

Trial Hearing
WITNESS: CAR-OTP-P-0834

(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 Tuesday, 22 October 2024
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:06] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:33:34] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:33:40] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:33:55] Thank you very much.
20 Can I ask for representation, starting with the Prosecution, Ms Makwaia, please.
21 MS MAKWAIA: [9:34:03] Thank you, Madam President. Good morning your
22 Honours. Appearing for the Prosecutor this morning, myself, Holo Makwaia,
23 Marie-Jeanne Sardachti, Hillary Dyer, Anusha Rawoah and Thomas Laugel. Thank
24 you.
25 PRESIDING JUDGE SAMBA: [9:34:22] Thank you very much, Ms Makwaia.

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- 1 Ms Pellet for the victims, please.
- 2 MS PELLET: [9:34:32](Interpretation) Thank you, Madam President. The victims
- 3 are represented by Adeline Bedoucha and myself, Sarah Pellet, OPCV.
- 4 PRESIDING JUDGE SAMBA: [9:34:33] Thank you very much, Ms Pellet.
- 5 Mr Jacobs, for the Defence, please.
- 6 MR JACOBS: [9:34:41](Interpretation) To my right, Elina Legat, and myself, I am
- 7 Dov Jacobs, representing Mr Said.
- 8 PRESIDING JUDGE SAMBA: [9:34:50] Thank you very much, Mr Jacobs.
- 9 And for the record we take note that Mr Said is in court with us.
- 10 A very good morning to you, Mr Said. I hope I see you well.
- 11 MR SAID: [9:35:06](Interpretation) Yes, good morning, Madam President.
- 12 PRESIDING JUDGE SAMBA: [9:35:09] Good morning.
- 13 The Prosecution is calling P-0834 as its 56th witness. It is our understanding that this
- 14 witness will be testifying in Sango via video link. So I remind everyone of the
- 15 importance of the need to speak slowly and to observe the five-seconds rule between
- 16 questions and answers.
- 17 Before commencing, the Chamber notes briefly that protective measures are
- 18 confirmed for this witness by virtue of decision numbered 481, and that the VWU has
- 19 advised that the following special measures be adapted when questioning this
- 20 witness: To observe the witness closely in case of signs of nervousness, distraction,
- 21 withdrawal, or if the witness needs a break.
- 22 We take note of your concerns, Madam Prosecutor, and we shall observe even better
- 23 the witness as he testifies.
- 24 Can the court officer please connect us to this witness, please.
- 25 THE COURT OFFICER: [9:36:46] The witness in the field can now hear us, Madam

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1 President.

2 PRESIDING JUDGE SAMBA: [9:36:51] Good morning, Mr Witness. Can you hear
3 me? Can you see me?

4 WITNESS: CAR-OTP-P-0834

5 (The witness speaks French)

6 (The witness gives evidence via video link)

7 THE WITNESS: [9:37:05](Interpretation) Yes, I can hear you.

8 PRESIDING JUDGE SAMBA: [9:37:09] Good morning. I hope you're feeling better
9 now.

10 THE WITNESS: [9:37:26](Interpretation) I'm okay.

11 THE INTERPRETER: [9:37:28] Says the witness, speaking French.

12 PRESIDING JUDGE SAMBA: [9:37:31] Good. Now, Mr Witness, you're going to
13 testify before the International Criminal Court. So on behalf of this Chamber,
14 I welcome you to this courtroom.

15 THE WITNESS: [9:37:55](Interpretation) Thank you, Madam President.

16 PRESIDING JUDGE SAMBA: [9:37:59] Now, you should have in front of you,
17 Mr Witness, the solemn undertaking which every witness who appears before us
18 must agree to. Can I ask that you read that out loud for us.

19 THE WITNESS: [9:38:27](Interpretation) Solemn declaration. I solemnly declare
20 that I shall tell the truth, the whole truth, and nothing but the truth.

21 PRESIDING JUDGE SAMBA: [9:38:53] Thank you very much, Mr Witness.

22 Now, do you understand and agree to what you just read out?

23 THE WITNESS: [9:39:09](Interpretation) Yes, I've understood, ma'am.

24 PRESIDING JUDGE SAMBA: [9:39:13] Thank you.

25 Can I just clarify for the record that this witness will be testifying in French and not

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1 Sango. Madam Prosecutor?

2 MS SARDACHTI: [9:39:24] Yes, it's in French, Madam President, and this is what he
3 told me during the courtesy meeting, that he wanted to testify in French, not in
4 Sango.

5 PRESIDING JUDGE SAMBA: [9:39:34] Thank you very much.

6 Now, Mr Witness, let me explain to you the protective measures that are in place for
7 the duration of your testimony. We have in place for you voice and face distortion
8 for the duration of your testimony. Now, this means that no one outside the
9 courtroom can see your face or hear your real voice.

10 There will also be the use of pseudonym. In accordance with that, we shall all refer
11 to you only as "Mr Witness" so that the public does not get to know your real name.
12 When you answer questions that will not give away who you are, we will do so in
13 open session, which means that the public can hear what is said inside the courtroom.
14 When you're asked to describe anything that relates specifically to you, or are asked
15 to mention facts that might reveal your identity, we will do so in private session.
16 And, Mr Witness, I have a few practical matters you should have in mind when
17 giving your testimony. Everything we say here is written down and interpreted. It
18 is, therefore, important to speak clearly and at a slow pace. Please speak into the
19 microphone and only start speaking when the person asking you the question has
20 finished. To allow for the interpretation, we all have to wait a few seconds before we
21 start to speak.

22 If you have any questions yourself or if you need a break, please raise your hand so
23 we know that you want to say something to us.

24 We hope, Mr Witness, that nothing gets wrong with the video link. However, if
25 there are any issues with the technology, be rest assured that we shall do our best to

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- 1 get things sorted out as quickly as possible.
- 2 Now, do you understand all that I have said, Mr Witness?
- 3 THE WITNESS: [9:42:45](Interpretation) Yes, your Honour.
- 4 PRESIDING JUDGE SAMBA: [9:42:49] Thank you very much.
- 5 So I'm going to call on the Prosecution to start with your examination.
- 6 Madam Prosecutor, your witness, please.
- 7 MS SARDACHTI: [9:43:11](Interpretation) Thank you, Madam President.
- 8 Good morning, Madam President, your Honours.
- 9 QUESTIONED BY MS SARDACHTI: (Interpretation)
- 10 Q. [9:43:24] Good morning, Mr Witness. *Good morning, Mr. Witness. Can you
- 11 hear me clearly?
- 12 A. [9:43:29] Yes. Good morning, ma'am.
- 13 Q. [9:43:39] *We've already met, Mr Witness, but for the purpose of today's hearing,
- 14 my name is Marie-Jeanne Sardachti and I will be asking you some questions on behalf
- 15 of the Prosecution. First of all, I'll be asking you some questions about your identity
- 16 and then some procedural questions so as to place your statement and associated
- 17 documents on the record in this case.
- 18 MS SARDACHTI: [9:44:30](Interpretation) Madam President, to begin, could we go
- 19 into private session, because I would like to ask the witness a few questions relating
- 20 to his identity.
- 21 PRESIDING JUDGE SAMBA: [9:44:39] Madam Court Officer, can we go into private
- 22 session briefly, please.
- 23 (Private session at 9.44 a.m.)
- 24 THE COURT OFFICER: [9:44:50] We are in private session, Madam President.
- 25 PRESIDING JUDGE SAMBA: [9:44:53] Thank you very much.

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- 1 Ms Sardachti, please continue.
- 2 MS SARDACHTI: [9:45:00](Interpretation)
- 3 Q. [9:45:02] Mr Witness, could you give us your complete name, please.
- 4 A. [9:45:14] (Redacted)
- 5 Q. [9:45:26] (Redacted)
- 6 A. [9:45:33] (Redacted)
- 7 MS SARDACHTI: [9:45:47](Interpretation) Madam President, I believe we can go
- 8 back into open session.
- 9 PRESIDING JUDGE SAMBA: [9:45:52] Thank you.
- 10 Madam Court Officer, can we go into open session, please.
- 11 (Open session at 9.46 a.m.)
- 12 THE COURT OFFICER: [9:46:06] We are back to open session, Madam President,
- 13 your Honours.
- 14 PRESIDING JUDGE SAMBA: [9:46:09] Thank you very much.
- 15 Ms Sardachti, please continue.
- 16 MS SARDACHTI: [9:46:15](Interpretation)
- 17 Q. [9:46:17] Mr Witness, when we met by way of video link in May, I explained to
- 18 you that we asked for your written statement and a number of associated documents
- 19 *to be placed on the record and, thus, given that as a backdrop, I will be putting a few
- 20 questions to you now, a few questions regarding your statement.
- 21 Do you remember giving one or several statements to members of the OTP?
- 22 A. [9:47:04] Yes, ma'am.
- 23 Q. [9:47:12] And when you gave those statements did you read them over in a
- 24 language that you understand? Did you give the statements in a language you
- 25 understand?

