

Trial Hearing
WITNESS: CAR-OTP-P-0312

(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 and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Wednesday, 17 July 2024
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:58] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:35:00] Good morning, everyone.
14 Madam Court Officer, can you please mention the case. Thank you.
15 THE COURT OFFICER: [9:35:06] 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: [9:35:21] Thank you very much.
20 Can I ask for representation by the parties, starting with the Prosecution.
21 MS MAKWAIA: [9:35:27] Thank you, Madam President. Good morning,
22 your Honours.
23 For the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer;
24 Kamran Choudhry, trial lawyer; Hilary Dyer, analyst; and Mamadou Fofana, legal
25 intern. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [9:35:44] Thank you very much, Ms Makwaia.
- 2 Ms Pellet for the victims, please.
- 3 MS PELLET: [9:35:49](Interpretation) Thank you, Madam President.
- 4 The victims are represented by Caroline Walter and by myself, Sarah Pellet, counsel
- 5 with the Office of Public Counsel for Victims.
- 6 PRESIDING JUDGE SAMBA: [9:36:03] Thank you very much, Ms Pellet.
- 7 Mr Jacobs for the Defence, please.
- 8 MR JACOBS: [9:36:08](Interpretation) Good morning, Madam President.
- 9 By my side we have Elina Legat. And I am Dov Jacobs, associate counsel for
- 10 Mr Said.
- 11 PRESIDING JUDGE SAMBA: [9:36:18] Thank you very much, Mr Jacobs.
- 12 And for the record, I do take note that Mr Said is here in court with us.
- 13 A very good morning to you, Mr Said, I hope I see you well.
- 14 Mr Said, good morning. Can you hear me?
- 15 MR SAID: [9:36:50](Interpretation) Yes. Good morning, Madam President.
- 16 PRESIDING JUDGE SAMBA: [9:36:56] Good morning.
- 17 Good morning, Mr Witness.
- 18 WITNESS: CAR-OTP-P-0312
- 19 (The witness speaks French)
- 20 THE WITNESS: [9:37:18](Interpretation) Good morning.
- 21 PRESIDING JUDGE SAMBA: [9:37:19] Good.
- 22 Now, the Prosecution is calling this witness, P-0312, as its 42nd witness.
- 23 It is the Chamber's understanding that this witness will be testifying in French, so I
- 24 remind everyone of the importance of the need to speak slowly and to observe
- 25 the five-second rule between questions and answers.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Mr Witness, you are going to testify before the International Criminal Court and, on
2 behalf of this Chamber, I welcome to you the courtroom.

3 You should have in front of you, Mr Witness, the solemn undertaking to tell the truth
4 to this Court that every witness who testifies before this Court must agree to.

5 Can I ask you, please, to read that out loud for us.

6 THE WITNESS: [9:38:29](Interpretation) I solemnly declare that I shall speak
7 the truth, the whole truth and nothing but the truth.

8 PRESIDING JUDGE SAMBA: [9:38:42] Thank you very much.

9 Now, Mr Witness, do you understand and agree to what you just read out?

10 Mr Witness, do you agree to tell the truth, the whole truth and nothing but the truth?

11 Do you understand that and agree to what you just out that I repeated?

12 THE WITNESS: [9:39:33](Interpretation) Yes, I do agree.

13 PRESIDING JUDGE SAMBA: [9:39:39] Good.

14 Now, lastly, I have a few practical matters you should have in mind, Mr Witness,
15 when giving your testimony.

16 Everything we say here in this courtroom is written down and interpreted. It is
17 therefore important to speak slowly and clearly. Speak into the microphone that you
18 have before you, Mr Witness, and only start speaking when the person asking you
19 the question has finished.

20 To allow for the interpretation, everyone has to wait a few seconds before starting to
21 speak.

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

24 Do you understand all that I have said, Mr Witness?

25 THE WITNESS: [9:40:59](Interpretation) Yes, I have understood.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [9:41:02] Thank you very much.

2 So, Mr Witness, we are going to start with your testimony and I'm going to invite
3 the Prosecution to put questions to you.

4 We are all going to be patient, we're going to exercise some patience and I need not go
5 into that. I am hopeful that all parties understand.

6 Mr Prosecutor, your witness, please.

7 MR CHOUDHRY: [9:41:28] Thank you very much, your Honours.

8 QUESTIONED BY MR CHOUDHRY:

9 Q. [9:41:35] Good morning, sir.

10 A. [9:41:44] Good morning.

11 Q. [9:41:45] Before I start my questioning for the Office of the Prosecutor, I want to
12 just say a few words about how I propose to proceed.

13 The first thing that I want to say, as Madam President just said a moment ago, is that
14 if you require a break for any reason, whether that's to go to the bathroom or for any
15 other reason, please let us know. Okay?

16 A. [9:42:23] All right, I've understood.

17 Q. [9:42:26] The second thing that I want to say is, if for any reason any of
18 the questions that I ask are unclear, please feel free to say that to me and I will try to
19 rephrase the question in a way which helps you understand.

20 A. [9:42:59] Okay. I do understand.

21 Q. [9:43:01] And then the third thing that I will say before I start my questioning is
22 that, to help you, what I may do before I start an area of questioning is to highlight
23 the general subject area to give you an idea of the topics that we will discuss. Okay?

24 A. [9:43:23] Okay.

25 Q. [9:43:24] So, sir, the first area that I want to ask you questions about relate to

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 yourself.

2 And the first question is can you please tell the Court your full names.

3 A. [9:43:47] My full name is Tagbale Joseph.

4 Q. [9:43:54] Thank you. And what is your date of birth?

5 A. [9:44:07] I was born around 1945, in Bangui.

6 Q. [9:44:13] So that would make you 79 years old today; is that correct?

7 A. [9:44:25] Yes.

8 Q. [9:44:29] And can you please tell the Court which country -- which city you
9 were born in -- oh, sorry, I've just seen it. Which country Bangui is in, please?

