

Trial Hearing
WITNESS: CAR-OTP-P-3112

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera, Judge
6 Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
7 Trial Hearing - Courtroom 2
8 Monday, 14 October 2024
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:22] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:47] Good morning, everyone.
14 Mr Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:34:54] Good morning, Madam President. Good
16 morning, your Honours.
17 This is the second situation in the Central African Republic, in the case of The
18 Prosecutor versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
19 And, for the record, we are in open session.
20 PRESIDING JUDGE SAMBA: [9:35:13] Thank you very much.
21 Can I ask for representations, starting with the Prosecution.
22 MS MAKWAIA: [9:35:20] May it please the Court, for the Office of the Prosecutor
23 this morning, Alessia Vitiello, Brunhild Le Bailly, Marie-Jeanne Sardachti,
24 Sanyu Ndagire, and myself, Holo Makwaia.
25 PRESIDING JUDGE SAMBA: [9:35:32] Thank you, Ms Makwaia.

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1 Ms Pellet for the victims.

2 MS PELLET: [9:35:38](Interpretation) Thank you, your Honour. The victims are
3 represented by myself, Sarah Pellet, counsel with the Office of Public Counsel for
4 Victims.

5 PRESIDING JUDGE SAMBA: [9:35:48] Thank you very much.

6 Ms Naouri for the Defence, please.

7 MS NAOURI: [9:35:53](Interpretation) Thank you, your Honour. Good morning.

8 On my right, Maître Jacobs; next to him, Capucine Banet; and behind me,
9 Clemence Farigoule. And I am Jennifer Naouri, lead counsel of Mr Said.

10 PRESIDING JUDGE SAMBA: [9:36:19] Thank you very much, Ms Naouri.

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

12 A very good morning to you, Mr Said. I hope you had a restful weekend.

13 MR SAID: [9:36:29](Interpretation) Yes, good morning, your Honour.

14 PRESIDING JUDGE SAMBA: [9:36:31] Good morning.

15 Good morning, Mr Witness. I hope you rested well this weekend.

16 WITNESS: CAR-OTP-P-3112 (On former oath)

17 (The witness speaks French)

18 (The witness gives evidence via video link)

19 THE WITNESS: [9:36:39](Interpretation) Good morning, your Honour.

20 Everything's going very well. Thank you.

21 PRESIDING JUDGE SAMBA: [9:36:43] Good.

22 Now, Mr Witness, we're going to continue with your testimony this morning. And

23 I wish to remind you that you're still on oath to say the truth to this Court. I'm going
24 to invite Mr Jacobs to continue putting questions to you in cross.

25 And, Mr Jacobs, just for some in-house matter, you've used 2 hours, 47 minutes of

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1 your time. We will appreciate it if we have some time maybe for re-examination or
2 maybe questions from the bench. But you've used 2 hours, 47 minutes.
3 So your witness, please. Thank you very much.

4 MR JACOBS: [9:37:57](Interpretation) Thank you very much, your Honour.

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

6 Q. [9:38:04] Good morning, witness.

7 A. [9:38:05] Good morning, Maître Jacobs.

8 MR JACOBS: [9:38:13] (Interpretation) So, before starting, I forgot to submit an item
9 at the end of the hearing yesterday, and this was the last item that I used, the last
10 photograph that I showed in the hearing on Thursday. It was tab 1021 -- 1121,
11 CAR-OTP-2032-44. That's tab -- I ask for the formal submission of this item. It's
12 CAR-OTP-2033-6844. That is tab 1120.

13 Q. [09:39:00] So, Witness, I would like to go on to another subject. In your report
14 you described the process that you followed to take samples of an evidence * in the
15 semi-basement room. Do you remember?

16 A. [9:39:23] Yes, but if you would allow me, * as regards the see through window
17 in the semi-basement room at the OCRB building what we spoke about during our
18 last session, I said on 10 October. I made it possible to carry out certain verifications
19 that needed to be made, and it would appear that you're right, Mr Jacobs. Indeed,
20 on the one hand, there is only one semi -- dormer-window, and there's only one in
21 that room, firstly. And, secondly, this single window is situated on the north-west of
22 the OCRB building. So it's very clearly identifiable, visually, among others on the
23 screen capture of the 3D model on page ERN CAR-OTP-2062-0762 and 0763, on the
24 photograph * ERN CAR-OTP-2033-6838 -- and it's present in my expert report on
25 page ERN CAR-OTP-2062-0772, and also the video, which was made in this

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1 *semi-basement room, which has ERN CAR-OTP-2033-60 -- 7874.

2 So in order to reply to your previous questions in the last sessions, this only window

3 made it possible to have a view of the north-west wall. And this wall is almost

4 perpendicular to the south-west wall on which you have the cells G1, G2, G3 and G4,

5 in a more or less median way as presented on the photographs 245 on page ERN

6 CAR-OTP-2062-0850 from my expert report. This wall is also opposing the

7 *south-east wall where you have the cells G5, G6 and G7 as shown on the photograph

8 270, page CAR-OTP-2062-0861 of my expert report.

9 By way of conclusion, it would appear clearly the case that cells G1, G2, G3, G4, G5,

10 G6, G7 cannot be viewed by persons present in the *semi-basement room via this

11 widow without use of a technical means which would make it possible to modify the

12 angle of view, for example, mirrors, which you were completely right about,

13 Mr Jacobs.

14 Q. [9:42:54] Thank you, witness. I understand from what you said that you

15 worked on your cross-examination during the weekend. Do you have access to all

16 the documents that you spoke about since these last days?

17 A. [9:43:12] So, all the documents which are subject to my preparations last week

18 were all transmitted to me in an electronic way. So the preparation week.

19 Q. [9:43:35] So what I was saying is that you have access and you continued to

20 work on your testimony today in the hearing; is that correct?

21 A. [9:43:46] Indeed. I tried to refresh my memory with regards to your questions,

22 because you will certainly remember over the last session I wasn't sure of my answers.

23 So I wanted to give the maximum degree of precision and clarifications to the

24 Chamber on this particular point.

25 Q. [9:44:18] Very well. Did you reread your report in relation to other themes that

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1 we discussed together?

2 A. [9:44:27] Absolutely not. It's the only point that I wished to bring the most
3 elements to the attention of the Chamber.

4 Q. [9:44:44] Thank you very much, witness. So I'm coming back to my question.
5 Now, you described the procedure for taking elements from the *semi-basement
6 room. I now have certain follow-up questions with regards to that.
7 So my first question was where it concerns physically the analysis, document
8 gathering. Were you alone for that operation? If I have understood your report,
9 there were a * certain number of sealed bags that were taken. Were you alone in
10 carrying out the -- examining these items and gathering the different evidence,
11 evidentiary items?

12 A. [9:45:44] Where it concerns the sampling that was carried out in the
13 *semi-basement room, you had the two colleagues from the judicial police from
14 Lisbon who were assisting me with these operations. You also had present, I would
15 say the majority of the time, the investigator of the Office of the Prosecutor, as well as
16 the director of the OCRB who was present and who was also carrying out his
17 occupation.

18 Q. [9:46:41] So I would like the report of the OCRB to be shown. This is at tab 1,
19 so 1.2 for the English version. CAR-OTP-2062-0743. And you have the page 0845.
20 So you will see what is on the screen here.

21 A. [9:47:49] I see it perfectly, Maître Jacobs.

22 Q. [9:47:55] If we could go up a bit just to see the text, the text above the photo.
23 There you are.

24 You see at paragraph 112, it's written:

25 "At the end of the examination of the *semi-basement room on the west angle of the

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1 OCRB building, the content of this room which was not sampled and placed under
2 enclosed bags -- closed sealed bags, was in the -- in this *semi-basement room and for
3 the most part in room number OP.11, as presented in the photographs hereafter."

4 So, witness, a question: When you took this sample, could you tell us how this
5 happened? Did you go through different papers or objects in order to take them out
6 of the room and to take them into room OP.11 or did you do it in the *semi-basement
7 room? How did this work?

8 A. [9:49:30] From memory, all of the evidentiary items in this *semi- basement
9 room were moved to OP.11, quite simply because it was a lot more simple to put
10 things in sealed bags in *OP.11 because there was a carpet. And this was a lit room,
11 whereas the *semi-basement room was -- only had partial lighting from the skylight,
12 which we spoke about previously. All the different elements which I mention in my
13 expert report. So a small part of it stayed there. Once all the different elements that
14 were in the room, in the semi-underground room, had been examined and they'd
15 been moved to OP.11, then the final examination of everything of the
16 semi-underground room happened in place, so it wasn't necessary to move each and
17 every evidentiary item into room OP.11.

18 Q. [9:51:09] So just a technical question: From a forensic perspective, moving
19 everything before analysing it, doesn't that break the chain of custody, because isn't
20 the principle to analyse it in the place where you find an object and not moving the
21 object before?

22 A. [9:51:34] So fixing the location had been done with photographs and videos
23 which had been made in the *semi-basement room. You will understand of course,
24 given the astronomical quantity of elements that were in the *semi-basement room, in
25 the corner of this room, it was quite delicate when it came to carrying out all the

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1 examinations in that *semi-basement room. In the case in point, the position, the
2 exact position of each item in this *semi-basement room was only of limited interest.
3 The important point was to know that these elements were in the *semi-basement
4 room and a full examination would have, for example, meant that each and every
5 sealed item would have had to have been moved and, as such, the work would have
6 taken weeks.

7 Now, where it concerns the methodology, this room, having been used in order to
8 stock archives, every official document OCRB archive which was not seized and only
9 the other elements were seized. From the best of my -- to the best of my knowledge,
10 there were clothing items, there were identity photographs, there were ID cards. So
11 all these different items were sampled.