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- 1 A. [9:47:26] Yes. *I understood everything I said and I read everything.
- 2 Q. [9:47:47] I see in the transcript that a word seems be missing in the transcript.
- 3 I read "inaudible" on the French transcript. Could that be corrected please.
- 4 I believe I heard the witness say "read", the word "*lu*" in French. Could that be
- 5 corrected, rather than having to correct it later on.
- 6 Now, do you remember signing, signing these statements?
- 7 A. [9:48:23] Yes, ma'am.
- 8 Q. [9:48:30] Could the court officer kindly display tab 1 on our list, and this is ERN
- 9 OTP-2029-0248-R03, tab 1.
- 10 And if we could look at the cover page of this document, 0248.
- 11 This is a confidential document. It can be shown to the witness but not to the public.
- 12 Now, Mr Witness, can you see the document?
- 13 A. [9:49:30] Yes.
- 14 Q. [9:49:31] Do you recognise this document?
- 15 A. [9:49:38] Yes.
- 16 Q. [9:49:44] Do you recognise a name on this page?
- 17 A. [9:49:59] (No interpretation)
- 18 Q. [9:50:04] Do you recognise a name on this page?
- 19 PRESIDING JUDGE SAMBA: [09:50:08] And, Mr Witness.
- 20 THE INTERPRETER: [9:50:11] Message from the booth: the witness's last response
- 21 was inaudible.
- 22 PRESIDING JUDGE SAMBA: [9:50:18] Yes. Mr Witness, can you just answer "yes"
- 23 or "no" and not read out the name, because we are in open session.
- 24 Madam Prosecutor, can you give the question again so that his answer will be
- 25 reflected in the record.

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1 MS SARDACHTI: [9:50:39](Interpretation)

2 Q. [9:50:40] Mr Witness, I asked you whether you recognised a name, and you
3 said -- and here we see on the French transcript "inaudible". Now we're in open
4 session right now, don't give your name, but do you recognise a name on this page;
5 and, if so, whose name is it?

6 A. [9:51:12] *Inaudible.

7 Q. [9:51:15] I have the impression that you're speaking Sango now. Is that so?
8 Could you answer in French.

9 A. [9:51:24] Yes, yes. That's my name.

10 Q. [9:51:27] Thank you, Mr Witness.

11 Could we move to the second page, page 0249.

12 Now, on the second page, Mr Witness, do you recognise a name and a signature?

13 A. [9:52:15] Yes, that's my name and my signature.

14 Q. [9:52:29] Court officer, if we could scroll down to the bottom of this page, if we
15 could scroll down and then look at the right.

16 Mr Witness, on the right of this page we see some initials. Do you recognise any of
17 these initials?

18 A. [9:53:03] It's not on the screen.

19 Q. [9:53:06] Would it be possible to zoom in and give us a closer view of the initials.
20 Can you see better? Can you see in the corner the initials?

21 A. [9:53:28] Yes, that's my signature.

22 Q. [9:53:36] And, finally, could we move to the last page of this document,
23 page 0264, so that we can be done with this document, this statement.

24 Do you recognise the signature on this page?

25 A. [9:54:11] Yes, that's my signature.

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- 1 Q. [9:54:14] And do you recognise the date?
- 2 A. [9:54:21] Yes, I remember the date.
- 3 Q. [9:54:29] I'd like to show you a second document now.
- 4 And I would like to ask the court officer if she could display
- 5 CAR-OTP-2029-0268-R02.
- 6 CAR-OTP-2029-0268-R02.
- 7 Can you see the document, Mr Witness?
- 8 A. [9:55:31] Yes.
- 9 Q. [9:55:34] Do you recognise it?
- 10 A. [9:55:37] Yes, I recognise the document.
- 11 Q. [9:55:51] And do you recognise a name?
- 12 A. [9:55:56] Yes, that's my name.
- 13 Q. [9:56:03] Could I ask the court officer to move to the following page,
- 14 CAR-OTP-2029-0269.
- 15 Do you recognise a name and a signature?
- 16 A. [9:56:28] That's my name and signature.
- 17 Q. [9:56:32] And do you recognise the date?
- 18 A. [9:56:41] Yes, I remember the date.
- 19 Q. [9:56:47] Could I ask the court officer to move to the last page of this document,
- 20 0274 are the last four digits -- 0274.
- 21 Can you see something up on the screen or in front of you, Mr Witness?
- 22 A. [9:57:24] Yes, ma'am.
- 23 Q. [9:57:27] Do you recognise this signature?
- 24 A. [9:57:32] Yes, this is my signature.
- 25 Q. [9:57:47] Mr Witness, do you remember seeing me by way of video link a few

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1 months ago?

2 A. [9:58:00] Yes, ma'am.

3 Q. [9:58:07] During that meeting by video link, did you have an opportunity to
4 read over and review your statements and the associated documents?

5 A. [9:58:21] Yes, ma'am.

6 Q. [9:58:26] And were you able to make corrections or provide clarifications if
7 necessary?

8 A. [9:58:49] Yes, ma'am.

9 Q. [9:58:59] Do you remember signing a document with a number of corrections
10 and clarifications that you made to your statements?

11 A. [9:59:12] Yes, ma'am.

12 MS SARDACHTI: [9:59:18] Court officer, could you please call up tab 9, the
13 document at tab 9. This is a confidential document. This is CAR-OTP-00036531.
14 First page. It may not be shown to the witness.

15 PRESIDING JUDGE SAMBA: [10:00:26] Madam Prosecutor, did you say this
16 document should not be shown to the witness?

17 MS SARDACHTI: [10:00:35](Interpretation) It should be shown to the witness but
18 not to the public. It is a confidential document.

19 Q. [10:00:56] Can you see the document, Mr Witness?
20 Do you recognise the document?

21 A. [10:01:17] Yes, ma'am.

22 Q. [10:01:26] Now, the document is read: Annex A to the witness preparation log
23 of P-0834.

24 Could I please ask the courtroom officer to go to the second page of this document?

25 A little further down, please.

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1 Do you recognise the signature, Mr Witness?

2 A. [10:02:10] Yes, this is my signature.

3 Q. [10:02:12] And do you recognise the date?

4 A. [10:02:19] Yes, I do remember the date.

5 Q. [10:02:25] Are these indeed the correction and clarification notes that you
6 provided to the Office of the Prosecutor on 28 May 2024?

7 A. [10:02:36] Yes, indeed, ma'am.

8 Q. [10:02:40] And my last question, Mr Witness: Do you consent that the judges
9 of this Chamber use your two statements and this annex that was established during
10 the preparatory session and the associated documents to your statement? Do you
11 consent that they be used as items of evidence in this case?

12 A. [10:03:15] Yes, ma'am.

13 Q. [10:03:19] Thank you, Mr Witness.

14 MS SARDACHTI: [10:03:22](Interpretation) This concludes my questions to the
15 witness, Madam President, your Honours.

16 * Prosecution submits that the criteria of Rule 68(3) are now met. And for the record,
17 these are the documents to be found at tabs 1 to 7 of our list and the annex to the log
18 which can be found at tab 9.

19 PRESIDING JUDGE SAMBA: [10:03:53] Thank you very much, Ms Sardachti.

20 This witness being present before this Trial Chamber and P-0834 having agreed to the
21 submission of his prior recorded testimony and associated materials, the Prosecutor
22 having examined this witness, the Defence and the Chamber having an opportunity
23 to examine this witness during the proceedings, P-0834's prior recorded testimony
24 together with its associated materials are allowed into evidence. Thank you very
25 much.

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1 Now, Mr Witness, I'm going to ask the Defence to put questions to you on behalf of
2 their client, Mr Said.

3 Mr Jacobs, please.

4 MR JACOBS: [10:05:21](Interpretation) Thank you, Madam President.

5 QUESTIONED BY MR JACOBS: (Interpretation)

6 Q. [10:05:26] Good morning, Mr Witness.

7 A. [10:05:27] Good morning, sir.

8 Q. [10:05:32] Now, my name is Dov Jacobs and today I shall be putting a number of
9 questions to you on behalf of the Defence team for Mr Said.