10 A. [9:44:49] In fact, Bangui is the capital of the Central African Republic.

11 Q. [9:44:59] What is your ethnicity?

12 A. [9:45:09] I am of Banda ethnicity.

13 Q. [9:45:15] What is your religion, please?

14 A. [9:45:23] I practice the Catholic religion.

15 Q. [9:45:27] Thank you. The next area of questioning that I will ask you about is
16 about your professional career.

17 And I'd like to start by asking you, where did you go to school, please?

18 A. [9:45:48] I went to the St Paul school, boys' school.

19 Q. [9:45:56] And what level of education did you obtain?

20 A. [9:46:08] My level of education is the BEPC.

21 Q. [9:46:17] Did you go to university, Mr Tagbale?

22 A. [9:46:34] I only spent one year at university, just the one, and then I left.

23 Q. [9:46:41] And what subject did you study at university, please?

24 A. [9:46:54] I just studied French.

25 Q. [9:47:08] Have you any -- have you ever studied any other subjects at university,

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 sir?

2 A. [9:47:25] I just spent one year studying at university.

3 Q. [9:47:32] And do you remember which university you went to?

4 A. [9:47:45] It's the university of Jean-Bédél Bokassa.

5 Q. [9:48:07] After you left university, what job did you have?

6 A. [9:48:17] Well, once I left university, I studied the -- or I did the JPN.

7 Q. [9:48:34] What is the JPN, please?

8 A. [9:48:41] National pioneering youth.

9 Q. [9:48:49] And after doing the JPN, did you get a job?

10 A. [9:49:07] Yes, after the JPN, I taught, and I taught at primary level and also at
11 secondary level.

12 Q. [9:49:24] And how long did you teach for, please?

13 A. [9:49:36] I just taught for one year.

14 Q. [9:49:43] Sir, could you please tell the Court what other jobs have you had?

15 A. [9:50:02] The other jobs that I had was within national pioneering youth. And
16 then after that I went to work as a teacher. And after that, that was it.

17 Q. [9:50:36] What is your current occupation, sir?

18 A. [9:50:47] I currently work as the leader or head ...

19 THE INTERPRETER: [9:51:10] The witness does not finish his sentence.

20 MR CHOUDHRY: [9:51:15]

21 Q. [9:51:16] Mr Tagbale, have you ever worked for the government in the Central
22 African Republic or held any official role?

23 A. [9:51:34] My official role comes from the fact that I am a teacher with the JPN
24 and I teach children who have left school or who have dropped out of school.

25 PRESIDING JUDGE SAMBA: [9:52:09] Sorry, Mr -- Mr Choudhry, the witness has

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 not answered or completed his answer to your question as to his current occupation,
2 if you may.

3 MR CHOUDHRY: [9:52:26] Your Honour, what I was seeking to do is to just refresh
4 in relation to parts of his statement where he talks about his occupation, and
5 specifically paragraphs -- paragraph -- the first line of paragraph 13. Would that be
6 permissible, your Honour?

7 PRESIDING JUDGE SAMBA: [9:52:46] I mean, that's a current something. Your
8 question was to do with his current occupation, if he works currently at all. Maybe
9 he did not get that question. You want to try that before you maybe try to refresh
10 his memory. Because he started, but he didn't complete his sentence. That's
11 the only point I'm making.

12 MR CHOUDHRY: [9:53:07] Okay, your Honour.

13 PRESIDING JUDGE SAMBA: [9:53:08] At least not on the English transcript.

14 MR CHOUDHRY: [9:53:10] Okay, your Honour. Thank you. I shall do that.

15 Q. [9:53:14] Mr Tagbale, do you have a job at the moment?

16 And if so, could you please tell the Court what that job is.

17 A. [9:53:26] That job is to be the person in charge of a community. I am in charge
18 of the 1st, 2nd and 3rd arrondissement.

19 Q. [9:53:46] Mr Tagbale, do you remember what job you had in the year 1990 to
20 1991?

21 A. [9:54:08] 1990 to 1991, if my memory serves me correctly, I was working as
22 a teacher with the JPN.

23 MR CHOUDHRY: [9:54:20] Your Honours, with that, I would seek to refresh
24 the witness's memory, please.

25 PRESIDING JUDGE SAMBA: [9:54:26] Go ahead, please.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 MR CHOUDHRY: [9:54:28]

2 Q. [9:54:29] So I'm going to read something just from your statement to see whether
3 that refreshes your memory.

4 In your witness statement you state this: "I was the mayor of Bangui from 1990 to
5 1991." Does that refresh your memory?

6 A. [9:54:55] Yes. Yes.

7 Q. [9:55:03] And have you been the mayor of any other place, other than Bangui?

8 A. [9:55:16] Apart from Bangui, no. I was still mayor of Bangui, in
9 the 7th arrondissement of the town of Bangui.

10 Q. [9:55:29] And do you remember when you were appointed the mayor of
11 the 7th arrondissement?

12 A. [9:55:45] I have worked nearly 16 years, but I don't remember the precise dates.

13 PRESIDING JUDGE SAMBA: [9:55:53] Yes, Mr Jacobs.

14 MR JACOBS: [9:55:55](Interpretation) Yes, Madam President.

15 To my knowledge, the witness has not yet said or has not yet clarified that he was
16 appointed mayor. This is an information that we have not yet gleaned, piece of
17 information. So maybe we should ask him how he became mayor before maybe
18 indicating in a question that he was appointed mayor.

19 PRESIDING JUDGE SAMBA: [9:56:24] Mr Choudhry, please.

20 MR CHOUDHRY: [9:56:26]

21 Q. [9:56:28] Sir, could you tell us, within the Central African Republic, in
22 the 7th arrondissement, how do you get to become mayor?