12 Q. [9:53:36] Thank you very much, witness. So a few follow-up questions.

13 Now, you say that this room was used for archives and all the official documents of
14 the OCRB were not seized. Could you tell us why they wouldn't be relevant or it
15 wouldn't be relevant to recuperate or recover the OCRB archives?

16 A. [9:54:06] Thank you. Well, with regards to the mission itself, these are
17 elements which from the best of my memory have been discussed with the Office of
18 the Prosecutor, and it was discussed that these archives did not -- were not relevant
19 and that only all the other items were relevant. There was no problem with seizing
20 everything, but, as I said, it would have taken several days or even weeks because
21 you can see on the photograph that you have show on the screen previously, there
22 were archives and they could be counted in cubic metres.

23 Q. [9:55:05] Thank you very much, witness.

24 Just to be sure that I understand this well. So you're telling me that the investigator
25 in place who you spoke to told you explicitly that the OCRB archives, so the paper

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1 documents, were not of interest to the Office of the Prosecutor; is that correct? Is that
2 what you are telling us?

3 A. [9:55:26] Indeed, everything that was archive material, official archive material,
4 was not considered to be relevant, and that's the reason why these items were not put
5 into sealed bags.

6 Q. [9:55:54] Very well.

7 And if I understand the rest well, it would seem to me that in the next page of the
8 report, to explain that the OCRB director indicated to you that he wanted to get rid of
9 all the papers that had come out of the * semi-basement room?

10 A. [9:56:16] Indeed, Maître Jacobs. These archives belonging to him, I understood
11 that he was going to use or take the opportunity. On the one hand, it was a matter of
12 tidying everything up or cleaning up this *semi-basement room in order to carry out a
13 cleaning thereof. And, to the best of my knowledge, he wished to get rid of these
14 archives.

15 But when it comes to the last photograph, the last view I had of the archives, that's *
16 when they were stored in room OP.11. As such, I have no idea what happened with
17 them.

18 Q. [9:57:14] Thank you very much, witness.

19 So just to come back to the selection of objects put into sealed bags, you analysed the
20 amount of evidence alone or with a colleague?

21 A. [9:57:37] With the colleague from the judicial police from Lisbon, each item was
22 inspected and items were placed into sealed bags and photos were taken thereof.
23 But we worked, the three of us, on that.

24 Q. [9:58:16] Did any one of you find a relevant item, as you say? Was it this
25 person who's normally responsible for putting the item into a sealed bag?

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1 A. [9:58:31] So, the entire selection of items was made by myself and from my
2 memory I was the person who put the items into sealed bags. And I think you can
3 see on the sealed -- on the bags for sealing, then my name must be mentioned and the
4 identification of the item in question.

5 As I recall, it was a colleague from the Portuguese judicial police who took the
6 photographs. I would have to check that in my report. So this was with the aim of
7 saving time, but once again the entire selection was made by myself and putting the
8 items into sealed bags was also something that I did.

9 Q. [9:59:37] Very well. Now, you indicated in your report that you put into sealed
10 bags what you called items that were of unknown origin, so bone fragments that were
11 of unknown origin?

12 A. [10:00:03] That is correct, Maître Jacobs.

13 Q. [10:00:16] And if we can show page 0870 of the report that we have in front of us.
14 You can see, Mr Witness, it's a page of your report on the storing of sealed items.
15 Paragraph 141, it is indicated - I'm sorry, it's 140 - there is a sealed bag that is placed
16 in the locked container which itself is sealed and * is placed at the ICC's local office in
17 Bangui, and that is sealed package 331 -- 3.21.

18 Then, later on, we have that on 19 April Xavier Laroche, * transfer to the Information
19 and Evidence Unit of the Office of the Prosecutor, under PRF no. 15578, 55 seals taken
20 from the semi-basement room.

21 So you agree that the bone fragments that were sampled were all taken from that
22 room and under sealed bag 15578?

23 A. [10:02:37] We have to cross-check all the sealed bag numbers, but *a priori*, that
24 number of sealed bags were transferred to the unit of evidence -- of evidence.

25 Regarding the sealed bags that were left in Bangui, if I did not transport them, it

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1 means that they were munitions, related to munitions, that are characterised as being
2 forbidden for transportation, except with special authorisation.

3 Q. [10:03:29] Now I would like to go to tab 810, Mr Court Officer.

4 CAR-OTP-2053-1425.

5 For the French transcript, I repeat, it is tab 810, 810, CAR-OTP-2053-1425.

6 Can you see that, Mr Witness? It is a report on the analysis of bone fragments
7 collected under PRF 15578, the one we were talking about a short while ago.

8 And this report states that on 27 March 2017 -- please display page 1428 so that
9 everyone should be able to see it.

10 There it is. And I'll read in English for the interpreters:

11 (Speaks English) "On the 27th March of 2017 and related with the CAR II A
12 investigation," --

13 (Interpretation) I will not say the name of the person in open session.

14 (Speaks English) "... requested the Forensic Unit of the Forensic Science Section the
15 following:

16 'Please test the bone fragments collected under PRF 15578 to determine whether they
17 are human or animal. If the analysis needed to make this determination will be
18 destructive to the samples, then please consult with OTP before proceeding.'"

19 (Interpretation) Mr Witness, if you know, do you know why there was a need to wait
20 for 27 March 2017, that is practically more than one year after your mission, that there
21 was this request for an analysis of the bone fragments which was made?

22 A. [10:07:49] I have no idea, Mr Jacobs.

23 Q. [10:07:59] Very well.

24 And if we can now go to page 1475.

25 There you have the conclusion of the report, and I'll read it out in English for the

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1 interpreters:

2 (Speaks English) "The bone fragments collected under PRF 15578 were
3 macroscopically analysed. No destructive activities were conducted during the
4 analysis. All the exhibits are compatible with animal skeletal remains."

5 (Interpretation) Mr Witness, were you aware that the bone fragments collected had
6 been analysed and that they corresponded to animal bones?

7 A. [10:10:06] I have a vague recollection that those bone fragments had been
8 examined by a colleague of the forensic science section, but this is the first time that
9 I'm seeing this report.

10 Q. [10:10:33] Very well.

11 The report is dated 17 May 2017, and your own report is dated September 2017. So if
12 I understand well, no one in the OTP disclosed or communicated this report to you
13 for the purpose of your own report? Have I understood that correctly, Mr Witness?

14 A. [10:11:01] Yes, indeed, Mr Jacobs, and I think that, in any case, it was not
15 incumbent on me to prepare a summary report, so there are some of these reports that
16 were made after my expert report, which was of course dedicated exclusively to the
17 OCRB premises and the description of all the samples taken there. It is possible that
18 there are other reports of the analysis of other elements sampled; for example,
19 identity cards, pieces of clothing and so on. But I do not know whether additional
20 analyses were carried out.

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

22 I would like to ask for the formal submission of tab 810, CAR-OTP-2053-1425.

23 And the document can be removed from the screen.

24 Mr Witness, we will now move on to something else.

25 In answer to a question by the Prosecutor, you talked about the modifications that

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1 you made to your report during your preparation session. And I'm referring here
2 for the record to transcript T-120 of 9 October, page 18. And I will read it out to you
3 to refresh your memory so we can begin discussions. And it begins on line 3:
4 "And during that rereading of your report, did you make any corrections to it?"
5 That is the question that was put to you. And your answer:
6 "With regard to the OCRB report, I made a few corrections related to errors of
7 identification, specifically of photographs, and sometimes grammatical errors. The
8 errors of identification related to one of the photographs that I had improperly
9 inserted. I apologise one more time for the identification error. It made it possible
10 for me to verify that all the other cells had been correctly identified by the
11 photographs. But, indeed, there were four photographs that had been placed at the
12 wrong places and I apologise for that. And so I made the necessary corrections in
13 such a way as to correctly identify the cells as represented on the photographs."
14 First question, Mr Witness: For how long did your preparation session with the
15 Office of the Prosecutor last?
16 A. [10:15:54] The preparation session lasted for five days, from Monday to Friday.
17 (Counsel confers)
18 MR JACOBS: [10:16:30](Interpretation)
19 Q. [10:16:31] Mr Witness, we are going to display a document. And it is tab 1139,
20 * CAR-OTP-0003-7515.
21 Can you see the document, Mr Witness?
22 A. [10:17:38] I can see the document, Mr Jacobs.
23 Q. [10:17:45] It is your witness preparation log and we can see the date, 2 October
24 to 3 October.
25 And if we can scroll down a little bit for -- to the session of 2 October, we can see the

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1 duration, 21 minutes. And then we go to the session of 3 October, the next page.

2 We can see at the top that the duration is 41 minutes.

3 According to the official documents disclosed by the OTP to the Chamber and to the
4 parties, your preparation supposedly lasted one hour and two minutes. Do you
5 agree with that, Mr Witness?

6 A. [10:19:02] The times mentioned and the durations mentioned in that log as far as
7 I'm concerned reflect only the video links that took place. The first one was for the
8 general preparation and the second one, from memory, is the one that made it
9 possible for me to make all the corrections, particularly for the four photographs that
10 were incorrectly identified.

11 As I have told you, the preparation took place from Monday to Friday, and a binder
12 was provided to me with -- with all the relevant documents, including the two expert
13 reports of the OCRB and the former CEDAD building.

14 During the second session, I electronically signed in the presence of an investigator of
15 the OTP -- that is, I signed the corrections made to my report. So I think this log is
16 exclusively mentioning the video link exchanges or connections that were made.