10 As the Presiding Judge just explained to you, we are both speaking French, and
11 everything that we say is being written down. As you can see, I have a screen before
12 me and whenever I speak I can see it written on the screen before me, as is the case for
13 you. So it is very important that we speak slowly, and that we wait a short while.
14 So when I put a question to you, you need to wait a few seconds before you answer
15 my question. And when you provide your answer, I will then wait a few seconds
16 before I put another question to you; all right?

17 A. [10:06:25] Yes, sir.

18 Q. [10:06:30] So it is possible that from time to time I will raise my hand in order to
19 ask you to be patient or to slow down; all right?

20 A. [10:06:44] Yes, sir.

21 MR JACOBS: [10:06:52](Interpretation) Madam President, for my first questions,
22 I believe that we need to move into private session, please.

23 PRESIDING JUDGE SAMBA: [10:06:57] Yes.

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

25 (Private session at 10.07 a.m.)

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- 1 THE COURT OFFICER: [10:07:14] We are in private session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [10:07:16] Thank you very much. Mr Jacobs, please
- 3 continue.
- 4 MR JACOBS: [10:07:26](Interpretation)
- 5 Q. [10:07:28] Now, Mr Witness, we are in private session, so we are the only ones in
- 6 a position to hear what you have to say; all right?
- 7 A. [10:07:38] Yes, sir.
- 8 Q. [10:07:44] Now, Mr Witness, could you please tell us where you were born?
- 9 A. [10:07:52] I was born in Bangui.
- 10 Q. [10:08:02] In the year 2013, in March 2013, where were you living?
- 11 A. [10:08:15] I was living in the Boy-Rabe neighbourhood, in the
- 12 (Redacted).
- 13 Q. [10:08:33] Very well. And in which sub-neighbourhood were you living,
- 14 Mr Witness?
- 15 A. [10:08:46] (Redacted)
- 16 (Redacted)
- 17 THE INTERPRETER: [10:09:17] The witness trails off.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [10:10:18] I don't know whether there is a technical issue, but I'm under the
- 24 impression that, you know, there -- the sound is coming in and out.
- 25 I do not believe that you said the name of (Redacted) again, Mr Witness. (Redacted)

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1 (Redacted)

2 A. [10:10:40] Yes, we live in the same sector.

3 Q. [10:10:55] Very well. That's now clear, Mr Witness.

4 And before March 2013 - for example, in 2012, 2011 - were you living in the same
5 neighbourhood, Mr Witness?

6 A. [10:11:14] Yes, counsel.

7 Q. [10:11:27] Do you remember who the chief of (Redacted) sub-neighbourhood
8 was at that time?

9 A. [10:11:42] Yes, I do know his name.

10 Q. [10:11:50] Could you please give us his name.

11 A. [10:12:01] It's (Redacted).

12 Q. [10:12:24] Very well. And to the best of your recollection, can you recall the
13 name of the (Redacted) in the year 2013?

14 A. [10:12:39] No, I can't remember.

15 Q. [10:12:56] Now, what was your mother's trade, Mr Witness?

16 A. [10:13:10] My *mère* was a trader. My mother was a trader.

17 Q. [10:13:24] Very well. Thank you.

18 And how many brothers do you have, Mr Witness?

19 A. [10:13:42] I have half-brothers and half-sisters to the number of (Redacted), that
20 I am aware of.

21 Q. [10:14:02] Very well. And could you just give us the names of the brothers
22 with whom you were living in the year 2013, because I understood from your prior
23 statement that you were living with your brothers and your mother. Was it all of
24 your brothers or just some of your brothers that you were living with?

25 A. [10:14:27] We were not all living together.

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1 Q. [10:14:37] Could you give us the names of the brothers with whom you were
2 living, Mr Witness.

3 A. [10:14:47] (Redacted). That's all.

4 Q. [10:15:17] Thank you, Mr Witness.

5 And amongst your half-brothers and sisters, was there anyone who was working in
6 the police or the gendarmerie or the army?

7 A. [10:15:41] No, nobody was working in that capacity.

8 Q. [10:15:47] Thank you.

9 Now I have a number of questions to put to you about your father, Mr Witness. You
10 (Redacted)?

11 A. [10:16:07] Yes, counsel.

12 Q. [10:16:10] And if you are aware, do you know where he was based before the
13 year 2013, in (Redacted)?

14 A. [10:16:26] (Redacted)
15 (Redacted).

16 Q. [10:16:52] (Redacted)
17 (Redacted)
18 (Redacted)

19 A. [10:17:15] (Redacted).

20 Q. [10:17:33] Very well. Thank you, Mr Witness.

21 In order for us to move forward rapidly with regard to your personal situation, can
22 you confirm that you started your (Redacted) in
23 2012-2013; is that correct?

24 A. [10:18:03] Yes, counsel.

25 Q. [10:18:09] And the year 2012-2013, how did you earn a living in order to pay for

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1 your studies, put food on the table and pay for the household?

2 A. [10:18:30] My mother was there. My father was there. I had support.

3 Q. [10:18:48] Very well.

4 Madam Courtroom Officer, could we please bring up item 12 on our list of
5 documents. It can be shown to the witness. CAR-OTP-2025-0258. And go to the
6 page 0261.

7 Mr Witness, I'm going to explain to you what this document is. It is what is called a
8 screening note and it is a document that is established by the investigators of the
9 Office of the Prosecutor when they spoke to you for the first time before taking your
10 prior statement; all right?

11 So this is a document. They met you for that first time and they wrote this document
12 down. And it provides a summary, according to them, of the content of your
13 discussions during that very first meeting.

14 And it is written, the first sentence that we can see here in English -- I'm going to be
15 reading it in English so that the interpreters can interpret it:

16 (Speaks English) "P-0834 stated that he grew up in Boy-Rabe and since 2012 he used
17 (Redacted)

18 (Redacted)

19 (Interpretation) So the investigators noted down here that you allegedly told
20 them - well, we can take the document away so that the witness can see us, thank you
21 very much - that in 2012 you were working (Redacted)

22 (Redacted). Was that the case, Mr Witness?

23 A. [10:21:38] That was a little job. It's like a holiday job.

24 (Overlapping speakers)

25 Q. [10:21:56] Mr Witness, I don't know whether you can see us, because the

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1 evidence screen is still up at your end.

2 A. [10:22:08] No, I can't see anyone. I can just see a number.

3 Q. [10:22:16] There we are. Here I am. I'm back.

4 Now, very well, you say that this was a little job. Now, I'd like to know exactly how
5 it went. You were an (Redacted) in Bangui. You moved around in the provinces,
6 did you? How did you work in this capacity as an (Redacted)?

7 A. [10:22:43] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:23:49] Very well. Could you please repeat the (Redacted), because I heard a
12 figure and in the transcript there's another figure. So the (Redacted) was how much
13 exactly?

14 A. [10:24:11] (Redacted).

15 Q. [10:24:21] Very well. But you said that you did receive a (Redacted) and I'd
16 like you to tell us the figure of that (Redacted). How much did you keep for
17 yourself?

18 A. [10:24:36] (Redacted)

19 (Redacted)

20 (Redacted)

21 THE INTERPRETER: [10:25:04] Repeats the witness.

22 THE WITNESS: [10:25:06](Interpretation) It depended on the market.

23 MR JACOBS: [10:25:20](Interpretation)

24 Q. [10:25:20] Very well. So it paid rather well, this activity, if I understand
25 correctly. So you made a lot of money, didn't you, Mr Witness?

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1 A. [10:25:33] I did have some money -- not that much.

2 Q. [10:25:49] One last question in this regard. When you worked as an (Redacted),
3 did you work alone or did you work alongside other people, other
4 (Redacted)?

5 A. [10:26:08] (Redacted)
6 (Redacted)

7 Q. [10:26:31] Very well.

8 I would like to request the formal submission of item 12, CAR-OTP-2025-0258.

9 Mr Witness, I'm now going to move on to another subject; namely, the events in
10 Boy-Rabe.

11 Now, we do have your statement in our possession. You talked to the members of
12 the OTP about the fact that you made a statement and Madam President admitted
13 this statement into evidence.

14 Now, my aim here is to just put a few questions of clarification to you. I'm going to
15 be putting questions to you in order to specify or to bring clarification to a number of
16 points. All right, Mr Witness?

17 A. [10:27:36] Yes, counsel.

18 PRESIDING JUDGE SAMBA: [10:27:37] Mr Jacobs, do you want us to still remain in
19 private session?

20 MR JACOBS: [10:27:48](Interpretation) Now, Madam President, I wanted to remain
21 in private session as a precaution, but I'm in your hands because in the summary of
22 anticipated testimony, the OTP left practically everything non-underlined, including
23 the events in Boy-Rabe, the detention at the SRI. I don't know. I'm also in the
24 OTP's hands. If they are in agreement, then I can move into open session for these
25 questions, but I don't want to take any risks or -- you know, with regards to the

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1 identity of the witness.