23 A. [9:56:45] One becomes mayor, or the authorities who have the level and capacity
24 to appoint men or lead men appoint a mayor.

25 Q. [9:57:04] And, sir, which authority made you mayor?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [9:57:16] As a mayor, I was appointed by a decree by -- the head of state
2 appointed me to the position of a mayor of a town. And I am still in post today.

3 Q. [9:57:33] And just so that we can be clear, do you remember the name of
4 the head of state that appointed you?

5 A. [9:57:53] Well, there have been so many different heads of state that I forget
6 the name, to the extent that even those mayors whose mandates are renewed.

7 THE INTERPRETER: [9:58:20] End of sentence.

8 MR CHOUDHRY: [9:58:24]

9 Q. [9:58:27] Sir, just to clarify and just confirm, are you still the mayor of
10 the 7th arrondissement today?

11 A. [9:58:37] Yes, I still am the mayor of the 7th arrondissement today.

12 Q. [9:58:44] And can you please tell the Judges what the role of mayor involves,
13 please.

14 A. [9:58:57] The role of mayor is the guardian of all the institutions contained
15 within the commune. He is the person who is in charge of the *chef de quartier*, that is
16 the neighbourhood leaders, which comprise three *groupements*, the 1st, 2nd and 3rd
17 *groupement*. And he is also in charge of the teachers of his locality. He is in charge
18 of the civil service within his locality. He is in charge of the health or health
19 concerns within his locality. And he is, in brief, the person who heads up or leads
20 his locality.

21 Q. [9:59:56] Does the mayor interact and speak to residents within his locality?

22 A. [10:00:08] Which residents?

23 Q. [10:00:10] Well, you've told us that you are the mayor of the 7th arrondissement.
24 My question is: What function does the mayor have in relation to people who live
25 within the 7th arrondissement?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [10:00:31] A short while ago, I was saying that he is in charge of the entire
2 community which lives in his locality. He is in charge of the teachers. He is
3 responsible for the entire population, by the way. The entire population has to
4 respect him and he is responsible over those who work in his locality.

5 Q. [10:01:10] And, sir, I just want to understand a little bit about
6 the 7th arrondissement. You've mentioned that there were 1st, 2nd and 3rd
7 *groupements* within the 7th arrondissement. Are those the only *groupements* within
8 the 7th arrondissement?

9 * A. [10:01:36] The *groupement* we are talking about here would include, for example,
10 when you go to Ouango.

11 The first *groupement* will be -- will stretch all the way to the detention center. Toward
12 the detention center, that's the first *groupement*.

13 The second *groupement* would go from the priests, along the road.

14 And then the third *groupement* will begin around Ndress, Ndress, and all the way
15 along.

16 Q. [10:02:27] Now my next area of questioning, Mr Tagbale, is just about life in
17 the 7th arrondissement before March of 2013 and before any violence that may have
18 happened in the 7th arrondissement. Okay.

19 And so my question to you is, before March of 2013, do you remember approximately
20 how many people were living in the 7th arrondissement?

21 A. [10:03:03] In the 7th arrondissement, there was around 600 -- 600,000, above
22 600,000 inhabitants in the 7ème. And they all lived within the 1st and 2nd *groupement*,
23 in good relations.

24 Q. [10:03:34] And what were the main religions of the people that lived in
25 the 7th arrondissement?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [10:03:47] In principle, it is Catholicism, with the priests. And then in second
2 place would be Baptists. And in third place would be the Muslims, of course.

3 Q. [10:04:18] Now, you've just told us that people lived in good relations. What
4 was the relationship between Muslims and Christians and Baptists living in
5 the 7th arrondissement like before March 2013?

6 A. [10:04:41] Before March 2013, they all lived in good terms. But for a few areas
7 of family misunderstandings, particularly the Yakoma family. They are the ones
8 who brought in division between the people. But, finally, they all came back
9 together.

10 Q. [10:05:22] Thank you. And before March '13, do you remember who
11 the president of the Central African Republic was?

12 A. [10:05:40] Well, as I was saying a short while ago, there were several changes
13 taking place and I don't remember them all.

14 There was Samba-Panza. Madam Samba-Panza I meant to say. And then there
15 came the one whose name I now forget. In any event, he is Gbaya.

16 Q. [10:06:28] Did the Central African Republic have an army just before
17 March 2013?]

18 A. [10:06:46] Yes. My answer could be that the CAR had an army.

19 Q. [10:06:58] And what was that army called, please?

20 A. [10:07:11] Central African army, I think.

21 Q. [10:07:18] And were there any members of the Central African army within
22 the 7th arrondissement?

23 A. [10:07:31] The numbers?

24 Q. [10:07:33] Just their existence. Did any members of the army, Central African
25 army, stay in the 7th arrondissement?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [10:07:48] What -- what number? How? You see, there is a number which is
2 set by the army which then recruits and -- and -- and then searches.

3 Q. [10:08:13] Mr Witness, are you aware of any army bases in
4 the 7th arrondissement in 2013?

5 A. [10:08:32] What period are you referring to?

6 Q. [10:08:37] The period that I would like to focus on is the period just before
7 March 2013 and any violence that may have happened in Bangui.

8 PRESIDING JUDGE SAMBA: [10:08:53] Yes, Mr Jacobs.

9 MR JACOBS: [10:08:56](Interpretation) Thank you, Madam President. I let it go
10 the first time around, but under the cover of giving a framework, a context, my
11 learned colleague is giving an editorial comment. He is talking about violence,
12 maybe there was violence between 2013 and so on and so forth. We don't know.
13 So I believe that he should be -- my learned colleague should abstain from raising
14 issues in this manner because they are litigated issues and we need to be careful
15 around them.