17 Q. [10:20:50] Very well. If I understand you correctly, everything relating to
18 rereading your report and analysis of the report and photographs, you did that
19 without the presence of members of the Office of the Prosecutor. They were not
20 present, you did it on your own; is that correct?

21 A. [10:21:15] There was an investigator of the OTP who, every day, would send me
22 files or binders with the relevant documents or reports for my testimony. And that
23 person was equally present during the video link sessions with the Office of the
24 Prosecutor in The Hague.

25 I do not know whether a log was prepared for those activities that took place outside

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1 of the video links.

2 Q. [10:22:14] If it was done, it was not disclosed to us in any case.

3 PRESIDING JUDGE SAMBA: [10:22:22] Yes, Madam Prosecutor.

4 MS MAKWAIA: [10:22:25] Your Honours, just to assist my learned friend and the

5 Court, the reading of the report, that is not reflected on the prep log that was

6 disclosed. Where it was being conducted individually by the witness, we did not

7 prepare any notes of that unless something significant arose, and that did not arise.

8 Therefore, there is nothing to disclose in that regard.

9 PRESIDING JUDGE SAMBA: [10:22:49] Thank you.

10 Yes, Mr Jacobs.

11 MR JACOBS: [10:22:59](Interpretation)

12 Q. [10:22:59] In order to move on, Mr Witness, it was in the course of your

13 preparation that you realised, as you said, that there were misrepresented

14 photographs. Did you realise that by yourself, Mr Witness?

15 A. [10:23:24] No. In the binder that was given to me by the investigator of the

16 Office of the Prosecutor, there was an analysis report of the OTP indicating those

17 errors, and that is what drew my attention to those errors. I do not know whether so

18 long afterwards I would have realised them myself. So the fact is that the OTP

19 informed me by note that those photos were wrongly inserted and that is why

20 I cross-checked and, indeed, I found that I had improperly inserted them.

21 Q. [10:24:33] We do not have the investigator's report on this matter, but if

22 I understand you well, the OTP guided you to what it felt needed to be corrected on

23 this report; is that correct?

24 A. [10:24:54] Yes, my attention was drawn to the fact that I had made an insertion

25 error in relation to four photographs.

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1 Q. [10:25:17] And in this report, which was sent to you at the same time as the
2 binders, did they give you any indications as to the particular photos that were
3 wrongly inserted and which ones should be used to replace them?

4 A. [10:25:44] That note or report mentioned the photographs that were in
5 duplicate - that is, wrongly inserted - but it absolutely did not mention which
6 photographs had to replace them. The choice of photographs which I mentioned in
7 a previous session to replace photograph number 254, 255, 256 and 257, I was the one
8 who made the choice of those photographs, who selected those photographs. I was
9 the one alone who did that.

10 And so, to be perfectly clear, the Office of the Prosecution merely drew my attention
11 to the fact that I had potentially inserted four photographs incorrectly.

12 Q. [10:26:51] Very well.

13 Mr Court Officer, if we can remove that document from the screen. And it is
14 tab 1139, CAR-OTP-00037515, which I would request to be formally submitted.

15 Mr Witness, you said that you yourself identified the photographs. * There were
16 1028 photographs relating to the OCRB. How were you able to identify the correct
17 photographs?

18 A. [10:28:04] The photographs of the various shots taken at the OCRB were
19 transmitted to me at the same time as my expert reports. So they were sent to me
20 electronically and so, afterwards, I had to look at those photographs to identify the
21 four correct photographs for cell G2.

22 Q. [10:28:41] Mr Witness, you confirm that you are not the one who took the
23 photographs of the cells, right?

24 A. [10:28:50] Yes, indeed. The photographs of the cells were taken by one of my
25 colleagues from the Lisbon judiciary police.

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1 Q. [10:29:00] If I understand you correctly, in 2024, that is eight years after your
2 mission, you are able to recognise that one photograph represents this cell rather than
3 another one; is that correct?

4 A. [10:29:19] Yes, indeed, because in addition to the photographs there are also
5 video clips. There is video footage that makes it possible to identify the cells. It has
6 a continuous record of a cell; for example, from the door, the entrance door, the walls
7 and so on. So it is easy to identify, especially since each of those cells had special
8 signs such as buckets, inscriptions on the walls, and peculiar traces on the walls.

9 Q. [10:30:09] So, witness, you mentioned the videos. Now, the Prosecution
10 showed you a certain number of videos in the hearing the other day.

11 And I would like to say for the case record, this is at tab 369 on our list, video
12 CAR-OTP-2033-7868. CAR-OTP-2033-7868, at -- and that is tab 370, 2033-7869.

13 And the video, 371, 2033-7870. And tab 372, 2033-7871.

14 And I'm not going to show them again. We all saw them at the hearing. But the
15 first is the G3 cell, the second is also the G3 cell, and the third is the G4, and the fourth
16 video is the G1 cell. So, whatever the case, at the hearing, to the best of my
17 knowledge, there is no video of the G2 cell. I'm not going to show it to you at the
18 hearing. There is no video of G2 which was disclosed to us.

19 So, how were you able to verify the photograph on a video that we don't have?

20 A. [10:32:07] So the photograph for the G2 cell -- or I don't know if there was a
21 video of G2, but it was correctly identified. I don't know if there is a photo of cell G2.
22 All the photographs were in sequential order. So, there were photographs from
23 outside the door and then there were numerous photographs from inside the cell, and
24 everything was in sequential order.

25 Q. [10:32:35] Sorry, I have to interrupt you because I want to clarify your

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1 examination-in-chief. So you said twice, well, you said with the Prosecution and
2 you said yourself that you had also seen videos, in order -- you had watched videos to
3 check that the photographs were good. And this, you said it twice. It was at -- it
4 was 10 days ago.

5 So, putting a simple question to you: Did you see a video in -- did you watch a
6 video to verify that the photographs of the G2 cell were correct?

7 A. [10:33:07] I don't remember if there were photographs of the interior of the G2
8 cell. What is certain, and I remember this, is that at least one of the videos shows the
9 outside of the G2 cell and the door of the G2 cell. So one of the videos - and I no
10 longer know if that's G3 or G4, I think it's G3 - shows partially the G2 cell as shown
11 from the outside.

12 Q. [10:33:46] So just to be clear, there is no video which makes it possible to check
13 in a clear way that the photographs that you selected are those of cell G2?

14 A. [10:34:02] It's possible that the video of the interior of G2 were omitted. As
15 I explained to you, it's relatively simple. The photographs are sufficient in
16 themselves. All the more so given that if these photographs are in a sequential order
17 for each cell, then from the outside to the inside, then I think that they can easily be
18 checked.

19 *It's necessarily by elimination, given that these photographs of G2 don't correspond
20 with any of the videos, G1, G2, G3 and G4, then it is indeed G2.

21 Q. [10:34:55] Very well.

22 Court officer, if we could show item 220, CAR-OTP-2033-1626 -- 7626.

23 CAR-OTP-2033-7626. And that's at tab 220.

24 Thank you. Could we show the photograph, turn it -- if we could turn it around to
25 show the other side. Ninety degrees -- or, rather, turn it around so you can show it

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1 at a 90-degree angle, horizontally rather than -- vertically rather than horizontally.

2 So it is indicated that if you press the "L" button, that will turn the document.

3 Thank you very much.

4 Do you see this photograph?

5 A. [10:36:48] I see the photograph, Maître Jacobs.

6 Q. [10:36:57] So would you confirm that this is a photograph, and we can enlarge it

7 to a certain extent to see the entire photograph. And I said -- oh, can you zoom out,

8 sorry, that's what I meant. Thank you.

9 So would you confirm that this is a bag to put a sealed item in * when you have
10 analysed the semi-basement room; is that correct?

11 A. [10:37:30] Yes. This is a sealed bag, or a sealing bag, which is sealed. It's
12 closed. And it has a piece of bone which was taken from the *semi-basement room
13 at the OCRB.

14 Q. [10:37:57] Thank you. And then we see "Chain of Custody" and a table:
15 "From", "To" and "Date".

16 So this table, it's meant to document when the seal goes from one person to another; is
17 that the case? From one hand to another.

18 A. [10:38:24] So on this sealed bag there is the possibility to mention the chain of
19 custody of the evidence. It is not what has been done, because this sealed bag is
20 subject to a chain of custody of evidence via a PRF. So it's the PRF which is authentic.
21 But from -- as I recall, you have the information and evidence unit which doesn't fill
22 the sealed bags in question. So, it's -- there's a possibility to have information about
23 the chain of custody of the sealed bag in question and write that directly on to the bag
24 itself.

25 Q. [10:39:24] Very well. So if I understand well from what you're telling us, if we

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1 wanted to know or get information about the chain of custody of an object such as
2 this, you would have to have the PRF, as you say. That's the only way to know or to
3 be able to check whether an object had gone through such-and-such location or to
4 such-and-such a person?

5 A. [10:39:51] I would say, with regard to a sampling such as that carried out at the
6 OCRB, the document which relates to the chain of custody and the -- is the expert
7 report because the date of sampling is mentioned thereon as well as the time it was
8 done. And, afterwards, all the movements are mentioned in the expert report. So
9 you can see, for example, that in the expert report you have the placing in the sealed
10 bag within the local office of the CP in Bangui and you also have a container at the
11 Pasteur Institute, and when these elements are transmitted to the IT and evidence unit,
12 it's the PRF which is authentic. And it would seem to me that this PRF number must
13 be mentioned in the expert report, but the PRF mentions all elements that are
14 transferred to the information and evidence unit with the name and the signature of
15 the person who transfers the items - myself in this case - and the name of the person
16 from the information and evidence unit who receives these items before filing them,
17 or stocking them.