2 MS SARDACHTI: [10:28:33](Interpretation) Yes, with regards to his narrative, we
3 can remain in open session. But when it comes to names of individuals, we need to
4 be careful because these names could identify him and these names are indeed
5 *underscored or highlighted.

6 PRESIDING JUDGE SAMBA: [10:28:52] Yes. And, Mr Jacobs, you know the
7 questions you want to ask. When you want for us to go into private session, tell us
8 and we'll get the court officer to go into private session. If it's general issues you
9 want to discuss as to attacks or whatever happened in the Boy-Rabe that you're
10 referring to and the Prosecutor is referring to, then we can do that in open session,
11 I think. Shall I ask the court officer to move into open session or do you want us to
12 remain in private session?

13 MR JACOBS: [10:29:32](Interpretation) Now, before proceeding, I want us to be in
14 agreement. My questions will not have a bearing on the general attacks, but they
15 will have a bearing on what he personally experienced. So the OTP indicated in its
16 summary that this could be -- could be spoken about in open session. This is not the
17 attacks in general, these are the events personally experienced by the witness. So
18 that's what we're going to be talking about without mentioning names, so I am
19 willing to go into open session to broach these matters if, of course, we do not provide
20 any names.

21 PRESIDING JUDGE SAMBA: [10:30:13] All right. Let's try in private session and
22 see how it goes. Continue your questions.

23 MR JACOBS: [10:30:29](Interpretation) Thank you, Madam President.

24 Q. [10:30:31] Mr Witness, as I was saying, I'd like to ask for some additional
25 information from you. Now, the two people who broke into your house on 14

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1 April 2013, did you know these people?

2 A. [10:31:01] No.

3 Q. [10:31:10] You didn't know their names?

4 A. [10:31:15] Yes, counsel.

5 Q. [10:31:28] Did you learn their names later on, Mr Witness?

6 A. [10:31:37] No, counsel.

7 (Counsel confers)

8 MR JACOBS: [10:32:02](Interpretation)

9 Q. [10:32:02] Thank you, Mr Witness.

10 Now, I don't want to hark back to the incidents, the events that occurred, but could
11 you confirm that you do not have any administrative documents regarding the death
12 of your mother -- no medical certificate, no police report? You have no such
13 document, isn't that so?

14 A. [10:32:38] Yes, counsel.

15 Q. [10:32:55] Your family did not later declare that your mother had died; is that
16 not so?

17 A. [10:33:07] The neighbourhood had been invaded by the Seleka. It was utter
18 chaos throughout the country. The police had no time to work. All there was was
19 violence and acts of abuse.

20 MS SARDACHTI: [10:33:49](Interpretation) Just to make a correction to the
21 transcript, the French says the country was invaded by the Seleka, whereas the
22 English says the neighbourhood was invaded by the Seleka. If that could be
23 corrected.

24 THE INTERPRETER: [10:34:08] Message from the English booth. Indeed, the
25 French version is accurate. The "country" was invaded by the Seleka.

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1 MR JACOBS: [10:34:31](Interpretation)

2 Q. [10:34:31] Thank you for that correction.

3 Now, Mr Witness, I did take note of what you said, but we have people who came
4 and gave testimony here, people who went through some difficult events and they
5 were able to obtain death certificates and administrative documents. Some people
6 came and they explained that they would go -- they went and they made a statement
7 to the neighbourhood chief, and that was possible in 2013, even during these difficult
8 times that you've described. It was possible to obtain administrative documents.
9 We've heard witnesses telling us that.

10 Did you even try, you and your family, to obtain administrative documents for your
11 mother?

12 A. [10:35:33] She had been raped. I was tortured. *The trauma was very severe. The
13 family was divided. Hatred was in our hearts. Who was going to go and obtain a
14 death certificate? If you had been in my shoes, would you have done that? Would
15 you have thought to go and get a death certificate? Think about it for a minute.

16 Q. [10:36:46] Would you like a break, Mr Witness?

17 A. [10:36:52] We can keep on going.

18 Q. [10:37:00] Very well.

19 I understand, Mr Witness. I won't hark back to what happened to your mother.

20 But we are just asking you some questions about written documents, administrative
21 documents that could be useful to us within the trial, as you've mentioned, within the
22 trial.

23 Do you know -- and if you don't remember, we will move on, but do you know
24 whether your mother was taken to the hospital or to the morgue before she was
25 buried?

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1 A. [10:38:17] They buried her immediately.

2 Q. [10:38:46] Last question on this topic.

3 You said in your previous statement that you didn't know where your mother had
4 been buried, so no one in your family told you where she had been buried; is that
5 correct?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [10:42:14] Yes, counsel.

21 Q. [10:42:45] Concerning what happened to you, the investigators took some
22 photographs when they met with you, and these photographs have been placed on
23 the record. Do you have any medical records or documents available dating back to
24 2013?

25 A. [10:43:10] *I don't yet have them with me. For 2013, no. But for 2024, yes.

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1 Q. [10:43:25] Very well.

2 So we'll come back to 2023, 2024 later, but I'm talking about the time after the
3 incidents in Boy-Rabe in 2013. Did you obtain any medical documents describing
4 what had happened to you? Did you see a doctor in 2013?

5 A. [10:44:09] If it was just ordinary illness, perhaps yes. And I was in Bangui in
6 October 2023. I spent a month in Bangui. (Redacted)
7 (Redacted).

8 Q. [10:44:53] Mr Witness, thank you.

9 Now, just on the transcript here, a few words are missing. We can read "inaudible",
10 so you see the transcriber did not hear what you said properly. Now I asked you
11 whether you had seen a doctor and your answer was inaudible. What I heard was
12 that "if it were an ordinary illness, maybe." Is that what you said?

13 A. [10:45:33] I went to the doctor in 2024. I still have those documents. But in
14 2020 -- but in 2023, I did not go to see the doctor.

15 Q. [10:46:09] Very well. I'll just try one more time, just to make sure that we've
16 understood one another, because you were asking me about 2023 and my question
17 was about 2013, during the time of Djotodia. So I'm going to ask you the question
18 one last time just so that we can be sure that we're saying the same thing. At 2013, at
19 the time of Djotodia, did you see a doctor after what happened to you in Boy-Rabe?

20 A. [10:46:47] No, I didn't go see a doctor.

21 Q. [10:46:58] Very well. So we're going to move on, and I'd like to ask you some
22 additional questions about the SRI, okay?

23 Now, Mr Witness, first question: Could you tell us how long did you stay at the
24 SRI?

25 A. [10:47:47] Two months. More than two months.

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1 Q. [10:48:01] More than two months. And you were taken to the SRI in April 2013;
2 is that correct, Mr Witness?

3 A. [10:48:13] Yes. April to June. *So it was one month and half.

4 Q. [10:48:43] Very well. And you explained to us in your previous
5 statement - and I'm referring to paragraph 44, tab 1, for the French version; tab 1.4 for
6 the English version, CAR-OTP -- and I'm mentioning these reference numbers for the
7 transcript.

8 Now, you -- you say that you -- you saw (Redacted) and this
9 friend's name was (Redacted); do you remember that, Mr Witness?

10 A. [10:49:27] Yes, counsel.

11 Q. [10:49:39] Now, when you met with the investigators in 2016, you didn't
12 remember his name. And since then, since 2016, did you remember the full name of
13 (Redacted)?

14 A. [10:50:08] No.

15 Q. [10:50:22] Very well. And you knew him from when you were at the (Redacted),
16 if I've understood correctly?

17 A. [10:50:42] Yes, counsel.

18 *Q. [10:50:49] And if you know, what was he doing before Djotodia took power in
19 March 2013? What was he doing before that time, in 2012, for example? What was his
20 line of work?

21 A. [10:51:13] At the time, we were all -- we were all attending school. I don't
22 know what kind of odd jobs he did.

23 Q. [10:51:41] Very well. And after 2013, once Djotodia had left in January 2014,
24 did you find out what he was doing?

25 A. [10:52:00] I had no information about that -- about him. I did not have any

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1 contact with him.

2 Q. [10:52:20] Very well. Just to make sure we're clear on this point. After 2013,
3 you had no further contact with (Redacted) up until the current time; is that correct?
4 Between then and now?

5 A. [10:52:35] Yes, counsel.

6 Q. [10:52:48] Very well.

7 In your previous statement, paragraph 55, you said -- once again I'll give you the
8 reference number, tab 1 for the French version, 1.4 for the English version.