16 PRESIDING JUDGE SAMBA: [10:09:29] Yes, Mr Choudhry, can you rephrase your
17 question and avoid maybe words or phrases that could be leading. I know
18 the difficulties, but let's just try.

19 MR CHOUDHRY: [10:09:40] Your Honour, what I'll do is I'll move on to another
20 area of questioning that might resolve the issue.

21 PRESIDING JUDGE SAMBA: [10:09:47] Please do.

22 MR CHOUDHRY: [10:09:49]

23 Q. [10:09:51] Mr Tagbale, I want you to now focus your mind on the month of
24 March 2013. I know it's some time ago. If you could just focus your mind on that
25 particular month.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Where were you living in March 2013, please?

2 A. [10:10:21] I never chose to live anywhere else other than my current residence.

3 Q. [10:10:27] And just so that we are clear, was your --

4 A. [10:10:31] (Overlapping speakers)

5 Q. [10:10:32] -- was your current residence in the 7th arrondissement in

6 March 2013?

7 A. [10:10:45] It was in Ouango, right opposite the French embassy.

8 Q. [10:10:56] And do you remember what the security situation was where you

9 lived in March 2013?

10 A. [10:11:19] Security problems, I believe I no longer remember. But I -- I wasn't

11 going to be killed. The Seleka were committing exactions and that's it.

12 Q. [10:11:53] I'd like to talk to you about the Seleka.

13 Can you please tell the Judges the story of how the Seleka came to Bangui.

14 PRESIDING JUDGE SAMBA: [10:12:16] Yes, Mr Jacobs.

15 MR JACOBS: [10:12:19](Microphone not activated)

16 THE INTERPRETER: [10:12:22] Microphone, sir. Microphone. Mr Jacobs,

17 microphone.

18 PRESIDING JUDGE SAMBA: [10:12:27] Your microphone is not on.

19 MR JACOBS: [10:12:31](Interpretation) I'm sorry. As far as I know, the witness

20 never said that the Seleka had arrived in Bangui. So the learned colleague is posing

21 a leading question on that point.

22 MR CHOUDHRY: [10:12:49] Your Honour, in relation to that, the witness actually

23 went further and suggested that they were committing exactions. I was trying to just

24 draw it one step further.

25 PRESIDING JUDGE SAMBA: [10:12:59] Yes, he spoke about exactions, but --

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 MR CHOUDHRY: [10:13:01] But I cannot --

2 PRESIDING JUDGE SAMBA: [10:13:03] -- he did not say where.

3 MR CHOUDHRY: [10:13:04] Then I'll rephrase, Madam President.

4 PRESIDING JUDGE SAMBA: [10:13:08] Please do.

5 MR CHOUDHRY: [10:13:14]

6 Q. [10:13:14] Mr Witness, who are the Seleka, please?

7 A. [10:13:25] You know, I was mayor of the arrondissement for 16 years, but I don't
8 know what to tell you about the Seleka. They may have been people who came in
9 for something else but committed exactions.

10 Q. [10:13:56] Where did they come from?

11 A. [10:14:05] Well, from various parts of the Central African Republic. I am not
12 able to say exactly where they came from.

13 Q. [10:14:21] And which areas did they commit exactions in?

14 A. [10:14:42] I am not able to identify the areas where they committed exactions.
15 But, in the 7th arrondissement, from Ngaragba all the way to Ouango.

16 Q. [10:15:07] Do you remember the approximate date in which the Seleka first went
17 to the 7th arrondissement?

18 A. [10:15:27] You know, it's difficult for a -- the stakeholder that I am to remember
19 the dates. I cannot remember the exact date on which they arrived. I do not know
20 the date on which they arrived.

21 Q. [10:15:57] Do you remember what the Central African army did when the Seleka
22 came to the 7th arrondissement?

23 A. [10:16:32] I don't have a record of everything that the Seleka did. I am sorry
24 I am not able to narrate it to you. Please forgive me.

25 Q. [10:16:45] Sir, did you yourself ever suffer any exactions by the Seleka?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [10:16:59] Well, personally suffer, well, when it is said that some people are
2 coming and we must flee, then we -- we flee. They committed exactions against
3 the population. I am not able to say that I did not suffer at the hands of the Seleka.
4 However, they committed exactions and I had to move, at least.

5 Q. [10:17:39] Can you please tell the Judges the story of what the Seleka did to you
6 to make you suffer.

7 A. [10:17:59] What -- what did the Seleka do?

8 MR CHOUDHRY: [10:18:20] Your Honours, if I could please ask the court clerk to
9 display tab 17, CAR-OTP-2039-0336.

10 PRESIDING JUDGE SAMBA: [10:18:41] Yes, Mr Jacobs, you're standing.

11 MR JACOBS: [10:18:47](Interpretation) Yes. I did not react to my learned
12 colleague's first question relating to Seleka exactions against the witness. And I
13 didn't react to his second leading question. And now the learned colleague wants to
14 show a picture to the witness that is leading. I think, at this stage, we must proceed
15 by getting the testimony out of the witness without immediately using photographs.
16 So that would be the right thing to do, that is not to lead the witness in order to obtain
17 any kind of information at this level.

18 MR CHOUDHRY: [10:19:31] Your Honour, there's two things in response to that.

19 A leading question, perhaps, is one which suggests an answer to a witness. This is
20 simply a photograph. In terms of foundation, the witness is free to answer whether
21 or not he recognises anything in that photograph. By showing him the photograph
22 there's nothing leading in and of itself, your Honours.

23 And the second thing, your Honours, is that the witness has already given evidence
24 that he suffered exactions.

25 PRESIDING JUDGE SAMBA: [10:20:02] That's where I was going to draw your

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 attention to, Mr Choudhry.

2 Instead of going to the exhibit that you now want to point the witness to, he did say
3 in testimony that "they", meaning the Seleka, committed exactions against
4 the population. He said: "I am not able to say that I did not suffer at the hands of
5 the Seleka."