18 THE INTERPRETER: [10:41:37] And the interpreter corrects: It was the local office
19 of the ICC in Bangui.

20 MR JACOBS: [10:41:46](Interpretation) I think this item has not been submitted, so
21 I would ask for the formal submission thereof. And I'm now looking at tab 220,
22 CAR-OTP-2033-7626, and I'm asking for the formal submission thereof.
23 We can withdraw it.

24 And now we can show the report of the OCRB, and I will give you the reference
25 thereto, tab 1 for the French version, 1.2 for the English version, and if we could show,

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1 a moment ago, 0870. I see that I didn't give the ERN number. I gave it several
2 times, but I will give it again for the case record, CAR-OTP-2062-0743. And that's at
3 tab 1 for the French version; it's 1.2 for the English version. And the page that I'd
4 like to be shown is 0870.

5 Q. [10:43:37] We've already showed this a moment ago on the stocking of the
6 sealed bags.

7 Now I have a question with regards the date for -- you can see in paragraph 141 that
8 the 55 sealed bags that were taken from * the semi-basement room were transferred to
9 the information and evidence unit of the ICC on 19 April 2016.

10 My question is: Between 19 March to 19 April, where were these stocked or what
11 happened to these sealed bags?

12 A. [10:44:24] So where it concerns the sealed bags, once the sealed bags had been
13 sealed, they were in my possession during the mission in Bangui. When we
14 returned to the International Criminal Court, these sealed bags were in a safe in my
15 office for the time during which I was making the inventory of the PRF and I was
16 submitting it to the information and evidence unit on 19 April 2016. So from the
17 moment that these items had been taken, they were stocked in my possession.

18 Q. [10:45:22] So when you say that they were permanently in your possession, did
19 that mean you came back to The Hague; is -- is that what you mean?

20 A. [10:45:33] To the best of my memory, I would have to check that, but, yes, these
21 items were brought back, apart from the munitions, if my memory serves me well. I
22 would have to see exactly the number. I don't know exactly what that would -- the
23 descriptions for each sealed bag, it would seem to me that 321 is a cartridge, an
24 ammunition cartridge, or casing. That's it.

25 A lot of sealed bags were also stocked or stored in the container in Bangui because it

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1 was impossible to transport them. So there wasn't just the phenomenon of
2 munitions but at CEDAD two objects were taken therefrom which resembled two
3 items from a chair and there were nails which had been put in them. So if my
4 memory serves me well, they were stored in Bangui for logistical reasons.

5 Q. [10:47:03] So I understand it better now. So if we go to the page thereafter, just
6 so that we can be clear completely. So 0871. Thank you very much.

7 If we could go down a bit, to the bottom of the page.

8 So if I understand anything, there is a sealed bag. Now, that is for ammunition.

9 And then we have 55 sealed bags from the * semi-basement room which you bring
10 with you to The Hague. And after that, we have the information which concerns still
11 *the seal 3.21 - so the ammunition, the bullet - and this is the only OCRB element
12 which is kept in the green container and stocked at the Pasteur Institute. Do you
13 confirm what I've just said?

14 A. [10:48:30] Yes. It would seem to me that the sealed bags that weren't brought
15 back, maybe it was a cartridge or a bullet casing, was stored in the local office of the
16 ICC temporarily, and then arrangement was found with the Pasteur Institute to store
17 the sealed bags in maritime containers. To the best of my memory, the inventory
18 was made and the keys, and the -- in -- the maritime container was placed under seal
19 and that was given, handed over, to the chief of the Registry office at the ICC in
20 Bangui in such a way that it was possible for somebody to have access to the sealed
21 bags with obviously the authorisation of the Office of the Prosecutor.

22 Q. [10:49:59] Thank you very much for these clarifications.

23 If we could now take that -- or remove that from the screen.

24 PRESIDING JUDGE SAMBA: [10:50:11] Mr Jacobs, you've exhausted your time,
25 I think, but please try to round up.

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1 MR JACOBS: [10:50:32](Interpretation) Yes, your Honour. I just have two last
2 questions -- two last series of questions.

3 PRESIDING JUDGE SAMBA: [10:50:43] Please carry on. Let's try to round up.

4 MR JACOBS: [10:50:46](Interpretation)

5 Q. [10:50:47] Now, witness, I had a question with regards to the drafting of your
6 report.

7 Now, in the letter of appointment that was addressed to you in March 2016, you are
8 given a first date to draft your report from 30 June 2016, so you would confirm that
9 you did not produce a report for 30 June 2016? And -- as you have heard
10 Madam President, and I'm going to try to finish the cross-examination, if you'd be so
11 kind, could you give me a short answer so I can finish off my cross-examination,
12 please?

13 A. [10:51:27] Indeed. I wasn't able -- with regards to the workload, there
14 were -- and the deadlines that were set, I wasn't able to meet the deadlines, so I asked
15 for an extension of the deadline, given the amount of work that had to be done and
16 priority had to be given by Julian Nicholls to the different reports to be submitted.

17 Q. [10:51:55] Very well. Now, the next instruction letter that we have, and we can
18 show it. This is at tab 4 on our notification list or list of materials,
19 CAR-OTP-20 -- 0912 -- 2062-0912. CAR-OTP-2062-0912.

20 I'm just waiting for the document to be shown. And when it's shown you will see
21 that this is an instruction that was addressed to you by the Prosecutor, the senior trial
22 lawyer, on 6 June 2017 -- on 15 September 2017. So * on page 0913...

23 THE INTERPRETER: [10:53:02] Correction: On 6 June 2017, states the interpreter.

24 MR JACOBS: [10:53:10](Interpretation)

25 Q. [10:53:10] Now, you will see -- scroll down, please.

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1 (Microphone not activated)

2 No microphone. I'll start again.

3 So I don't know where -- well, I'm going to read it in English for the interpreters, with
4 the microphone.

5 (Speaks English) "Given the workload of the FSS, I request that immediate priority be
6 given to the production of expert reports in relation to the OCRB and the CEDAD.

7 These reports should be produced by 7 July 2017."

8 (Interpretation) Witness, would you confirm that this is indeed the instruction letter
9 that you received?

10 A. [10:54:46] Indeed, Maître Jacobs.

11 Q. [10:54:51] Thank you very much, witness.

12 I ask for the formal submission of tab 4, CAR-OTP-2062-0912.

13 Witness, you -- the document can be taken away, witness -- court officer.

14 (Counsel confers)

15 MR JACOBS: [10:55:46](Interpretation)

16 Q. [10:55:46] Witness, do you confirm that you were remunerated for your
17 preparation for your testimony as well as for your testimony?

18 A. [10:56:00] Where it concerns the preparation of the testimony, so the five days,
19 indeed, I signed a contract with an indemnity, or recompensation. Concerning the
20 testimony, I don't receive any remuneration whatsoever.

21 Q. [10:56:32] If we could now show tab 1142. CAR-OTP-00037 -- 500 -- 00037520.
22 That's at tab 1142.

23 Witness, could we confirm that this is the contract that you signed?

24 A. [10:57:26] Indeed, the consultant contract. This is the version that I signed.

25 And if we could go down, we could see the signature, but it's a consultant contract.

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1 Could we zoom down, or scroll down, so that we can see the signature.
2 It was sent to me by the human resources office and to the best of my memory it
3 mentions the date of the preparation.
4 Q. [10:58:07] Very well. Thank you.
5 So I would ask for the formal submission of this document at tab 1142, *
6 CAR-OTP-0003-7520.
7 Thank you, witness. Where it concerns me -- and this is my last question -- however,
8 your Honour, I have a last application or request to make. So we all saw the report,
9 and there are a certain number of photographs which are reproduced in the report,
10 small versions thereof, and they all have an ERN, and these photographs were not
11 submitted for the most part in the case record.
12 So I know that we have them in the report, but it would seem to me that for the future,
13 in order to make progress, if we want to use one of the photographs in an individual
14 way, we should ask for the formal submission into the case record of all the
15 photographs produced in the report that -- that we have.
16 It's a simple operation. That's -- those are tabs 11 to 215 -- 280. It's all the
17 photographs.
18 If the Prosecution or the Defence -- so that's tab 11 to 280 of our list of documentation.
19 It's all the photographs in the report.
20 So what I was saying is that we have all the photographs in the report, but if the
21 Prosecution or the Chamber or the Defence later wants to just have a particular photo
22 in better quality, then it would be useful for us to have the submission of the report
23 itself in the case record, that there's also the individual photographs reproduced
24 individually.
25 So that's something we should be able to do in order to save time. We're not going

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1 to go through each and every 280 picture with the witness. But -- I repeat, this is
2 tabs 11 to 280.

3 PRESIDING JUDGE SAMBA: [11:00:30] Yes, Madam Prosecutor. (Overlapping
4 speakers)

5 MR JACOBS: [11:00:33](Interpretation) Just by way of clarification, I would like
6 them to be submitted -- we would like to submit these photographs so we are clear for
7 the interpretation.

8 PRESIDING JUDGE SAMBA: [11:00:42] The photos which you've just referred to, 11
9 to -- yes, Madam Prosecutor, I was thinking that you did refer to certain photos which
10 you wanted on the record.

11 MS MAKWAIA: [11:00:55] We did, your Honours. We have no objection to the
12 submission of these, the entirety of the small pictures reproduced in the report, but
13 I would rather the Prosecution, being the owners of these original photographs and
14 having called the expert, that the Prosecution submits the entirety of the pictures
15 Mr Laroche produced in his report to the Court. We have no objection to that.