9 CAR-OTP-2029-0248. You said:

10 "Sometime between April 2013 and late May 2013, (Redacted) witnessed an incident
11 involving the Seleka and the massacre of passengers on a bus from PK9."

12 So my question to you is a simple one. We have what you've said here. Can you
13 confirm that it was during your detention at the SRI between April and May that
14 (Redacted) told you this story; is that correct?

15 A. [10:54:24] Yes, counsel.

16 PRESIDING JUDGE SAMBA: [10:54:43] Mr Witness, are you okay? Do you have
17 some water by your side that you can maybe sip?

18 THE WITNESS: [10:55:36](Interpretation) Thank you.

19 PRESIDING JUDGE SAMBA: [10:55:38] Good. Good, Mr Witness.

20 If you need anything, you let us know, okay. So let's forge ahead a little bit more.

21 Then we'll take some short break before we come back. Okay, Mr Witness?

22 THE WITNESS: [10:56:09](Interpretation) The trial can continue.

23 PRESIDING JUDGE SAMBA: [10:56:13] Thank you very much for your
24 understanding.

25 Mr Jacobs, please.

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1 MR JACOBS: [10:56:22](Interpretation) Yes, I'll try to deal with one last item in the
2 few moments we still have.

3 Q. [10:56:29] Now, Mr Witness, when you were at the SRI, you said that the leader
4 was Abdel Kader, Colonel Abdel Kader -- 56, paragraph 56 of your statement:
5 "The head of the SRI was Colonel Abdel Kader."

6 Can you confirm that?

7 A. [10:56:54] Yes, counsel.

8 Q. [10:57:05] Court officer, could you please display item 17, tab 17 from our list,
9 CAR-OTP-2023-1111. And this can be shown to the witness. Thank you, court
10 officer.

11 Now, Mr Witness, can you see the document up on the screen? Can you see it?
12 This is a government order appointing officers from the national gendarmerie to a
13 number of positions of responsibility. Can you see the title, Mr Witness?

14 A. [10:58:09] Yes, I've seen it.

15 Q. [10:58:13] If we could move to the next page, page 1112. Thank you.

16 At the top, we see this:

17 "Article 1: The officers of the national gendarmerie whose names follow are
18 appointed to the following positions of responsibility."

19 This is article 1.

20 A. [10:58:48] Yes.

21 Q. [10:58:52] If we could please move to 1114.

22 Here we see the officer commanding the section of investigation and research,
23 Captain Bonam, Urbain Antoine.

24 If we scroll down, we see that this is a government order dated 12 May 2013.

25 Agreed, Mr Witness? Do we agree on this point?

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1 A. [10:59:53] I've seen it.

2 Q. [10:59:54] Very well.

3 I'd like to show you a second document - this is tab 18 -

4 Mr Witness, before I ask you a question.

5 Tab 18, CAR-OTP-2023-1110. *This can be shown to the witness and this document

6 shows, and I'll read it out -- this is a certificate of Entry Into Service, dated 22 May

7 2013, and it indicates the following:

8 "I, brigadier general, director general of the national gendarmerie hereby certify that

9 Captain Bonam Urbain Antoine, military registration number 82.10.3154, who was

10 appointed commanding officer of the SRI analysis and investigation section by

11 government order 13.095 of 12 May 2013, took up his duties on 13 May 2013."

12 * So you can see these two documents that we've looked at, the decree and the

13 certificate, indicate that the commanding officer at the SRI was Captain Bonam

14 Urbain Antoine, as of May 2013, during that time when you were being held there.

15 Do you have any comment to make, Mr Witness?

16 PRESIDING JUDGE SAMBA: [11:02:19] Mr Jacobs, can I have some clarity on the

17 record. I know we should be breaking off now, but looking at that document, tab 18,

18 and even tab 17, is it to the effect that Bonam was appointed as commanding officer of

19 the SRI by the government decree you just referred to, effective 13 May 2013? And

20 the period this witness tells us he was at the SRI, from paragraph 55 that you earlier

21 referred to, was for the period April through May. I mean, looking at his statement.

22 MR JACOBS: [11:03:18](Interpretation) I can clarify the matter after the break. But

23 the witness said that he was at the SRI between April and June and that is why I am

24 putting this question to him, because he would be in a good position as this is the

25 time when this person, who was nominated by decree, took up their duties. But

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1 I can come back to it after the pause, after the break, if you so wish, Madam President.

2 PRESIDING JUDGE SAMBA: [11:03:46] Yes, certainly. I mean, maybe questions as
3 to before May, when Bonam was appointed, if there was any other person. Maybe,
4 you know, if that's his understanding. It would be good to have clarity on the
5 record.

6 So, Mr Witness, we're going to go away for some 30 minutes and we'll come back in
7 30 minutes' time.

8 I rise the Court for 30 minutes please.

9 THE COURT USHER: [11:04:08] All rise.

10 (Recess taken at 11.04 a.m.)

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

12 THE COURT USHER: [11:33:30] All rise.

13 Please be seated.

14 PRESIDING JUDGE SAMBA: [11:33:55] Good morning again, everyone.

15 Mr Witness, we're going to continue with your testimony and I'm going to invite

16 Mr Jacobs to continue putting questions to you.

17 Mr Jacobs, please.

18 MR JACOBS: [11:34:17](Interpretation) Thank you, Madam President.

19 I can see that we are in open session. I think I might be able to put this question
20 in -- we can try and put this question and finish off with this item in open session,
21 Madam President.

22 PRESIDING JUDGE SAMBA: [11:34:38] Yes. Just to confirm that, yes, we are in
23 open session. Thank you.

24 MR JACOBS: [11:34:49](Interpretation)

25 Q. [11:34:53] Hello again, Mr Witness.

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1 A. [11:34:59] Thank you, ma'am -- thank you, sir.

2 Q. [11:35:10] So you just heard that we are in open session, Mr Witness, so let us
3 talk in general terms about who was in charge of the SRI without providing any
4 identifying information, all right?

5 A. [11:35:29] Yes, counsel.

6 Q. [11:35:33] So we're going to resume what we were saying before we took the
7 break so everything is clear and in order to set the background for my question and
8 the clarification requested by the Presiding Judge.

9 You were detained at the SRI between April and June 2013; is that correct?

10 A. [11:36:02] Yes, counsel.

11 Q. [11:36:08] And you indicated -- and you indicated at that moment in time the
12 chief of the SRI was Colonel Abdel Kader; is that correct?

13 A. [11:36:42] Yes, counsel.

14 Q. [11:36:44] Now, before we took the break, and I'm going to provide the
15 information again for the record, I showed to you two documents, tab 17, which was a
16 decree of 12 May 2013 whilst you were in detention, which indicated that
17 Captain Bonam Urbain Antoine was appointed officer in command of the SRI.
18 And tab 18, which was a certificate of entry into service indicating that the same
19 individual, Captain Bonam Urbain, took up his appointment on 13 May 2013, to
20 provide you with a temporal scope again.

21 So my question to you, Mr Witness, is that whilst you were in detention at the SRI do
22 you have any comment to make with regard to this individual, with regard to the fact
23 that they were appointed as officer in command of the SRI and took up their
24 appointment on 13 May 2013?

25 A. [11:38:10] The only individual whom I know and with regard to whom I was

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1 given information is Colonel Abdel Kader, who was the commander. It was he who
2 was in charge of the entire building of the SRI. Thank you.

3 Q. [11:38:54] Thank you, Mr Witness, for this clarification. So I no longer require
4 these documents and I request that tabs 17 and 18 be formally submitted into
5 evidence, 17 is CAR-OTP-2023-1111 and tab 18 is CAR-OTP-2023-1110.

6 So, Mr Witness, I'm going to continue with a number of questions seeking
7 clarification.

8 Madam President, as a precautionary measure, I believe we should move into private
9 session, please.

10 PRESIDING JUDGE SAMBA: [11:40:06] Okay.

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

12 (Private session at 11.40 a.m.)

13 THE COURT OFFICER: [11:40:20] We are in private session, Madam President.

14 PRESIDING JUDGE SAMBA: [11:40:22] Yes, Mr Jacobs, please continue.

15 MR JACOBS: [11:40:26](Interpretation)

16 Q. [11:40:33] Now, Mr Witness, in your second statement, and that is tab 2 for the
17 French version and 2.3 for the English version, CAR-OTP-2029-0268, you indicate in
18 paragraph 16 that photographs were shown to you and that you recognised an
19 individual in these photographs.

