, can you confirm that after

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1 that visit, some policemen were sent to question you at the CEDAD, let me be specific
2 to provide a specific *timeframe.

3 A. [12:31:32] * When Djotodia arrived with the two wives of the other one, the two
4 wives of the (Redacted), and after the assassination of Mahmoud in the CEDAD
5 premises, President Djotodia did not like the way the CEDAD was being run, because
6 a colonel was beaten up and died and was two days in the cell, *it was one night, at
7 10pm, that they took his body out, on the third day.

8 So at that time, Commander Mahmoud had two wives and one of them was nine
9 months' pregnant, so the family was not involved -- informed, but they brought the
10 dead body.

11 Q. [12:32:33] Yeah, we have that on -- we have your testimony on record. But I
12 have a very specific question for you. You talked about some policeman or
13 gendarmes who came to question you, that was after the death of the other person.
14 Now we have very limited time, Mr Witness, so we will try to deal with this. You
15 have already told us this story, but I want to interrupt you so that we can proceed.
16 My question is as follows: was that after Djotodia's visit that these things happened,
17 yes or no?

18 A. [12:33:05] Djotodia visited the place after the other person died after having
19 been beaten up.

20 Q. [12:33:18] As far as you know following Djotodia's visit, where any persons
21 from CEDAD locked up or arrested and locked up in cells by Djotodia's people?

22 A. [12:33:36] It was not Djotodia who administered the CEDAD prison. Djotodia
23 was at the presidency.

24 Q. [12:34:02] Mr Witness, I want to read out to you an excerpt from somebody's
25 statement who was interviewed by the OTP. Tab 27.3, the French and tab 27 in

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1 English. This is not to be shown to the witness or the public, CAR-OTP-2130-5398, at
2 page 5413, paragraph 52, and I think it strides two pages.
3 So I'll read an excerpt for you and you will tell me what you think of it. I will change
4 a few words in order to maintain confidentiality.
5 "About one month after, President DJOTODIA wanted to enter the compound.
6 However, Nouradine had apparently given orders that no one should come in
7 without his authorisation. DJOTODIA apparently became very angry and left. His
8 men were also angry. They were able to get in after DJOTODIA left. They took
9 people out of the cells and asked them what they had done and they answered saying
10 they did not know. When the president's men talked to those who were guarding
11 them, it became clear that we were at the CEDAD. Then, the Seleka of CEDAD were
12 locked up in our cells. The president's men also began to take weapons that had
13 been stocked there. They needed help and they asked us to assist them. The one
14 who appeared to be the commander of the president's men was tall and light skinned.
15 He was wearing a military uniform but did not have a cap. I did not see any vehicle
16 because they had come on foot. However, they brought a military truck to carry
17 away the weapons, AK-47s, rockets and boxes were taken away, wooden boxes were
18 taken away."

19 And I'll stop there.

20 Mr Witness, does the arrival of Djotodia's people and putting guards in the cell mean
21 anything to you?

22 THE INTERPRETER: [12:37:53] Witness laughs.

23 THE WITNESS: [12:37:55](Interpretation) Well, that is the witness -- that person's
24 testimony. I have taken the oath not to lie, I have come here not to lie. I am
25 a Central African, I love my country. What happened to my country, what

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1 happened to me, I hope it will never happen to me again. Ever.

2 I am 63 years old today and, really, before this Court, I want to reassure you that it
3 hurts me, it pains me -- all of this. I did not come here to lie or to say unjust things
4 about the accused person or anyone else. So what I say is what I know. What that
5 other person says, that is their testimony. It is not mine.

6 MR JACOBS: [12:38:45](Interpretation)

7 Q. [12:38:46] That is absolutely correct. So you just tell us what you
8 remember -- and your clarifications are very useful.

9 So, witness, we're trying to dig a little further to understand what happened at
10 CEDAD. Does it ring a bell to you that some people from the ICC came to
11 CEDAD -- CEDAD when you were detained there?

12 A. [12:39:33] I testified already that (Redacted) at the CEDAD cells and
13 the others (Redacted). Do you believe that the Seleka elements would have
14 authorised anybody to infiltrate the CEDAD to gather information? I have just told
15 you that there was an exchange of gunfire between Djotodia's people and the
16 presidential guard, and the CEDAD people, because they were from the presidency,
17 they were able to use their own means to take people out of the cells. I told you
18 already that Nouradine prohibited anybody formally from entering the CEDAD
19 compound and that is the truth.