6 Why don't you take up your question from that bit? If he said -- my understanding
7 of that statement is that he did in fact suffer at the hands of the Seleka.

8 So ask him, if you may -- I mean, with respect, how did he suffer, what is he talking
9 about, instead of showing him -- I mean that could lead to maybe bringing up
10 the exhibit to him. Remind him this is what he said and let him explain further, you
11 know, what they did to him personally, maybe.

12 MR CHOUDHRY: [10:21:01] Thank you, Madam President.

13 Q. [10:21:05] Mr Tagbale --

14 A. [10:21:09] Yes.

15 Q. [10:21:10] -- you've told the Court that you've suffered at the hands of the Seleka.
16 Can you please tell the Court what you personally -- how you personally suffered at
17 the hands of the Seleka?

18 A. [10:21:42] My suffering begins with the fact that they entered our
19 neighbourhood and started to exterminate and to plunder almost all the youths who
20 were in the neighbourhood. Even I, who was in charge of the locality, I did not
21 move. I remained there. And then, they came and fired two or three shots and one
22 struck me in the neck and the bullet went out. So, from there, I had to go to
23 the hospital. I was hospitalised. I lost consciousness until I regained consciousness.

24 Q. [10:22:57] When you say they came to "the neighbourhood", what
25 neighbourhood are you speaking to? Which neighbourhood did the Seleka come to

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 when you --

2 A. [10:23:14] The neighbourhood where I used to live in the 7ème arrondissement.

3 Q. [10:23:22] And where exactly were you when you got shot?

4 A. [10:23:33] I was at home, at my home. At my home. And there is

5 a photograph taken when I was taken to the hospital. I saw that photograph here.

6 So what I am saying is I did not leave my home. But when I fell down, my daughter

7 asked the rescue team to take me to the hospital, since I was still breathing. But

8 thereafter I lost all consciousness.

9 MR CHOUDHRY: [10:24:13] Your Honours, with that, if I could please ask the court

10 clerk to display tab 17, CAR-OTP-2039-0336.

11 Q. [10:24:38] Sir, you should have a photo in front of you. Do you see a photo in
12 the screen in front of you?

13 A. [10:24:44] Yes.

14 Q. [10:24:59](Microphone not activated)

15 PRESIDING JUDGE SAMBA: [10:24:59] Your mic was off when you asked

16 the question. Please put the question again, Mr Choudhry.

17 MR CHOUDHRY: [10:25:06]

18 Q. [10:25:06] So what does this photo show, please?

19 A. [10:25:18] This photograph was taken on the day I was wounded by the Seleka
20 and taken to the hospital. Luckily, I was still alive.

21 Q. [10:25:32] And do you remember the date in which you were shot? Or
22 the month?

23 A. [10:25:53] I really do not recall. It may have been 13 or 14 April.

24 Q. [10:26:07] And just to confirm, can you remember the year, please?

25 A. [10:26:19] What date?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [10:26:22] You've mentioned it was either 13 or 14 April. What year do you
2 mean?

3 A. [10:26:38] If I am not mistaken, well, in any event, I'm really sorry, I -- I'm sorry
4 about the year. Ah, 2013.

5 Q. [10:26:59] Thank you.

6 And if I could please ask the court officer to display tab 20. That's
7 CAR-OTP-2039-0339.

8 Mr Witness, you should have another photo in front of you. Do you see that?

9 A. [10:27:27] Yes.

10 Q. [10:27:27] What does this show, please?

11 A. [10:27:37] It shows that I was struck and I underwent surgery.

12 Q. [10:27:52] You mentioned earlier that you were struck in the neck. Is this
13 the injury from being shot?

14 A. [10:28:01] Yes.

15 MR CHOUDHRY: [10:28:07] Your Honours, with that, I'll go on to further photos,
16 but if I could ask for tab 17, CAR-OTP-2039-0336 and tab 20, CAR-OTP-2039-0339 to
17 be formally submitted.

18 And then kindly ask the court officer to display tab 23, CAR-OTP-2039-0342.

19 Q. [10:28:45] Mr Tagbale, there's another photo that should be displayed in front of
20 you.

21 A. [10:28:55] Yes.

22 Q. [10:28:55] Could you please tell us what this photo shows.

23 A. [10:29:03] That is when I was injured, wounded. Fortunately, the hospital was
24 able to save me by stitching both ends.

25 Q. [10:29:30] And do you remember where on your body the bullet went when it

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 hit you, other than your neck?

2 A. [10:29:50] The bullet only struck my neck. And that's what made me
3 unconscious. And I didn't know what else transpired thereafter.

4 MR CHOUDHRY: [10:30:08] And, your Honours, if I could ask the court clerk to
5 now remove that photo and have tab 23, CAR-OTP-2039-0342 submitted, please.

6 Q. [10:30:28] Sir, you told us that the Seleka engaged in exactions with others. Did
7 you -- do you have any neighbours where you live?

8 A. [10:30:50] Yes, I did have neighbours. There was a girl living next door to me,
9 and she was killed. She had hidden under the bed and she was killed.

10 Q. [10:31:09] What was your neighbour's name, please?

11 A. [10:31:18] I have forgotten her name.

12 MR CHOUDHRY: [10:31:34] Your Honours, with that, I would ask if I could refresh
13 the witness as to paragraph 42 and his neighbour's name.

14 PRESIDING JUDGE SAMBA: [10:31:47] Please go ahead, Mr Choudhry.

15 MR CHOUDHRY:

16 Q. [10:31:49] Mr Witness, I'm going to read a sentence from your statement and see
17 whether that refreshes your memory.

18 You state this:

19 "The Seleka killed many people that day. There was so much shooting by the Seleka
20 that my neighbour Alice Grepwara was wounded in the thigh by a stray bullet while
21 she was hiding under her bed. She was treated for her wound but died later on due
22 to haemorrhaging."