20 Now I would like for us to have brought up, please, tab 19, CAR-OTP-2029-06 -- no,
21 0279, correction.

22 Thank you. And could we please go to page 0280 -- 0290.

23 THE INTERPRETER: [11:42:04] Correction from the booth. My apologies.

24 MR JACOBS: [11:42:08](Interpretation) Yes, I do confirm, 0290.

25 Q. [11:42:18] Can you see, Mr Witness? I don't know whether it's up on the screen

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1 or not.

2 A. [11:42:29] Yes, counsel.

3 Q. [11:42:33] So we can see here -- well, can you confirm that you are the one who
4 dated and signed this page?

5 A. [11:42:43] Yes, counsel.

6 Q. [11:42:54] And you recognise this individual as being Abdou; is that correct?

7 A. [11:43:06] Yes, counsel.

8 Q. [11:43:12] Very well. Could you please tell us what was Abdou's role at the SRI
9 at that moment in time?

10 A. [11:43:31] Well, did I say he was working at the SRI? I didn't say that he was
11 working at the SRI.

12 Q. [11:43:47] Well, in paragraph 16 of your statement, you say -- and you're talking
13 about Abdou: "I recognised him because I saw him whilst I was in detention at the
14 SRI."

15 So you're saying to me now that he came to the SRI but he was not working at the SRI;
16 is that correct?

17 A. [11:44:21] He came for the abductions. Because there was settling of scores going
18 on. And we were in a cell, it was (Redacted) who took me out of the cell from time
19 to time in order for me to get some air. And on occasion he would show faces to me.

20 Q. [11:45:30] Very well, Mr Witness.

21 Now, Madam Courtroom Officer, could we please take over in order to show the next
22 document -- oh, yes, I apologise. Before forgetting, I request that this be formally
23 submitted. The OTP did not request the formal submission. This is an annex to the
24 statement. We would like for it to be formally submitted. Tab 19,
25 CAR-OTP-2029-0279.

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1 So, Mr Witness, we have taken over.

2 And we are posting on evidence 2, for the parties and participants, the document that
3 is tab 16, CAR-OTP-2013-0353.

4 THE COURT OFFICER: [11:46:37] And the Defence has the floor, evidence channel
5 2.

6 MR JACOBS: [11:46:54](Interpretation)

7 Q. [11:46:55] I don't know whether it's up on your screen or not, Mr Witness?

8 A. [11:47:01] It has not yet come up on the screen.

9 Yes, I can see it now.

10 PRESIDING JUDGE SAMBA: [11:47:09] Yes. But the write-up we have on the left,
11 Mr Jacobs, of our own screen, and I don't know whether that's the intention, I do not
12 see the write-up on the screen appearing before the witness. Do you want those
13 write-ups shown to him, like the particulars of that person, the details of that person?

14 MR JACOBS: [11:47:34](Interpretation) Now, Madam President, I would like first of
15 all for him to recognise the photograph before showing him the rest. That's part of
16 my exercise.

17 PRESIDING JUDGE SAMBA: [11:47:46] That's fine. Carry on, please.

18 MR JACOBS: [11:47:48](Interpretation)

19 Q. [11:47:49] Now, Mr Witness, can you confirm that this is the same photograph
20 as the preceding photograph of Abdou that the OTP showed to you?

21 A. [11:48:00] Yes, counsel.

22 Q. [11:48:10] Now, according to the document that was disclosed to us by the OTP,
23 this person is -- and I think we can zoom out a little bit, please -- this person is Abdel
24 Kader Kalile. Now, is this the same individual whom you said is the person in
25 charge -- who was in charge of the SRI at the time? Because it's the very same name.

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1 A. [11:48:41] He was not the commander of the SRI. He would just come in order
2 to abduct the pro-Bozize individuals with a view to executing them. He came to
3 take them away. It was not he.

4 Q. [11:49:23] Very well. I'm just trying to understand. According to your
5 testimony, Abdel Kader was the head of the SRI and there is another individual by
6 the name of Abdou who would just come to take people away, whose name is also
7 Abdel Kader, according to this document provided by the Office of the Prosecutor?

8 * A. [11:49:54] Counsel, I did describe Abdel Kader properly. I said that he is tall and
9 that he has scars on his face. I did not say that Abdou was the commander. I said
10 Abdel Kader, he is black, he is tall. Thank you.

11 Q. [11:50:48] Did the investigators show a photograph of Abdel Kader to you for
12 you to be in a position to recognise him?

13 A. [11:51:02] I did not receive any image.

14 Q. [11:51:15] Very well. Thank you, Mr Witness.

15 I would request that this item of evidence, tab 16, be formally submitted, item 16 from
16 our list of evidence, CAR-OTP-2013 -- 2013-0353.

17 I would like for us to have brought up your prior statement, the second, that is tab 2
18 for the French version and 2.3 for the English version, please. CAR-OTP-2029-0268.
19 And for us to bring up page 0270, please.

20 I don't know whether it is up on the screen at your end, Mr Witness.

21 Could we please go down to paragraph 16. Thank you, Madam Courtroom, Officer.

22 So here you were talking about the photograph that you recognised at paragraph 16.

23 I can't give you the number of the paragraph because the following paragraphs are
24 not numbered, but in the excerpt that we can see up on the screen now, we can see:

25 "Between May and June 2013, at the end of the afternoon but it was still daytime. As

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1 I indicated in my previous testimony, (Redacted) and myself were talking in the car
2 near the main gate. At a given moment in time, we heard the sound of hooters, the
3 gate was opened and 5 or 6 cars came into the compound of the SRI."

4 So, Mr Witness, it is written in your prior statement, "as I indicated in my previous
5 statement" when mentioning this event, and I'm trying to understand what you are
6 talking about in your prior statement. Are you talking about your first statement
7 that you acknowledged with the representative of the OTP at an earlier stage today
8 and you recognised it?

9 A. [11:55:38] I was talking about the images. Because when the image was shown
10 to me, it was an individual whom I was in the habit of seeing come in order to take
11 away detainees and he was heavily armed.

12 Q. [11:56:16] I'm going to interrupt you, Mr Witness, because I'm putting a very
13 specific question to you. Now, if you look just above this at paragraph 16, you're
14 talking about Abdou and you're saying that "I've already testified to this effect to the
15 ICC". This is what is mentioned in your statement.
16 Now, if I am not mistaken, in your first statement, you never make mention of Abdou.
17 So I'm just trying to understand when such a sentence like this appears, saying that
18 you've already testified to this effect, saying that you're talking about this in your
19 previous statement, well, what are you referring to? Because this does not refer to
20 your first prior statement.

21 A. [11:57:15] I wanted to -- I wanted to have you understand the following: When
22 he came to take the pro-Bozize people away, I noticed him. (Redacted) gave me
23 information 24 hours a day with regard to him. He was coming to take away
24 Christians and their bodies were not found subsequently, as they were executed.
25 That is what I said, namely, that I had already given the investigators information

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1 about him. Have you understood me correctly?

2 Q. [11:58:27] Thank you, Mr Witness. I was just waiting for the five seconds. Yes,
3 I have understood you correctly.

4 And could we please not bring up the document any further so that the witness can
5 see me and so that we can interact a little better. Thank you.

6 I'm back now, Mr Witness. Now, my question is, yes, what you're describing here,
7 we do have this on the record, about you, but your two prior statements are on the
8 record, are they not? And what you have just said is on the record. But what I'm
9 trying to ascertain is how this was done and what it's talking about. That's my idea.
10 So when it is written that you have already given testimony to this effect, I'm trying to
11 ascertain exactly when, because it wasn't specifically then, or, rather, it gives the
12 impression that it wasn't then. So the manner in which your prior statement was
13 written is not very clear and that's why we're here, we're here to understand,
14 Mr Witness.

15 PRESIDING JUDGE SAMBA: [11:59:32] So maybe the Prosecutor can help you,
16 Mr Jacobs.

17 THE WITNESS: [11:59:38](Interpretation) I was received by the investigators.

18 MS SARDACHTI: [11:59:42] (Interpretation) Just a suggestion, because there are a
19 number of questions with regard to this and *it is true that the preparatory session
20 unfortunately took place at the end of the month of May, so could we take a little bit
21 of time for him to familiarise himself again with his first statement, so that he can
22 explain to us what he meant when he when he says "as I mentioned"
23 This is a suggestion, we are in your hands, but it might assist him because the
24 preparatory session was at the end of May, that's when he read through his
25 statements again and we are now in the month of October.

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1 PRESIDING JUDGE SAMBA: [12:00:20] Yes, Mr Jacobs.