20 Q. [12:40:21] Thank you, Mr Witness. Let's move on. You then explained that
21 after your detention you were taken to the CERD*; is that correct?

22 A. [12:40:50] Yes.

23 Q. [12:40:59] Do you remember how many people were taken to CERD at the same
24 time?

25 A. [12:41:08] Yesterday, I told you that the remaining prisoners -- the remaining

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1 CEDAD prisoners were carted away in three lorries. We were first taken out of the
2 cell in -- in a line, each one holding the other's trousers. They would fill up one truck,
3 they would fill up the second lorry and then they would fill up the third vehicle, and
4 we got to the CERD at around 22 hours or almost 22 hours, 50.
5 There was the deputy chief of staff that night whose name I will try to remember, well,
6 he was arrested at the border, the Cameroon border and his name was -- well,
7 anyway, when I remember the name, I will tell you. But let me go on with what I'm
8 saying. We -- he arrived at around 11 p.m., and asked the brigade commander to
9 bring us out of the cells. He was the deputy chief of staff.
10 Now, when the commander brought us out -- brought us out, he was unable to stand
11 the smell, the stench from our bodies because, as I was telling you yesterday, we
12 didn't have the opportunity to clean up or to wash ourselves during the entire time of
13 our detention. So he asked the commander to give us soap so that we could have
14 a shower or clean up. And so that's how it happened. And then that night, the
15 deputy chief of staff questioned us before going back home. It was
16 around -- between 11 p.m. and midnight. And we were having a shower or a bath
17 for the very first time in a long time.

18 Q. [12:43:15] Thank you for those details. Do you remember any names of the
19 prisoners, some of those who were taken from CEDAD to CERD, do you remember?

20 A. [12:43:26] Yesterday, I was telling you that we gave statements to the CERD,
21 written statements, and we appeared before the court twice and the prosecutor
22 corrected the record and then we went back again and 10 of us were acquitted by the
23 court. The other prisoners were taken to the Ngaragba prison. So that's what I was
24 telling you yesterday, there were many of us and we were hooded. There were
25 many of us.

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1 Q. [12:44:10] In your prior statement, CAR-OTP-2104-0540, tab 1.4, French, 1 for
2 English, at paragraph 128 you say:
3 "At 2100 hours, the 20 detainees were all taken out of the cell. Their heads were
4 covered. We were in a line and each detainee held on to the attire of the one in front
5 of him.
6 We went into three different vehicles and drove through Bangui all the way to CERD
7 at 23:30*.
8 There, we were again questioned and twice we were taken to appear before the state
9 prosecutor. Ten of the detainees, including myself, were released and 10 were sent
10 to the Ngaragba prison."

11 Now, in your prior statement you say that there were 20 of you in total, 10 released
12 and 10 sent to Ngaragba. Do you confirm that?

13 A. [12:45:53] I can confirm it, but the number was definitely higher than 20. But
14 you see, maybe it was an automatic choice*. What I'm saying is that there were more
15 than 20 persons and I can mention some names. Maybe the ICC has that name.
16 There was -- and I'm sure you have that name because he was also interviewed by the
17 investigators. (Redacted). He was
18 also a part of the group of persons who were taken to the gendarmerie one day after
19 us. There were three of them, one -- one woman and two persons. So the number
20 was more than 20.

21 Q. [12:46:56] Mr Witness, you have just mentioned (Redacted) who was
22 interviewed by the investigators. How did you become aware of that?

23 A. [12:47:07] When we attended the participation meeting for the Said case, quite
24 often we met as an association of victims, association of volunteer victims. So during
25 that association, (Redacted)

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1 (Redacted), and this was recognised by the ministry and was extended to include the
2 association of victims. So whenever the victims met, everybody was present and
3 that is how we got to know each other and how we got to share information among
4 ourselves. That is how I got to know (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [12:48:17] Very well. So you're saying that this happened in the context of your
8 association of victims?