16 PRESIDING JUDGE SAMBA: [11:01:19] Well, you had the opportunity do that,
17 counsel. And I remember when you finished your examination-in-chief, I think I did
18 give certain instructions that you give the numbers, the ERN numbers of these photos
19 to the Registry so that they can process them. So taking it from your own
20 submission now, can you do just that with the Registry so that then they're processed
21 and they are on the record.

22 MS MAKWAIA: [11:01:44] We shall do so, Madam President. Thank you.

23 PRESIDING JUDGE SAMBA: [11:01:47] Thank you very much, Ms Makwaia.
24 Mr Jacobs, your last question, if you may. We need to go.

25 MR JACOBS: [11:01:55](Interpretation) That was my last question, Madam

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1 President.

2 Q. [11:02:00] I'm done, Mr Witness. Thank you.

3 PRESIDING JUDGE SAMBA: [11:02:01] Thank you very much, Mr Jacobs.

4 Now, Mr Laroche, on behalf of Chamber -- but maybe before I do so, let me ask the
5 Prosecution, do you have any re-examination?

6 MS MAKWAIA: [11:02:15] We have no re-examination to conduct, your Honours.

7 PRESIDING JUDGE SAMBA: [11:02:17] Thank you very much, and we have no
8 question for this witness from the bench.

9 But, Mr Laroche, on behalf of this Chamber, I wish to thank you very much for your
10 cooperation with the Court and for your testimony during these past days. I think
11 you were on the stand for some four or five days.

12 We wish you well in your endeavours and wish you well, indeed, wherever you are
13 at. Thank you very much.

14 (The witness is excused)

15 PRESIDING JUDGE SAMBA: [11:02:44] So with that, I'll ask that we come again at,
16 I think, 11:45 for the next witness. That should be P-2339, I think, is it? 2239. We
17 will come again in 45 minutes for that witness.

18 So I rise the Court for 45 minutes.

19 THE COURT USHER: [11:03:12] All rise.

20 (Recess taken at 11.03 a.m.)

21 (Upon resuming in open session at 11.52 a.m.)

22 THE COURT USHER: [11:52:36] All rise.

23 Please be seated.

24 PRESIDING JUDGE SAMBA: [11:52:53] Good morning again, everyone.

25 I see there is -- we have new representation -- any new representation for the

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1 Prosecution, no? The same.
2 And victims representation?
3 MS PELLET: [11:53:51](Interpretation) Thank you, Madam President. Tars Van
4 Litsenborgh has joined the team for the representation of victims.
5 PRESIDING JUDGE SAMBA: [11:54:01] Thank you very much.
6 And I see we are one short for the Defence, but the same representation.
7 And I do take note that Mr Said is here in court with us.
8 Now the Prosecution is calling P-2239 as its 54th witness.
9 The Chamber had originally allowed the introduction of P-2239's prior recorded
10 testimony pursuant to Rule 68(2)(b) of the Rules. However, due to amendments
11 made in the declaration process, the Chamber found it more appropriate to introduce
12 P-2239's prior recorded testimony pursuant to Rule 68(3) in decision numbered 833.
13 It is our understanding that this witness will be testifying in French, via video link.
14 In light of this, I remind everyone of the importance of the need to speak slowly and
15 to observe the five-seconds rule between questions and answers.
16 The Chamber also notes that the common legal representative of victims made
17 a request to examine P-2239 for 30 minutes in relation to the following topics: the
18 harm he suffered, allegedly as a result of the events falling within the scope of the
19 witness's expected testimony, and reparations. The parties did not object to the
20 CLRV's request. The Chamber agrees that the proposed topics relate to P-2239's
21 interest and, accordingly, authorises the CLRV to question this witness for no more
22 than 30 minutes.
23 Now, before commencing, the Chamber notes briefly that the following
24 preventive -- or protective measures are confirmed for this witness by virtue of
25 decision number 870. The use of a pseudonym, face and voice distortion, and the

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1 use of private and closed sessions. The Chamber also observes that the VWU does
2 not recommend special measures for this witness.

3 Mr Court Officer, can you please connect us to the witness.

4 Good morning, Mr Witness. Can you see me? Can you hear me?

5 WITNESS: CAR-OTP-P-2239

6 (The witness speaks French)

7 (The witness gives evidence via video link)

8 THE WITNESS: [11:57:47](Interpretation) I can see you very well and I can hear you.

9 PRESIDING JUDGE SAMBA: [11:57:49] Good.

10 On behalf of the Chamber, I welcome you to this courtroom as you are going to testify
11 before the International Criminal Court.

12 You should have before you, Mr Witness, the solemn undertaking -- you should have
13 before you, Mr Witness --

14 THE WITNESS: [11:58:21](Interpretation) Yes.

15 PRESIDING JUDGE SAMBA: [11:58:23] You should have before you, Mr Witness,
16 the solemn undertaking to tell the truth that any witness who appears before us must
17 agree to.

18 Can I please -- can I please ask that you read that out now for us.

19 THE WITNESS: [11:58:47](Interpretation) I solemnly declare that I shall speak the
20 truth, the whole truth and nothing but the truth.

21 PRESIDING JUDGE SAMBA: [11:58:58] Thank you very much. We will continue.

22 Now, Mr Witness, do you agree to what you just read out? And do you understand
23 it?

24 THE WITNESS: [11:59:11](Interpretation) Yes, absolutely. I totally agree and I
25 understand it.

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1 PRESIDING JUDGE SAMBA: [11:59:19] Good.
2 Let me now explain to you, Mr Witness, the protective measures that we have in place
3 for you for the duration of your testimony.
4 We have in place for you voice and face distortion. This means that no one outside
5 the courtroom can see your face or hear your real voice as you testify.
6 There will also be the use of pseudonym, in accordance with which we will all refer to
7 you only as "Mr Witness", to make sure that the public does not know your name.
8 When you answer questions that will not give away who you are, we will do so in
9 open session, which means that the public can hear what is being said inside the
10 courtroom.
11 When you are asked to describe anything that relates specifically to you or you are
12 asked to mention facts that might reveal your identity, we will do so in private
13 session.
14 Now I have a few practical matters you should have in mind when giving your
15 testimony. Everything we say here is written down and interpreted. It is therefore
16 important to speak clearly and at a slow pace.
17 Please speak into the microphone that you have before you, and only start speaking
18 when the person asking you the question has finished. To allow for the
19 interpretation, we all have to wait a few seconds before we start to speak.
20 If you yourself have any question or if you want a break, please raise your hand so we
21 know that you want to say something to us.
22 We hope that there are no issues with the video link, but be rest assured that if there
23 is any issue with the technology, we will do our level best to sort it out as quickly as
24 possible.
25 Do you understand all that I have said, Mr Witness?

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- 1 THE WITNESS: [12:01:54](Interpretation) I understand you very well.
- 2 PRESIDING JUDGE SAMBA: [12:01:58] Thank you very much.
- 3 So we're going to start with your testimony and I'm going to ask the Prosecution to
- 4 put questions to you.
- 5 Madam Prosecutor, we are in open session, just so you know. Your witness.
- 6 MS NDAGIRE: [12:02:15] Thank you, Madam President.
- 7 And I request if we can go into private session briefly for the witness to provide his
- 8 identifying information.
- 9 PRESIDING JUDGE SAMBA: [12:02:28] Mr Court Officer, can we go into private
- 10 session briefly, please.
- 11 (Private session at 12.02 p.m.)
- 12 THE COURT OFFICER: [12:02:45] We're in private session, Madam President.
- 13 PRESIDING JUDGE SAMBA: [12:02:47] Thank you very much.
- 14 Madam Prosecutor, please commence your questions.
- 15 QUESTIONED BY MS NDAGIRE:
- 16 Q. [12:02:53] Good morning, Mr Witness. My name is Sanyu Ndagire.
- 17 A. [12:02:59] Good morning, Madam.
- 18 Q. [12:03:02] Good morning. I am a member of the Prosecution team in this trial
- 19 and I will be asking you some questions on behalf of the Prosecution.
- 20 Firstly, could you tell the Court your names, please?
- 21 A. [12:03:19] My name is (Redacted).
- 22 Q. [12:03:36] And what is your nationality?
- 23 A. [12:03:40] I am a Central African national.
- 24 Q. [12:03:46] What is your current occupation -- or what do you do for work?
- 25 A. [12:03:52] I am a (Redacted).

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1 Q. [12:04:08] And (Redacted)?

2 A. [12:04:17] (Redacted).

3 Q. [12:04:25] And what were you doing for work between the months of
4 March and August in the year 2013?

5 A. [12:04:41] During that period, I was the (Redacted)
6 (Redacted) at the time.

7 Q. [12:04:58] And also where were you living between the same months, March to
8 August of 2013?

9 A. [12:05:10] At the (Redacted) neighbourhood.

10 Q. [12:05:21] Thank you.

11 MS NDAGIRE: [12:05:24] Madam President, we can now turn back to open session.

12 PRESIDING JUDGE SAMBA: [12:05:28] Mr Court Officer, can we go back to open
13 session, please.

14 (Open session at 12.05 p.m.)

15 THE COURT OFFICER: [12:05:38] We are back in open session, Madam President.

16 PRESIDING JUDGE SAMBA: [12:05:41] Thank you very much.

17 Madam Prosecutor, please continue.

18 MS NDAGIRE: [12:05:45]

19 Q. [12:05:46] Now, Mr Witness, we are back in open session, so I ask you to be very
20 cautious not to mention your names, or names of people who might identify you.

21 Is that okay?

22 A. [12:06:03] I understand you.

23 Q. [12:06:09] Now, do you remember being interviewed by investigators from the
24 Office of the Prosecutor in 2018 and 2019?