2 MR JACOBS: [12:00:27] (Interpretation) I hear what my learned friend is saying.

3 I don't know whether it is useful for him to reread the statement for the

4 nth -- umpteenth time, but there is no reference made to anybody called Abdou. So

5 I think there's a lack of clarity. I believe it is the Prosecution's job to clarify matters

6 as necessary.

7 Of course, you may wish to follow the suggestion made by the OTP, but that's going

8 to be a waste of your time and the witness has told us what he's had to say.

9 PRESIDING JUDGE SAMBA: [12:01:14] Yes, indeed. And if there's any issue or the

10 Prosecutor believes that there's a reference to what is in paragraph 16 of his second

11 statement in his first statement, you have an opportunity to address that in

12 re-examination, if you may.

13 Yes, Mr Jacobs, please continue.

14 MR JACOBS: [12:01:41] (Interpretation)

15 Q. [12:01:56] Well, since we are dealing with this particular event right now, you

16 gave a first statement. I'll try to restate -- now, your first statement was between

17 22 May and 24 May 2016. So I'm giving you the dates. And it was signed on the

18 24th.

19 And in the statement, paragraph 100, you said that the only things that you kept "that

20 I remember are the one" -- correction:

21 "The only things that I remember are the ones that happened to me and are described

22 in this statement. So I don't have any ideas about other crimes."

23 I'm reading from paragraph 100 of the statement that you signed on 24 May 2016.

24 You said that you told them about what you remembered and you have no idea about

25 other crimes. Agreed, Mr Witness?

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1 A. [12:03:36] I was deeply affected. I could only remember the most deepest
2 things and what had happened to me. A number of people from the Central African
3 Republic were executed in a bus because of -- because of the image of Bozize. They
4 were not family members, but they were fellow citizens of the CAR. I experienced
5 sorrow, pain, but not the same sorrow and pain as their family members.

6 Q. [12:04:43] Mr Witness, I'd like to --

7 A. [12:04:46] So the most important thing, the essential thing ...

8 Q. [12:05:01] When you signed your previous statement on 24 May 2016, you said
9 that that was what you remembered and you mentioned the minibus. *That is not a
10 problem. My question to you is this: all of a sudden, on 28 May, when you saw the
11 investigators again, all of a sudden you talked about Abdou, about the abductions at
12 the SRI, and about Nouredine Adam.. I wanted to know what happened between
13 24 May when you signed your statement and you said you remembered nothing else,
14 and 28 May when all of a sudden you remembered all kinds of new things and you
15 mentioned these individuals. So what happened between 24 May and 28 May, what
16 happened that led you to all of a sudden remembering these things?

17 A. [12:05:59] I was distrustful when the investigators first came. People -- people
18 couldn't come directly and you don't open up immediately and tell them things.

19 Q. [12:06:23] Mr Witness, on 24 May when you were talking to the investigators,
20 you opened up to them and you told them what happened to you and to your mother
21 and you said you are -- you were distrustful and you didn't -- and you didn't want to
22 talk about other people like Abdou. I don't understand. Why were you mistrustful
23 and then no longer mistrustful on 28 May? What happened in the meantime between
24 those two dates?

25 A. [12:07:01] The investigation was under way and there were some images and

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1 some things and some questions that were put to me and details had to be given.

2 And I was the victim. That's why I gave all the information.

3 Q. [12:07:39] I beg your pardon, but just to make sure, could you go back -- well,

4 actually, could you -- could you please move back a little bit so that we can see you

5 clearly. We're speaking to each other by way of video link and we would like to see

6 you.

7 Very well, Mr Witness, I've noted your answer about the additional information that

8 you gave on 28 May 2016.

9 I'd like to continue, Mr Witness. Once again, these are questions to elicit additional

10 information about the events. You don't need to tell us everything.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [12:09:12] (Redacted).

16 Q. [12:09:28] I'm just waiting for the name to come up on the transcript. Could

17 you be so kind as to assist the transcribers. Could you spell out this family name?

18 Would that be possible?

19 I don't know whether you've heard my question. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [12:10:43] No.

24 Q. [12:10:55] Could you give us the correct spelling? Could you help us with

25 that?

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1 A. [12:11:00] (Redacted)

2 (Redacted)

3 Q. [12:11:20] Fantastic. Thank you. I'll keep on going with my questions.

4 Now, once again in your first statement, paragraph 82, you said that you went to the

5 criminal investigation department to get an identity document. "They were unable

6 to help me because they said that the machine had been pillaged and so it was

7 impossible to get new identity documents."

8 Can you confirm that, Mr Witness?

9 A. [12:12:24] Yes, counsel.

10 Q. [12:12:32] I'm trying to understand something. (Redacted)

11 (Redacted), he told you that you had to leave Bangui and you shouldn't stay in

12 Bangui. And you were able to get away from the SRI, but you weren't afraid to go to

13 the criminal investigation department to get an identity document, you weren't afraid

14 of being arrested?

15 A. [12:13:09] (Redacted)

16 (Redacted)

17 Q. [12:13:29] Mr Witness, that wasn't my question. I've understood that,

18 (Redacted). Now my question to you is this: You were on the run, you got away,

19 you were told to hide, and you went to the criminal investigation department to get

20 an identity document, so you weren't afraid to be arrested by the people at the

21 criminal investigation department?

22 A. [12:14:04] I was not afraid. I was not afraid. And I was not running away

23 from the prison or fleeing the prison. I did not flee from that place.

24 Q. [12:14:30] Could you be more specific? We've understood in the statement you

25 talk about getting away. Are you now saying that you didn't run away or flee?

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- 1 Page 12 of your previous statement.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [12:37:15] The HCR gave me an asylum seeker's card at the outset. They then
7 studied my case until they granted me the status of refugee.

8 Q. [12:37:45] Very well. Now, Mr Witness, I'm getting to my last item for today
9 and I'm going to try and finish today. So, at an earlier stage I showed a document,
10 that is the document compiled by the investigators when they spoke to you on the
11 first occasion. And I'm going to give the reference again. It's tab 12 on our list of
12 evidence, CAR-OTP-2025-0258.

13 Do you remember the date of that very first encounter before you made your first
14 statement or prior statement, that is.

15 A. [12:38:46] It has not been brought up on the screen.

16 Q. [12:38:49] I just wanted to ask you if you remember the date before bringing it
17 up. But the document can be brought up and could we please go to page 0259.

18 A. [12:39:06] I no longer recall the date, but it was in the year 2016.

19 Q. [12:39:14] Very well. And yes, we can now see the date up on the screen. It's
20 3 March 2016 between 12:30 and 14:50.

21 So my question is as follows: Did you know how the investigators found you? Did
22 they tell you how?

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [12:42:07] Yes, counsel.

12 Q. [12:42:15] And was it the very same psychologist who was present when you
13 made your first prior statement, Mr Witness?

14 A. [12:42:27] He was not present. I was alone with the investigators. He just
15 accompanied to the location and left me in the company of the investigators.
16 Nobody was in attendance with the exception of myself and the investigators.

17 Q. [12:43:00] Now, in paragraph 2 of your first prior statement there is written that
18 there is a psychologist in attendance and in the prior statement that you signed at
19 paragraph 2, you say:

20 "The investigators gave me the choice of having the psychologist in
21 attendance" - whose name we do not have here - "... during the interview or to carry
22 on without him being present. I informed the investigators that I wanted" - and we
23 do not have the name - "... to stay in order to support me during the meetings."

24 So, Mr Witness, according to the prior statement that you signed, the psychologist
25 was there at your behest. Does that refresh your memory?

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1 A. [12:43:56] The psychologist just accompanied me to the location. He did not
2 assist, or he was not in attendance during the entire interview with the investigators.

3 Q. [12:44:22] We note this additional amendment or correction to your statement,
4 Mr Witness.

5 So just in order to move forward, could we please bring up -- oh, I apologise. Now,
6 in your prior statement, in your first and second prior statements, there is no
7 information with regard to an identity document that you might have shown to the
8 investigators. Can you confirm that when they saw you, they did not request ID and
9 that you did not show them any ID?

10 A. [12:45:12] I only had the HCR document on me. I did not have a document
11 from Bangui.

12 Q. [12:45:24] Very well. But did you not show them the document from the HCR?
13 Because there is no trace thereof.

14 A. [12:45:35] Was I supposed to?

15 Q. [12:45:48] Well, what is of interest to me is whether the investigators asked you
16 to present a document and you say no. So we can move on.