9 PRESIDING JUDGE SAMBA: [12:48:29] Just to guide you, Mr Jacobs, or maybe to
10 inform you, you have like five minutes more to your time, about five minutes more,
11 so let's see what you can make of that time.

12 MR JACOBS: [12:48:44](Interpretation) Thank you, Madam President. I will -- I
13 will finish before the break and I can promise you that.

14 Q. [12:49:03] Mr Witness, you have just explained to us that you had an association
15 of victims, you talked about a number of issues. Did you talk about your
16 collaboration with the OTP during that association's meetings?

17 A. [12:49:21] No, this is a legal association. (Redacted)

18 (Redacted), and he was one

19 of the 10 persons who was acquitted by the court. When we came out, well,

20 (Redacted)

21 (Redacted), and we organised seminars, several seminars with the

22 assistance of the UN system. And so whenever he had room for five or 10 persons,
23 he would call us and we would attend the meetings.

24 Q. [12:50:05] Thank you very much, Mr Witness. The Presiding Judge has
25 reminded us that we have very limited time. I want to ask you the question again

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1 and I ask for a specific answer. You just told us that you learnt when you had
2 discussions with (Redacted) that he had talked with the investigators.

3 A. [12:50:22] No, no, that he was received by the investigators.

4 Q. [12:50:26] Of the ICC?

5 A. [12:50:27] Yes. But I want to clarify. You see, when we were working within
6 the association, we also worked with the international human rights federation.
7 Quite often, we would be invited to the FIDH and we would go there on behalf of our
8 association, and, (Redacted), who had also been a prisoner at CEDAD, would also be
9 part of it.

10 Q. [12:51:04] Did your association engage in activities such as discussions on your
11 participation as victims before the ICC?

12 A. [12:51:17] (Redacted)

13 (Redacted). So quite often if there was any training seminar
14 to be organised, he was the one who would inform us by phone of the day of the
15 meeting, and then we would go and attend and he would tell us whether it was
16 a training seminar with the Registrar. Because he is the one who informed us of
17 anything pertaining to our identification or matters pertaining to victims.

18 Q. [12:51:58] So just to be sure, you collectively talked about your participation as
19 victims at the ICC. Did you talk about how to fill out the forms?

20 A. [12:52:14] We came on the invitation of the president of the association, but we
21 were interviewed individually. Each person had a form and was questioned
22 individually and then they would finish and leave, and the next person would be
23 interviewed as well. That's how it happened.

24 Q. [12:52:35] When (Redacted) explained to you that he had been interviewed by
25 the investigators of the OTP, did you also tell him that you had been interviewed by

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1 the investigators of the OTP?

2 A. [12:52:56] No. This was during a working session at the FIDH and during the
3 break we -- that is when he informed me that he had been interviewed by the
4 investigators.

5 Q. [12:53:24] Very well. Mr Witness, we went on somewhat of a tangent, but I
6 want to go back to your prior statement to the excerpt which I read out. Do you
7 confirm that you were interviewed twice by the prosecutor before you were
8 released -- or that you appeared twice before the prosecutor before you were
9 released?

10 A. [12:53:46] No, not really. We went to court twice and the first time the
11 prosecutor was present, but he didn't say anything. He simply informed the brigade
12 commander that there had been some mistakes on the record and that we needed to
13 be taken back to the CERD for those mistakes to be corrected.
14 Now, the second time when we were brought before the court, it was the deputy
15 prosecutor who was deliberating and on that day the prosecutor was absent. It is the
16 deputy prosecutor who conducted the hearings and he released 10 of us, *and the
17 other prisoners were sent to Ngaragba prison. That's what I said yesterday.
18 So it's not the prosecutor who -- who made that decision, it was the deputy prosecutor
19 as I already told you.

20 Q. [12:54:40] Thank you.

21 Last question on your release, Mr Witness, before I conclude. Do you remember the
22 date on which you were released?

23 A. [12:55:02] Yes. I was released on 14 November 2013, having spent 62 days -- 55
24 at CEDAD and 7 at the gendarmerie for a total of 62 days.

25 Q. [12:55:26] Do you remember the name of the captain at CERD who ordered your

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1 release?

2 A. [12:55:37] He's the son of the former president, Kolingba, he -- his name was
3 Serge, Serge Kolingba. At that time, he was the CB of the CERD.