23 Does that name, Alice Grepwara, refresh your memory?

24 A. [10:32:30] Affirmative. She was a young girl who was living just next door to
25 my house.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [10:32:46] Approximately how many civilian residents were killed that day?

2 A. [10:32:58] As I said, I'm incapable of giving you a number. They started in
3 Kassai and they went all the way up to Ouango. So I can't provide you with
4 the number.

5 Q. [10:33:12] Were any records compiled of any of the people that were killed that
6 day?

7 A. [10:33:35] According to what I know, I was still in hospital. I am not in
8 a position to know.

9 Q. [10:33:43] Do you remember ever seeing any list of people that were either
10 injured or killed that day?

11 A. [10:33:57] No, I didn't receive any list, because I was in a coma in hospital and I
12 wasn't -- or, I did not receive anything.

13 Q. [10:34:14] After you left hospital, as part of your functions of mayor, did you
14 ever see any records of who had been injured that day?

15 A. [10:34:40] No. Unless the Red Cross gave me a list that I saw, but I can't or do
16 not remember the precise date.

17 Q. [10:34:59] And with that, your Honours, if I could kindly ask the court officer to
18 display tab 32, CAR-OTP-2039-0351.

19 Mr Tagbale, you should have in front of you an image. I just ask you to look at that,
20 please. And once you've looked at it, please let me know when you're ready to
21 answer questions about it.

22 A. [10:35:41] Yes.

23 Q. [10:35:46] The first name written on that list, Mr Witness, do you recognise
24 the name? Can you read the name?

25 A. [10:35:57] That is indeed me, Tagbale Joseph.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [10:36:02] How about the second name, please?

2 A. [10:36:08] Please, it has been -- well, it is stated that people here were evacuated
3 to -- or this person was evacuated to the hospital, to the hospital.

4 In neighbourhood Saint Paul, evacuation to the CRCA, the hospital. I was indeed
5 evacuated.

6 Q. [10:36:56] Just for the Court record, you pointed towards your left neck; is that
7 right?

8 A. [10:37:07] Yes.

9 Q. [10:37:11] Now, the second name, Mr Tagbale, do you recognise the second
10 name?

11 A. [10:37:21] Yes. I do recognise the name.

12 Q. [10:37:32] And who is that person, please?

13 A. [10:37:41] Grepirawa Alice, deceased. She is deceased. She died.

14 Q. [10:37:54] Is this the neighbour that you told the Court about earlier?

15 A. [10:38:04] What did I say?

16 Q. [10:38:07] Mr Tagbale, you told us earlier that a neighbour of yours had been
17 killed. Is this the --

18 A. [10:38:15] (Overlapping speakers)

19 Q. [10:38:15] Is this the name of your neighbour that had been killed?

20 A. [10:38:21] Grepirawa.

21 MR CHOUDHRY: [10:38:41] And, your Honours, with that, if I could ask for tab 32,
22 CAR-OTP-2039-0351 to be submitted.

23 Q. [10:39:35] Mr Tagbale, you said earlier that the Red Cross gave you lists about
24 that day.

25 PRESIDING JUDGE SAMBA: [10:39:50] Yes, Mr Jacobs.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 MR JACOBS: [10:39:52](Microphone not activated)

2 THE INTERPRETER: [10:39:54] Microphone, please, counsel.

3 PRESIDING JUDGE SAMBA: [10:39:58] Your microphone is not on.

4 MR JACOBS: [10:40:01](Interpretation) I do apologise this morning.

5 Yes, in the French transcript at page 24, line 8, it says "the Red Cross presented me
6 with one list." Just to clarify.

7 I don't know what it says in the English transcript, but there could be an error of
8 interpretation because counsel did indeed say -- or my learned counsel did indeed say
9 "lists" in the plural.

10 MR CHOUDHRY: [10:40:30] I'll rephrase, your Honour, to just make that clear.

11 Q. [10:40:34] Mr Witness, you told us that the Red Cross provided you with
12 information. What information did the Red Cross provide you with about that day?

13 A. [10:41:00] It was the list of those who had been injured, or those who died
14 subsequent to having been beaten. That was the list that was given to me.

15 (Counsel confers)

16 MR CHOUDHRY: [10:41:55]

17 Q. [10:41:56] Mr Witness, do you remember whether it was just one list or whether
18 there were many lists?

19 A. [10:42:09] Well, this was the list -- or, this is the list that was presented to me that
20 I was talking about. A list of 15 or 13 individuals.

21 Q. [10:42:30] Did you yourself, or any members of your office, ever compile any
22 lists?

23 A. [10:42:55] No member of my office prepared any list whatsoever.

24 MR CHOUDHRY: [10:43:16] Your Honour, in relation to the list, what I would like
25 to do is put other lists authored by members of the Red Cross to the witness. They're

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 recounted in his statement. The witness doesn't remember, but it would be my
2 submission that it's consistent with the evidence that he's provided that the Red Cross
3 provided him with a list or with information. They may well contain similar
4 information. But I -- in my submission, it would be fair to put that to the witness,
5 with your leave.

6 PRESIDING JUDGE SAMBA: [10:43:58] You mean aside the list that we see in
7 tab 32?

8 MR CHOUDHRY: [10:44:03] Yes, your Honour. What I would propose to do is to
9 put to him tab 33 and tab 34.

10 PRESIDING JUDGE SAMBA: [10:44:15] Yes, Mr Jacobs.

11 MR JACOBS: [10:44:17](Interpretation) Yes. I just wanted to say that the witness
12 clearly said that there was one list.

13 And as you said at the outset, we do understand the difficulties and the patience that
14 is needed here, so we do understand that our learned colleague would like to refresh
15 the memory of the witness in -- in this regard. But, in terms of phrasing, for the time
16 being, we do not know whether it is the Red Cross list or not, or -- so these lists, so
17 without describing them we should just show them to the witness without giving him
18 any information, just show them to him in a neutral manner at this juncture. Just to
19 assist and move forward, Madam President.