17 Could we please bring up tab 10 on our list of evidence, Madam Courtroom Officer,
18 CAR-OTP-00036835.

19 PRESIDING JUDGE SAMBA: [12:46:22] Mr Jacobs, before we go back to that, can
20 I -- can we just have some clarification. So is it the witness's testimony, as you have
21 read out, that the investigators -- whether the investigators asked him to present a
22 document, is he saying that the investigators did not ask him to present a document
23 of identification in (Redacted)?

24 MR JACOBS: [12:47:00] (Interpretation) Well, that's what I understood, but I can put
25 the question to him again, if you so wish.

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1 PRESIDING JUDGE SAMBA: [12:47:07] Please do.

2 MR JACOBS: [12:47:09] (Interpretation)

3 Q. [12:47:11] Mr Witness, you heard the question just put by the Presiding Judge.

4 Now, when you met the investigators in (Redacted) in 2016, did they ask you to
5 present a document in order to prove your identity?

6 A. [12:47:33] They were in the know with regard to my refugee status and before
7 approaching them, they already knew that I was a refugee. And my refugee card,
8 well, I received the status of refugee and that was how I was registered with them.

9 PRESIDING JUDGE SAMBA: [12:48:25] So did they see the refugee card? Did you
10 show them the refugee card?

11 THE WITNESS: [12:48:40](Interpretation) Yes, your Honour.

12 PRESIDING JUDGE SAMBA: [12:48:43] Thank you very much.

13 Mr Jacobs.

14 MR JACOBS: [12:48:53](Interpretation) Very well.

15 So we're bringing up tab 10. Perfect. Thank you.

16 Q. [12:49:03] Now, Mr Witness, can you confirm that this is your passport?

17 A. [12:49:27] Yes.

18 Q. [12:49:32] Very well.

19 Well, that is sufficient, so I request the formal submission of tab 10, please.

20 CAR-OTP-00036835.

21 So I have nearly finished, Mr Witness. I'm going to put a couple of final questions to
22 you now.

23 So we're not going to be coming back to your prior statement taken in 2016.

24 In the context of your interaction with the OTP, the investigators from the OTP of the
25 ICC, did they pay for any of your costs, such as medical costs, administrative costs or

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1 anything else? Did they cover your expenses?

2 A. [12:51:08] I didn't understand your question.

3 Q. [12:51:14] I'm going to try and put it to you more clearly. Now, did the OTP
4 from the ICC pay for anything for you? For example, to go and see a doctor, or to
5 buy something to eat, or for accommodation, or for living expenses? Did you receive
6 any money from the OTP from the ICC?

7 A. [12:51:37] If I am sick, the ICC takes me to the hospital. Currently, as I am
8 speaking to you, I am rather sick. And it is thanks to the ICC because, after the war
9 to date, in order for me to get to my feet, it is very difficult. I can't say that the ICC
10 gave me the money as such, but the ICC takes me to the hospital and provides me
11 with assistance. And I say thank you to the Court.

12 Q. [12:52:48] Madam Courtroom Officer, could you please bring up, and this will
13 be the last document, tab 11 on our list of items, please, CAR-OTP-00036844.

14 So, Mr Witness, let me explain to you what this document is. It was established by
15 the investigators of the OTP in order to enumerate the contacts that they had with you.
16 And I have two questions to put to you in this regard.

17 Now, if we go down to paragraph 4 on this page, I'm going to be reading it in English
18 for the interpreters to have the responsibility of precise interpretation here, please:

19 "On 06/Aug/2022, an Investigator contacted P-0834 for a welfare check."

20 (Interpretation) So I wanted to know whether in this context you talked about your
21 state of health and your needs, or your state of health with the investigators.

22 A. [12:55:27] When I am unwell, I frighten the Court.

23 Q. [12:55:40] And at paragraph 6 just below there is written that the -- or, rather,
24 you contacted the -- an investigator to explain that you were just about to be evicted
25 from your apartment. Now, subsequent to that conversation, did the investigators

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1 do anything to help you?

2 A. [12:56:14] No. They advised me to go and see the HCR. And that's when I
3 decided to go home, to go home for good, because the Court does not have the means
4 to pay for the accommodation of victims and all that. But if it's regarding health,
5 then the Court is there for the victims.

6 Q. [12:57:04] Very well. And my last question, Mr Witness. Did the
7 investigators give you a telephone with a SIM card in order to be able to contact you
8 more easily?

9 A. [12:57:19] Counsel, I had a refugee card in (Redacted), which meant that I was
10 identifiable. So I could pay for a SIM card that was registered to my name in order
11 for me to be able to communicate freely.

12 Q. [12:57:50] Thank you, Mr Witness.

13 I am requesting the formal submission of tab 11, CAR-OTP-00036844.

14 And that was my last question to you, Mr Witness. And I thank you very much,
15 Mr Witness.

16 MR JACOBS: [12:58:10](Interpretation) And I have finished, Madam President.

17 PRESIDING JUDGE SAMBA: [12:58:13] Thank you very, very much, Mr Jacobs.

18 May I ask the Prosecution whether you have any question in re-examination?

19 MS SARDACHTI: [12:58:22](Interpretation) Yes, we do have a few brief questions,
20 Madam President.

21 QUESTIONED BY MS SARDACHTI: (Interpretation)

22 Q. [12:58:33] So, Mr Witness, at an earlier stage the Defence on two or three
23 occasions put to you a question in order to ascertain what you meant in your
24 statement.

25 And I'm quoting tab number 2 from our list, which is CAR-OTP -- no, I do apologise,

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1 CAR-OTP-2029-0268, and I am referring to 0270 as a page.

2 *So the Defence counsel put a question to you with regards to the following sentence:

3 "As I indicated in my previous testimony or my prior testimony, (Redacted) and
4 myself talked -- were talking in the car next to the large gate or the main gate."

5 So my question to you is as follows: Mr Witness, did you often talk to (Redacted) in
6 the car?

7 A. [12:59:45] Yes, your Honour.

8 Q. [12:59:48] I am not a judge, not yet, but I am a member of the Prosecution team.
9 Very well.

10 Now I'd like to show to you a document that has been formally submitted and this is
11 annex 2.

12 Madam Courtroom Officer, would you please bring up the document at annex 2,
13 CAR-OTP-2029-0266.

14 THE COURT OFFICER: [13:00:24] Tab 4 of the Prosecution list of material, right?

15 MS SARDACHTI: [13:00:31](Interpretation) Yes, indeed, it is indeed tab 4, annex 2,
16 CAR-OTP-2029-0266.

17 Q. [13:00:59] Can you see the document?

18 A. [13:01:07] Yes, ma'am.

19 Q. [13:01:09] Can you make out, to the right-hand side of the document, here we
20 see the letter "E"? Can you see that?

21 A. [13:01:23] Yes.

22 Q. [13:01:25] Could you tell us what that letter corresponds to? Why did you
23 write the letter "E" here?

24 * A. [13:01:46] That's everything that was in the environment inside the SRI.

25 THE INTERPRETER: [13:01:53] Overlapping

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1 speakers.

2 MS SARDACHTI: [13:01:56](Interpretation)

3 Q. [13:01:57] * Here we see that you've written "a white car" and the letter "E" next
4 to it. Why did you write "a white car"?

5 A. [13:02:08] That's where I would often talk to (Redacted). That's where we
6 spoke the most.

7 Q. [13:02:16] Thank you, Mr Witness. I have no further questions.

8 PRESIDING JUDGE SAMBA: [13:02:20] Thank you very much, Ms Sardachti.

9 And, Mr Witness, we have no question for you from the bench.

10 On behalf of the Chamber, I thank you very much for helping us to look into what
11 happened in your country during the period concerned. We do wish you well in all
12 that you do, yourself and your family, and we wish you a speedy recover as you say
13 you are still unwell. We wish you speedy recovery and take care of yourself back
14 home. We thank you very much. Oh, no, it's okay, Mr Witness. It's okay. We
15 understand. We understand.

16 We'll ask for the VWU to support the witness at this stage.

17 (The witness is excused)

18 PRESIDING JUDGE SAMBA: [13:03:28] And for the parties and participants, we
19 take note that we shall not be meeting tomorrow. We will meet again on Monday to
20 hear the next Prosecution witness.

21 Can you confirm that, Madam Prosecutor?

22 MS MAKWAIA: [13:03:49] That's correct, your Honours, P-2328 will be our next
23 witness.

24 PRESIDING JUDGE SAMBA: [13:03:58] Certainly.

25 So on that note, I'll rise the Court and ask that we meet next Monday to hear the next

Trial Hearing

(Private Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-0834

- 1 Prosecution witness. Thanks to everyone.
- 2 THE COURT USHER: [13:04:08] All rise.
- 3 (The hearing ends in private session at 1.04 p.m.)