4 Q. [12:55:56] Very well.

5 Court officer, could we please display tab 21 on our list of materials,

6 CAR-OTP-2023-1244. This can be shown to the witness.

7 Somebody will put -- turn on your screen, Mr Witness, and I'm referring here to
8 a document.

9 Can you see the document, Mr Witness? Is that all right?

10 So this is a document from the General Directorate of the Gendarmerie, section for
11 researches and investigation. We can see the date, Bangui, 2013.

12 Could it please be zoomed in on.

13 Transmitted by Captain Bonam Urbain Antoine, in command of the section of
14 research and investigation, to the prosecutor of the republic with the *Tribunal de*
15 *Grande Instance* in Bangui.

16 Under which: "We hereby have the honour of transmitting to you the list of the
17 individuals who have been placed at our disposal by the CEDAD" - so that's the
18 Extraordinary Committee for the Defence of Democratic Achievements - "against
19 whom we have not been able to register charges for competence."

20 Could we go to the next page, please, Madam Courtroom Officer.

21 And here we have a list of 10 names of which yours ...

22 So can you confirm that the list of 10 individuals released on that day is as it appears
23 here, Mr Witness?

24 A. [12:58:23] Well, for example, in this list, (Redacted)-- can

25 you hear what I'm saying to you? (Redacted) was not part of the first 10

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1 individuals who were acquitted. He was taken to Ngaragba. Now, when the
2 Anti-Balaka arrived, he escaped, and when the 10 of us were released*, (Redacted)
3 and (Redacted) was in our midst, and (Redacted) was in our midst.
4 (Redacted)
5 (Redacted), he was one of us. But the first name, he was not one of the people
6 acquitted, he was sent to the Ngaragba prison, (Redacted).

7 Q. [12:59:33] Thank you, Mr Witness. Thank you for that clarification.

8 I would like to formally submit this document which is tab 21 on our list of material,
9 CAR-OTP-2122-3583.

10 That's my last question to you, Mr Witness.

11 I see you have your hand up.

12 A. [12:59:59] The third person, his name is not like this. This is a (Redacted). His
13 name is (Redacted). His name here, (Redacted), as it is written, is not correct
14 and he was not part of the individuals who were acquitted on that day.
15 He was (Redacted) and he had problems with his case file, he and the other guy.
16 And as I said, he was a -- (Redacted), and he, (Redacted), were taken back to the
17 CEDAD. He was not part of those people who were released -- or those part of the
18 people who were taken to the prison. They both were taken back to the CEDAD and
19 they were released in another manner from us. They were not part of those 10
20 individuals.

21 Q. [13:00:55] Very well. Well noted, Mr Witness, and thank you very much for
22 having answered my questions.

23 MR JACOBS: [13:01:03] (Interpretation) Madam President, that was my last question
24 to the witness.

25 PRESIDING JUDGE SAMBA: [13:01:07] Thank you very much, Mr Jacobs.

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- 1 May I ask the Prosecution, Madam Prosecutor, do you have any question in
2 re-examination for this witness?
- 3 MS NDAGIRE: [13:01:17] No, we won't be re-examining this witness, Madam
4 President.
- 5 PRESIDING JUDGE SAMBA: [13:01:24] Judge Socorro Flores, any question?
6 Judge Ugalde? No.
- 7 Okay, Mr Witness, I want to on behalf of the Chamber thank you very much for
8 cooperating with us, for the time that you put in to come here and testify as to what
9 you know happened in the CAR. We do appreciate all that you have said and we
10 wish you well in your future endeavours and we wish you a very safe flight back
11 home.
- 12 (The witness is excused)
- 13 PRESIDING JUDGE SAMBA: [13:01:49] Now, we note that tomorrow, we should be
14 taking the Prosecution's 46th witness in the person of P-2232, if my memory serves
15 me well. So what I'm going to do is to adjourn this matter and ask that we come
16 again tomorrow at 9.30 and start with the Prosecution's 46th witness.
- 17 I thank all of you here present. I thank the interpreters, thank you very much. And
18 I thank of course the security personnel. Thank you. Have a good one.
- 19 THE COURT USHER: [13:02:32] All rise.
- 20 (The hearing ends in closed session at 1.02 p.m.)