20 PRESIDING JUDGE SAMBA: [10:45:03] Yes, Mr Choudhry.

21 MR CHOUDHRY: [10:45:06] I'm content with showing him the list in that neutral
22 manner, your Honour.

23 PRESIDING JUDGE SAMBA: [10:45:11] Yes, please go ahead.

24 MR CHOUDHRY: [10:45:13] In that case, your Honour, could I ask the court clerk to
25 please show the witness tab 33, that's CAR-OTP-2039-0353.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [10:45:31] Mr Tagbale, I'd like you to just look at the image in front of you,
2 please. Can you help the Court, or can you tell the Court what this document is, if
3 you are aware of it.

4 A. [10:45:54] Well, this document is indeed the list of the -- those who were injured
5 and those who finally died subsequent to the injuries they sustained and who also
6 were hospitalised until they died.

7 You can see "deceased", "deceased", "deceased", "injured", "injured", and so on and so
8 forth.

9 MR CHOUDHRY: [10:46:27] Your Honours, if I could ask tab 33,
10 CAR-OTP-2039-0353 to be submitted.

11 And for the court clerk to please show the witness tab 34, CAR-OTP-2039-0354.

12 Q. [10:46:51] Mr Witness, I have the same question. Can you please help
13 the Court with what this list shows.

14 A. [10:47:10] These are corpses that have been listed, identified by neighbourhood.
15 All of the neighbourhoods within the 7th arrondissement, * because I can see Kodjo, I
16 see Ngaragba, I can see all of those names in there.

17 Q. [10:47:36] And do you remember who produced this list?

18 A. [10:47:46] It was the Red Cross.

19 MR CHOUDHRY: [10:47:52] And if I could ask for tab 34, CAR-OTP-2039-0354 to be
20 submitted.

21 And the court clerk to please display tab 35 at CAR-OTP-2039-0355.

22 Q. [10:48:22] Mr Tagbale, can you please help the Court with what this list shows, please.

23 * A. [10:48:34] "Identification... Identification of victims of the political military crisis"
24 This is an identification of the individuals who were affected by the crisis that took
25 place.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [10:48:57] And whose handwriting is on this list, please?

2 A. [10:49:10] He was a neighbourhood leader. His name is Sao.

3 Q. [10:49:26] And did Sao have an official function in the 7th arrondissement?

4 A. [10:49:37] Yes, indeed. He was a municipal adviser. And then he went back
5 to working as a municipal adviser, subsequent to which he became just an adviser.

6 MR CHOUDHRY: [10:50:09] And, your Honours, with that, the Prosecution has no
7 further questions.

8 PRESIDING JUDGE SAMBA: [10:50:19] Thank you very much, Mr Choudhry.

9 I will turn it over to the -- do you want to say anything more, Mr Choudhry, I see
10 you're standing up again?

11 MR CHOUDHRY: [10:50:30] Just in relation to the final list, my senior trial lawyer
12 has informed me that that wasn't formally submitted, your Honours.

13 So, just for the record, I would ask for tab 35, CAR-OTP-2039-0355 to be submitted.

14 PRESIDING JUDGE SAMBA: [10:50:48] Thank you very much.

15 Yes, I'm going to turn it over to the Defence.

16 Mr Witness, we are going to ask Mr Jacobs to put some questions to you in
17 cross-examination. Thank you very much.

18 Mr Jacobs, your witness, please.

19 And we don't have the Defence's list of materials, do we?

20 MR JACOBS: [10:51:25](Interpretation) Madam President, yes, indeed, that's what
21 we were just talking about. We believe that the OTP requested four hours, so we
22 should be notifying our list of material this afternoon.

23 We can start on the basis of what has already been discussed this morning, and

24 we -- but we can go as fast as possible now in order to finalise this list of material and

25 eCourt binder, bearing in mind that this should have been notified this afternoon with

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 a view to starting tomorrow morning, according to the estimate that was given to us
2 by the OTP, who didn't tell us that they only needed not even one session.

3 We're doing what we can, Madam President.

4 PRESIDING JUDGE SAMBA: [10:52:23] Of course, we'll have to start and make do
5 with what we have.

6 You do have the Prosecution's own list of material, so if that is something you want to
7 refer to, we will all join you in looking at the exhibits.

8 Is there -- are the documents in any or form with the Registry at all? Can the court
9 clerk say something to us? Do you have the Defence's documents in any way?

10 THE COURT OFFICER: [10:53:09](Interpretation) Maybe a suggestion from
11 the Registry. From the Defence, well, if you have the Word document or PDF
12 version, you can send it to us, please, and you can base yourself on the tab numbers
13 and then we can copy and paste in JEM. Then, on that basis, we will have
14 the tab numbers and the ERN numbers that will be correctly put into the transcript.
15 Thank you.

16 PRESIDING JUDGE SAMBA: [10:53:41] Okay. So that said, let's start with
17 the cross-examination, please.

18 MR JACOBS: [10:53:47](Interpretation) Yes. Thank you very much,
19 Madam President, for your patience. I'm going to set myself up.

20 QUESTIONED BY MR JACOBS: (Interpretation)

21 Q. [10:54:31] Good morning, Mr Witness.

22 A. [10:54:43] What did you say?

23 Q. [10:54:45] I said good morning. I'm going to try and speak a little bit louder.

24 My name is Dov Jacobs and I'm going to be putting a number of questions to you on
25 behalf of the Defence for Mr Said this morning.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 So, we're speaking the same language, we're speaking French, but as you can see,
2 everything that we say is being transcribed and interpreted into English, into Sango,
3 and once again transcribed. So I'm going to be speaking slowly and I'm going to be
4 asking you to follow suit. I'm going to be observing pauses and, as
5 Madam President reminded us, I'm going to be taking a breath and taking my time to
6 put questions to you so everything is correctly recorded. Is that understood,
7 Mr Witness?