25 A. [12:06:21] Yes, that is correct.

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1 Q. [12:06:28] And during those interviews, was a statement taken from you, or
2 a statement written down by the investigators?

3 A. [12:06:39] Yes.

4 Q. [12:06:44] And at the end of that process, was that statement then read back to
5 you in a language which you understand?

6 A. [12:07:00] Yes, it was re-read to me.

7 Q. [12:07:03] And did you also sign that statement at the end of that process?

8 A. [12:07:13] Yes, I signed it.

9 Q. [12:07:17] Could the court officer please display tab 1 of the Prosecution's list of
10 material. The ERN is CAR-OTP-2104-0918. This document is not yet formally
11 submitted and should not be displayed to the public.

12 Mr Witness, do you now see a document on your screen?

13 A. [12:08:10] Yes, I can see it.

14 Q. [12:08:14] And even though this document is in English, do you recognise any of
15 the names on this page?

16 A. [12:08:27] Yes, I have seen the name, but it is only partially written down. {ICR:
17 (Redacted)}

18 Q. [12:08:44] Please -- please be mindful not to mention your names, Mr Witness.
19 Could the court officer please scroll --

20 A. [12:08:53] (Speaks English) Okay.

21 Q. [12:08:55] Could the court officer please scroll down to the bottom of the page.
22 At this part of the page, Mr Witness, do you recognise any of the signatures there?

23 A. [12:09:13] Yes. I can see my signature.

24 Q. [12:09:19] And can you just indicate where on the page your signature appears?

25 A. [12:09:29] On the right-hand side in capital letters, on the right-hand side.

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1 Q. [12:09:51] Thank you very much.

2 This document may now be removed from the screen.

3 Now, Mr Witness, do you recall having another meeting in 2023, again with an
4 investigator from the Office of the Prosecutor?

5 A. [12:10:18] Yes, we had meetings. We had a meeting.

6 Q. [12:10:24] And at this meeting in 2023, did you have an opportunity to read
7 through your statement -- the one from 2018-2019?

8 A. [12:10:40] Yes, I was able to re-read it.

9 Q. [12:10:47] And did you also provide any corrections or clarifications to that
10 statement in your meeting of 2023?

11 PRESIDING JUDGE SAMBA: [12:11:01] Yes, Ms Naouri.

12 MS NAOURI: [12:11:04](Interpretation) Madam President, if I understood your
13 decision well, the log has been submitted, but not the notes taken in 2013, * under
14 Rule 68-2-b, and if the representative of the Prosecution wants to adduce evidence,
15 she cannot put that document before the witness. She has to ask questions and wait
16 for the answers because that would be leading to show him a document and telling
17 him what is written in the document.

18 The log has been submitted, but not the notes of 2023 -- I'm sorry, I made a mistake,
19 I'm talking about the notes taken in 2023.

20 The log is submitted but the notes are not submitted, so the questions have to be put
21 in audience within the hearing and not lead the witness, and that is in accordance
22 with 68(2)(b).

23 PRESIDING JUDGE SAMBA: [12:12:25] Madam Prosecutor, did you read the
24 decision of this morning?

25 MS NDAGIRE: [12:12:29] Yes, Madam President, I did read that decision. The

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1 questions I am asking are merely foundational to help the witness orientate himself
2 into terms of the sequences as to which he met with the Office of the Prosecutor, and
3 then, in a non-leading way, have him provide any clarifications he then provided at
4 our last meeting which occurred earlier this month.

5 PRESIDING JUDGE SAMBA: [12:12:57] Well, you may want to rephrase so that it
6 does not appear as if you are leading the witness, if at all you read the ruling of this
7 morning in respect of the declaration process of 2023.

8 Please try and put the question again.

9 MS NDAGIRE: [12:13:22]

10 Q. [12:13:22] Mr Witness, did you have a meeting with the -- an investigator from
11 the Office of the Prosecutor in 2023?

12 A. [12:13:32] Yes, we had a meeting.

13 Q. [12:13:35] What was the purpose of that meeting?

14 A. [12:13:39] I didn't quite understand you.

15 Q. [12:13:48] Why did you meet with the investigators from the Office of the
16 Prosecutor in 2023?

17 A. [12:13:57] It was to re-read my statement and determine whether there were
18 corrections to be made.

19 Q. [12:14:17] And during that meeting, did you provide any corrections to your
20 statement?

21 A. [12:14:25] Yes, I made corrections.

22 Q. [12:14:34] And, at the end of that process, did you sign a document containing
23 the corrections you had made to your statement?

24 A. [12:14:51] Yes, I signed it.

25 Q. [12:14:56] Thank you.

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1 And, now, do you recall meeting myself and another colleague a few weeks ago
2 virtually, on a computer?

3 A. [12:15:05] Yes, that is correct.

4 PRESIDING JUDGE SAMBA: [12:15:14] Madam Prosecutor, are we -- are you
5 dealing with the corrections that he made in 2023 at all, in line with the ruling of this
6 morning, the paragraphs that he corrected?

7 MS NDAGIRE: [12:15:37] I will ask those questions now, before moving back to
8 the 2024 meeting.

9 Q. [12:15:43] Mr Witness, just to take you back to your meeting of 2023, where you
10 said you provided corrections, what were the corrections about?

11 A. [12:15:53] If you can kindly rephrase, please.

12 Q. [12:16:02] In 2023, you told us you met with an investigator from the Office of
13 the Prosecutor --

14 A. [12:16:15] Yes.

15 Q. [12:16:16] -- and during that meeting, you told us a short while ago that you
16 provided corrections to your statement.

17 Am I correct?

18 A. [12:16:27] Yes, that's correct, I made corrections.

19 PRESIDING JUDGE SAMBA: [12:16:36] Madam Prosecutor, you have the
20 paragraphs of his prior recorded statement or testimony where he made his
21 corrections. Could you bring those up and ask him to comment.

22 MS NDAGIRE: [12:16:55] I shall, Madam President.

23 Could the court officer please turn to tab 1, the document that was previously on the
24 screen.

25 And if we can turn to page 0928 and scroll down a little bit. Just there, thank you.

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1 Actually, perhaps, since this witness reads French, instead we might show him the
2 document in French, instead. I apologise.

3 PRESIDING JUDGE SAMBA: [12:17:49] Be mindful also that we are in open session,
4 please.

5 MS NDAGIRE: [12:17:57] I request that we go into private session, then.

6 PRESIDING JUDGE SAMBA: [12:18:01] Mr Court Officer, can we go into private
7 session, please.

8 (Private session at 12.18 p.m.)

9 THE COURT OFFICER: [12:18:10] We are in private session, Madam President.

10 PRESIDING JUDGE SAMBA: [12:18:19] Thank you very much.

11 Madam Prosecutor, please continue.

12 MS NDAGIRE: [12:18:23] Could the court officer please display tab 1.3 instead, the
13 ERN is CAR-OTP-2130-4729. And the specific page would be where paragraph 45
14 commences. Page 4741.

15 Q. [12:19:36] Mr Witness, do you see the document on your screen now?

16 A. [12:19:41] Yes, I can see it.

17 Q. [12:19:51] Can you read paragraph 45 to yourself and confirm whether it is
18 correct.

19 A. [12:20:47] It is correct.

20 Q. [12:20:51] And would you do the same for paragraph 46.

21 A. [12:21:38] That's it.

22 Q. [12:21:41] And do you have any comments to make regarding paragraph 46?

23 A. [12:21:54] Regarding paragraph 46, I believe that the last time I talked about
24 stripes, but here they mention insignia. It is not insignia of the colonel but the stripes
25 of a colonel.

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1 Q. [12:22:19] Thank you for that. And Mr Witness, I'll just like to ask, this colonel
2 that you are referring to, what was his name -- or what is his name?

3 MS NAOURI: [12:22:31](Interpretation) Objection. The witness has just said the
4 paragraph is correct and the paragraph states: "I do not know his name." So there is
5 no foundation to ask whether the witness knows his name or not because the witness
6 said that the paragraph is correct, which paragraph states, "I do not know his name."

7 PRESIDING JUDGE SAMBA: [12:23:01] Well, he did say that the paragraph is
8 correct, but he made a correction just now as to badge or insignia.

9 Madam Prosecutor, please respond to Ms Naouri's objection.

10 MS NDAGIRE: [12:23:16] I will ask another question.

11 PRESIDING JUDGE SAMBA: [12:23:21] Please do.

12 We are waiting, Madam Prosecutor.

13 MS NDAGIRE: [12:23:24]

14 Q. [12:23:53] Mr Witness, just to take you back to paragraph 44, if we can scroll up
15 the screen to page 12, can you read that paragraph as well and confirm whether or not
16 it is correct?

17 A. [12:25:29] I have read the paragraph.

18 Q. [12:25:33] And can you confirm whether or not its content is correct?

19 A. [12:25:41] I can make a correction because on that day, Mr Tolmo was on board
20 his pickup and there were two Seleka elements next to us * where the pick-up
21 stopped. There was also the vehicle of (Redacted) who -- which was in the escort
22 unit and who escorted us to the OCRB.

23 Q. [12:26:24] Thank you for that.

24 Now, Mr Witness, do you recall having a meeting with myself and my colleagues
25 a few weeks ago, we had the meeting virtually across a computer?

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- 1 A. [12:26:56] That is correct.
- 2 Q. [12:27:03] And at that same meeting did you have an opportunity to read the
- 3 French version of your statement?
- 4 A. [12:27:16] I re-read it.
- 5 Q. [12:27:21] Was an interpreter also present during that meeting?
- 6 A. [12:27:26] Yes, there was an interpreter.
- 7 Q. [12:27:37] And apart from your statement, what else were you shown during
- 8 that meeting?
- 9 A. [12:27:46] Could you be more specific with your question, please.
- 10 Q. [12:28:02] Apart from your statement, the French version of your statement,
- 11 which you looked at during that meeting, what other documents or material did you
- 12 look at?
- 13 A. [12:28:16] Some photographs of the building were shown to me.
- 14 Q. [12:28:30] What building are you referring to, Mr Witness?
- 15 A. [12:28:37] The OCRB building.
- 16 Q. [12:28:46] Now could the court officer please display tab number 5 of the
- 17 Prosecution's list of material, the ERN is CAR-OTP-2033-6871. This document is
- 18 already formally submitted.
- 19 Mr Witness, do you see the image on your screen?
- 20 A. [12:29:22] Yes. I can see it.
- 21 Q. [12:29:33] Have you seen this document before -- before today?
- 22 A. [12:29:43] It was before.
- 23 Q. [12:29:51] And what appears in this photograph, Mr Witness?
- 24 A. [12:29:57] I can see the building in which I was locked up.
- 25 Q. [12:30:11] And can you confirm where this building is located, please.

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1 A. [12:30:19] (Redacted)

2 (Redacted)

3 MS NDAGIRE: [12:30:46] Now I'm not sure if there is an electronic pen accessible to
4 the witness in the field, but I would -- there is none, okay.

5 PRESIDING JUDGE SAMBA: [12:31:00] But we can see from the screen, as long as
6 we get a proper description.

7 MS NDAGIRE: [12:31:16] Perhaps if we can make the photograph a little bit bigger.
8 Thank you.

9 Q. [12:31:25] And Mr Witness, can you confirm which door it is that you were
10 referring to where you were locked up?

11 PRESIDING JUDGE SAMBA: [12:31:37] I think he said the (Redacted).

12 MS NDAGIRE: [12:31:43] All right, thank you.

13 Q. [12:31:47] Now, Mr Witness, can you tell us when you were locked up in this
14 building?

15 PRESIDING JUDGE SAMBA: [12:32:04] No, sorry, let's get some clarity here because
16 I see from the script -- the transcript he says (Redacted)
17 (Redacted).

18 MS NDAGIRE: [12:32:27] Yes, Madam Prosecutor.

19 PRESIDING JUDGE SAMBA: Please put the question to the witness again. Let's
20 have some clarity from himself on the record.

21 MS NDAGIRE: [12:32:42]

22 Q. [12:32:42] Mr Witness, can you confirm once more where in this photograph you
23 say you were locked up.

24 A. [12:32:58] You see the door which is in the middle going towards the left,
25 (Redacted).

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1 PRESIDING JUDGE SAMBA: [12:33:09] That's good enough, I think.

2 MS NDAGIRE: [12:33:11]

3 Q. [12:33:13] Thank you, Mr Witness.

4 And now can you tell the Court when, if you recall which month and year, you were
5 locked up in this building.

6 A. [12:33:24] For the month, I don't remember, but it was in 2013. 2013.

7 Q. [12:33:38] And who decided that you should be locked up in there?

8 A. [12:33:44] The instruction came from the president of the republic, Mr Djotodia.

9 Q. [12:34:05] And who brought you to this particular building, Mr Witness, in
10 2013?

11 A. [12:34:14] The instruction came from the president of the republic and, as such, *
12 he instructed Mr Tolmo, who was the public prosecutor, to take us to the... to the
13 OCRB for investigations. So it was Mr Tolmo who took us to the OCRB.

14 Q. [12:34:54] And after he brought you to the OCRB, who put you inside that
15 building?

16 A. [12:35:07] When we arrived at the OCRB, when we got out of the car, Mr Tolmo
17 gave the instructions to Mr Mahamat Said, who was the colonel of the building, of
18 this troop, and to give him -- gave him the instruction * to keep us in custody until the
19 investigations were carried out.

20 Q. [12:35:38] I'm sorry, Mr Witness, could you clarify again what you said. I have here
21 on the English transcript that "Mr Tolmo gave the instructions to Mahamat Said, who
22 was the colonel of the building, of this troop". Can you confirm what troop this is?

23 A. [12:36:01] The troops, because -- well, the building of the OCRB, there were
24 Seleka who lived there and they had their base, their defensive base. And because
25 the defensive base was commanded by Colonel Said of the building, so the instruction

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1 came from the president of the republic. Mr Tolmo as well, he also gave the same
2 instruction to Mr Said to guard us there.

3 Q. [12:36:44] And how -- how did you come to learn that this defensive base was
4 commanded by Colonel Said?

5 A. [12:37:00] Well, at night, * it was around 8pm that we left the OCRB, and, at that
6 time, I didn't know Mr Said. But I listened to the words that he said to my colonel,
7 that you're going to keep these people in *garde à vue*, and keep them in custody for the
8 time to carry out the investigation. And that's when I heard about Colonel Said and
9 knew that it was Colonel Said.

10 It was the next day, in the morning, that I heard people call him Colonel Said and
11 that's how I found that it was Colonel Said.

12 MS NDAGIRE: [12:37:54] Madam President, I request that the -- oh, well, the
13 photograph hasn't been annotated by the witness, but we request an exhibit number
14 for it, please, given the description he provided as to where he was detained.

15 PRESIDING JUDGE SAMBA: [12:38:14] I thought -- isn't it already in evidence? It
16 doesn't have an ERN number already?

17 MS NDAGIRE: [12:38:21] It does indeed. It was previously used by a number of
18 witnesses -- through a number of witnesses.

19 PRESIDING JUDGE SAMBA: [12:38:29] Yes. So we don't need one. We'll read on
20 the record that he was detained in that particular cell, according to his testimony.

21 MS NDAGIRE: [12:38:38] Thank you, Madam President.

22 Could the court officer please display now tab -- tab number 3. The ERN is
23 CAR-OTP-2033-6838.

24 And this document is also formally -- already formally submitted.

25 Q. [12:39:10] Mr Witness, do you see the image on your screen now?

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1 A. [12:39:18] Yes, I can see the picture. It's the OCRB building.

2 Q. [12:39:26] And what -- what else can you tell us about this building, or the image
3 that we see in the photo?

4 A. [12:39:39] Yes. This building was filmed by -- from the right-hand side of the
5 building. And below, there is an area which is the underground area. There's
6 a hole you can see, an air hole, and that's where the underground area is -- cellar.

7 Q. [12:40:17] Perhaps if I could request the court officer to please zoom in a bit
8 more so the witness can confirm where -- where is this hole that you're referring to,
9 Mr Witness?

10 A. [12:40:34] Well, you see there's an open window over there, in the corner.
11 A window that's open. And below the open window, along the building, there is
12 a hole.

13 Q. [12:40:54] And what else can you tell us about this hole, Mr Witness?

14 A. [12:41:00] Well, this hole goes to the underground part, because there were
15 people who were detained in that hole and it made it possible -- or that hole made it
16 possible for them to have air, because they were detained in that cellar area.

17 Q. [12:41:25] And how did you come to learn that people were detained in the hole,
18 Mr Witness?

19 A. [12:41:33] Yes, I spent (Redacted) at the OCRB and (Redacted)
20 (Redacted) in one of these offices.

21 (Redacted) was the first to tell me that people had been incarcerated in the hole. And
22 the next day, a few days later, when we were on break, we saw people coming out of
23 this hole to take breaks too, and they themselves confirmed to us that they were
24 incarcerated in a hole inside this building.

25 That's when I knew there was a hole here

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1 Q. [12:42:21] Did you also come to learn who had incarcerated these people that
2 you referred to who are at the hole?

3 A. [12:42:42] Yes, (Redacted), because
4 when we were taken to the OCRB, (Redacted)
5 (Redacted). So when they took us to the
6 OCRB, they separated us. (Redacted)
7 (Redacted) were
8 kept apart in the other building.

9 PRESIDING JUDGE SAMBA: [12:43:20] Madam Prosecutor, do we have all of that
10 in this witness's prior recorded testimony? My understanding is that this is a Rule
11 68(3) witness.

12 MS NDAGIRE: [12:43:46] I will move on from this topic, Madam President.

13 Q. [12:44:03] Now, Mr Witness, to take you back to our meeting of a few weeks ago
14 this month, did you provide any corrections or clarifications to your statement when
15 it was -- when you read it?

16 A. [12:44:19] Could you reformulate your question, please.

17 Q. [12:44:34] During our meeting, the virtual meeting a few weeks ago on the
18 computer, when you were reading through your statement, did you provide any
19 corrections to your statement?

20 A. [12:44:51] I don't think so.

21 Q. [12:44:59] Could the Court Officer please display tab 13 of the witness -- of the
22 Prosecution's list of materials. The ERN is CAR-OTP-00037514. And if we can
23 please turn to the last page.

24 This document is not yet formally submitted.

25 Can you scroll down a little bit so the -- thank you.

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- 1 Mr Witness, do you see the document on your screen?
- 2 A. [12:45:52] Yes.
- 3 Q. [12:46:03] Do you recognise the signature over there, and the name that we see
- 4 on the screen?
- 5 A. [12:46:15] That's my signature with the name.
- 6 Q. [12:46:19] And do you recall when you signed this document?
- 7 A. [12:46:24] Yes, I signed it.
- 8 Q. [12:46:30] Do you remember when you signed it, Mr Witness?
- 9 A. [12:46:36] I think it was on 1 October.
- 10 Q. [12:46:47] And do you remember the purpose of the document that you signed,
- 11 what it contained?
- 12 A. [12:46:55] Well, you presented it to me in English. If it was in French, then I'd
- 13 be able to understand it better.
- 14 Q. [12:47:15] Perhaps if we can scroll up to the beginning of the page.
- 15 I will read out the title to you, Mr Witness.
- 16 So if we can go to the first page, which would be number 2.
- 17 PRESIDING JUDGE SAMBA: [12:47:39] Maybe if we look at tab -- Madam
- 18 Prosecutor, check out tab 13.1 and see whether that reflects maybe the French version,
- 19 if you may. I mean, if not, we can still go on to your line of questioning.
- 20 MS NDAGIRE: [12:47:59] The French version was not available at the time that the
- 21 list of material was prepared, so it is not part of the list of material, but I can read out
- 22 to the witness the title and ask him to confirm if it is correct or an accurate reflection
- 23 of --
- 24 PRESIDING JUDGE SAMBA: [12:48:16] That's the Defence binder, 13.1.
- 25 Madam Prosecutor, please, let's go on. I mean, time is of the essence.

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1 MS NDAGIRE: [12:48:35]

2 Q. [12:48:35] Mr Witness, I will read out the title.

3 It says, in English:

4 "Corrections or clarifications provided by" -- your pseudonym, witness -- "P-2239 on
5 01 October 2024 to prior statement" --

6 And the ERN of your witness statement is -- "CAR-OTP-2104-0918".

7 Now my question is, do you recall providing corrections or clarifications to your
8 initial statement during this meeting that we had on 1 October this year?

9 A. [12:49:21] Yes, I made some corrections and signed. That's why -- what I
10 signed.

11 Q. [12:49:45] The Prosecution formally submits this document, Madam President.
12 And finally, Mr Witness, my last question for you, do you agree to the Judges using
13 the information you provided in your statement of 2018, 2019, along with the
14 corrections that you provided in October this month, in order to determine the truth
15 in this trial?

16 A. [12:50:23] Yes. Everything that I amended or corrected and -- this was done
17 with the way of ensuring that the Court could do justice.

18 Q. [12:50:44] Thank you very much, Mr Witness.

19 And with that, Madam President, your Honours, we submit that the Rule 68(3)
20 conditions have been met and we request the prior recorded statement of the witness
21 to be introduced into evidence.

22 We also formally submit tabs 1 and 13 of our list of material.

23 PRESIDING JUDGE SAMBA: [12:51:04] Thank you.

24 Mr Courtroom Officer, can we go back into open session, please.

25 (Open session at 12.51 p.m.)

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- 1 THE COURT OFFICER: [12:51:18] We are in open session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [12:51:21] Thank you very much.
- 3 Thank you very much, Madam Prosecutor.
- 4 Being present before this Chamber, having agreed to the submission of his prior
- 5 recorded testimony and all the supporting documents, the Prosecution having
- 6 examined this witness, the Defence and the Chamber having an opportunity to
- 7 examine this witness during these proceedings, PW-2239's prior recorded testimony
- 8 and its associated materials, including as ruled upon this morning, are allowed into
- 9 evidence.
- 10 Thank you very much.
- 11 Now, Mr Witness, the Prosecution has finished putting questions to you. It is now
- 12 up to the Defence to put questions to you also on behalf of their client, Mr Said.
- 13 I'm going to -- we have about 8 minutes more before lunch, so I'm going to invite the
- 14 Defence to -- oh, sorry, yes, the victims, the victims' representative is going to also put
- 15 questions to you as to injury or harm you may have suffered, and the reparations.
- 16 Ms Pellet for the victims, please.
- 17 MS PELLET: [12:52:44](Interpretation) Thank you very much, your Honour.
- 18 So Tars van Litsenborgh is going to put questions to the witness. Thank you.
- 19 PRESIDING JUDGE SAMBA: [12:52:54] Thank you very much.
- 20 Counsel, please start putting your questions.
- 21 MR VAN LITSENBORGH: [12:53:13](Interpretation) Yes. Thank you very much,
- 22 your Honour.
- 23 * I maintain the request of the legal representative of 9 October, with a view to
- 24 conforming with your decision on the conduct of proceedings.
- 25 And because my colleague of the Prosecution has satisfied the requirements of Rule

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1 68(3), my questions will be limited to the harm suffered by the witness during the
2 events of 2013 and the impact of these events on his life and that of his family.

3 QUESTIONED BY MR VAN LITSENBORGH: (Interpretation)

4 * Q. [12:53:47] Good afternoon, witness.

5 A. [12:53:51] Good afternoon.

6 Q. [12:53:52] We know each other, but for the purposes of the transcript, I would
7 like to state that I work with your legal representative, because you were authorised
8 to participate in the proceedings on 22 May 2022 and, once again -- 2023, on 8
9 November 2023, on the basis of a form that you filled in with Sarah Pellet on 4 March
10 2022 in this -- 14 March.

11 In this regard, given the formalities associated with filling in the form, I also refer to
12 paragraph 30 and 31 of our submissions, ICC-01/14-01/21-518-Red. So, witness, before
13 I start to put questions to you, I would like -- as the Presiding Judge mentioned this
14 morning, if some of my questions are likely to lead to your identification, even
15 indirectly, then I would ask you to go -- I would ask to go into private session. You
16 will therefore be free to give as much information as you wish without any fear. And,
17 if you think that your answers to my questions could identify you, tell me and I
18 would ask to go into private session before you start with your answer. Is that clear?

19 A. [12:55:32] It's clear.

20 Q. [12:55:33] Very well. Thank you.

21 Do you still think about the events that led to your victimisation in 2013? Do you
22 think back to them?

23 A. [12:55:46] I still remember them.

24 Q. [12:55:51] And how do you feel when you think about these events?

25 A. [12:55:56] Well, how do I feel? I want justice to be done, because I'm a victim

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1 and I've experienced things and I put myself available to you such that justice be
2 done.

3 Q. [12:56:20] *D'accord.*

4 Since you were freed from the OCRB, have you had psychological treatment?

5 A. [12:56:32] No.

6 MR VAN LITSENBORGH: [12:56:41](Interpretation) Madam President, for my next
7 question, I think that it would be more prudent to go into private session, if you
8 would be so kind.

9 PRESIDING JUDGE SAMBA: [12:56:49] Mr Court Officer, can we go into private
10 session, please.

11 (Private session at 12.56 p.m.)

12 THE COURT OFFICER: [12:56:57] We are in private session, Madam President.

13 PRESIDING JUDGE SAMBA: [12:57:03] Thank you very much.

14 Counsel, please continue.

15 MR VAN LITSENBORGH: [12:57:06](Interpretation) Thank you very much.

16 Q. [12:57:09] So, witness, we are in private session, so you're free to give
17 information as you wish.

18 What consequences did your arrest have and your detention on you and on your
19 family?

20 A. [12:57:28] Well, on the day I was arrested -- firstly, I have a two-month-old baby,
21 and this arrest deprived me of being with the baby. And, secondly, they've
22 made -- they thought that I -- they thought that I had a weapon. And they went
23 through my house. And it was the only thing that I had to help me with
24 work -- they took my car, the only car that I had with which I could go to work.
25 They ransacked my house.

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1 Q. [12:58:02] Did they take anything else as well?

2 A. [12:58:06] They took my car, a (Redacted), and they also sabotaged my house.

3 They took (Redacted)

4 (Redacted). There were a lot of articles that they took, but I wouldn't be able

5 to list them all.

6 Q. [12:58:36] Don't worry, that's fine, that's clear. Thank you.

7 During your detention, who looked after your family in terms of meeting their needs?

8 A. [12:58:47] Well, because it was my mother, she's a lady who is already retired

9 and she tried to do her best to help me in the situation, just that, with my wife, who

10 was doing nothing with a baby in her hands. So it was really an unhappy situation.

11 Q. [12:59:11] Yes, I understand that it was a complicated situation. Thank you

12 very much, witness.

13 Now, for my last two questions, could we go back into open session,

14 Madam President.

15 PRESIDING JUDGE SAMBA: [12:59:25] Mr Court Officer, can we go into open

16 session, please.

17 (Open session at 12.59 p.m.)

18 THE COURT OFFICER: [12:59:37] We are back to open session, Madam President.

19 PRESIDING JUDGE SAMBA: [12:59:40] Carry on, counsel.

20 MR VAN LITSENBORGH: [12:59:42](Interpretation) Thank you very much.

21 Q. [12:59:45] Witness, we are in open session, so please be careful. Why did you

22 decide to testify and participate in the proceedings?

23 A. [12:59:58] We are in a country of law and when the events like that happen in

24 my town, or in my life, then I will put myself available -- I'd make myself available to

25 justice. I'm proud to testify, and I would like to make myself available to justice so

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1 justice is done.

2 Q. [13:00:20] What do you hope from this trial against Mr Said?

3 A. [13:00:26] I put my trust in your justice. And I can't decide in your place, but I
4 hope that justice is done. I would like justice to be done.

5 Q. [13:00:41] Very well. There's very clear. Thank you very much, witness.

6 Your Honour, that was my last question, thank you.

7 PRESIDING JUDGE SAMBA: [13:00:49] Thank you very much, counsel. So,

8 Mr Witness, we are going to break off here for today with your testimony. We shall
9 be here again tomorrow in the morning at 9.30 so that the Defence counsel for

10 Mr Said will put questions to you.

11 So I'm going to ask that you do not discuss your testimony with anybody when you
12 leave your current location, and do remember that you will still be on oath when we
13 meet here tomorrow.

14 So I rise the Court for 9.30 tomorrow morning, please.

15 THE COURT USHER: [13:01:23] All rise.

16 (The hearing ends in open session at 1.01 p.m.)