8 A. [10:55:30] Yes.

9 Q. [10:55:42] So, for example, it is very important that we do not overlap. So, as I
10 just said, we're speaking at the same time. You're going to want to answer me
11 immediately, but you're going to need to wait for a few seconds. When I put
12 a question to you, you need to wait a few seconds for my question to be interpreted
13 before you provide your answer, all right?

14 A. [10:56:04] Okay.

15 Q. [10:56:10] Thank you. So I'm going to be coming back to a number of points
16 that you raised this morning with regard to your background.
17 Now, I had a first question to put to you. Could you please tell us a little bit more
18 about the national pioneering youth. This morning you mentioned, and I refer to
19 transcript 97, page 7, lines 11 to 16, you mentioned that this was a job that you had.
20 Could you explain to us a little bit more about what the national pioneering youth is.

21 A. [10:56:45] May I? Yes.

22 The national pioneering youth is an organisation that is governmental in nature. It
23 comprises teachers, members of the teaching profession and who train people, they
24 teach people. So the national pioneering youth has been in existence since -- since
25 activism has been in existence. That is to say, that military education is provided to

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 children.

2 Q. [10:57:52] Very well. Could you please tell us approximately how long this
3 national pioneering youth group has been in existence. Was it under Bozizé, Patassé,
4 Bokassa? Just to provide us with an indication of how long it has been in existence,
5 Mr Witness.

6 A. [10:58:13] This youth movement, well, it teaches young people a number of
7 things and takes care of them in a number of domains. There is teaching, there is
8 training. There is carpentry training, for example. And everything that you might
9 find as employment for youth.

10 Q. [10:58:53] Very well. And did it exist under Bozizé, Mr Witness?

11 A. [10:58:56] Well, I -- I'm not sure of that.

12 Q. [10:59:01] Well, that's fine. You just tell us what you remember and then we
13 move forward.

14 A. [10:59:08] No, it's -- I don't know if it continues.

15 THE INTERPRETER: [10:59:18] Says the witness.

16 MR JACOBS: [10:59:24](Interpretation) Madam President, I can see the time. And
17 before continuing on my next point of clarification, it might be the opportune moment
18 to take the break and so we can also move forward with regard to the list, of course.

19 PRESIDING JUDGE SAMBA: [10:59:39] Yes, that would leave you some time to fix
20 your list of evidence so that when we come back we are ready to go.

21 Mr Witness, we are going to take a bit of a time off for 30 minutes. We'll come back
22 at 11.30.

23 I rise the Court for 11.30, please.

24 THE WITNESS: [11:00:01] Okay.

25 THE COURT USHER: [11:00:03] All rise.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 (Recess taken at 11.00 a.m.)

2 (Upon resuming in open session at 11.36 a.m.)

3 THE COURT USHER: [11:36:50] All rise.

4 Please be seated.

5 PRESIDING JUDGE SAMBA: [11:37:17] Good morning again, Mr Witness. We're
6 going to continue with your testimony in cross.

7 Mr Jacobs, your witness please, and we are in open session -- oh, well, yeah.

8 Continue, please.

9 MR JACOBS: [11:37:46](Interpretation) Thank you, Madam President.

10 Q. [11:37:52] Good morning again, Mr Witness.

11 A. [11:37:55] Good morning.

12 Q. [11:37:59] We shall continue slowly and revisit some of the details you provided
13 to the person on the Prosecutor's bench who questioned you.

14 You talked about the national pioneering youth, and this morning - I am looking for
15 the reference now - you mentioned that you were, or you said that, in answer to a
16 question whether you had a current job, your answer was the following: "This job is
17 to be the person responsible for a community for the 1st, 2nd and
18 3rd arrondissement."

19 And then later on, you said that today you are mayor of the 7th arrondissement.

20 So what I want to understand from you is the following: Are you the mayor of the
21 7th arrondissement and are you in charge of the 1st, 2nd and 3rd arrondissement?

22 A. [11:39:19] Thank you. The mayor of the 1st, 2nd and 3rd arrondissement is a
23 personality who is appointed by the head of state, by the president of the republic,
24 but who has authority over that entire community, that is the 1st, 2nd and 3rd
25 *groupement*, not arrondissement. *Groupement*. Under him, he has authority over all

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 those *groupement*. And the *groupements* work with the executive chief, who happens
2 to be me.

3 Q. [11:40:05] Very well. That is very clear now. Let us move on.

4 In your prior statement at paragraph 12 --

5 And for the record, the reference -- well, I think the list of materials has been provided.

6 English version, tab 1; French version tab 1.2, CAR-OTP-2122-3588 -- 98, rather.

7 And at paragraph 12 of your statement, Mr Witness, you say that you started working
8 for Asecna, until you retired in around 2004, as an assistant in the air traffic control
9 tower.

10 My question, Mr Witness is the following: Did you actually work for Asecna?

11 A. [11:41:19] I can answer in the affirmative that I worked for Asecna.

12 Q. [11:41:39] Now, still under paragraph 12 of your statement, and going by what
13 you mentioned in the -- in your testimony a short while ago, you were mayor of
14 Bangui from 1990 to 1991; would that be mayor of the entire city of Bangui?

15 A. [11:41:59] No, not the entire city of Bangui. You see, Bangui has a number of
16 arrondissements and I was in charge of the 7th arrondissement, which happens to be
17 my locality.

18 Q. [11:42:19] Very well. So, if I understand properly, in 1990 and 1991, for one
19 year, you were mayor of the 7th arrondissement?

20 A. [11:42:32] No, to this date -- to this very day, I am still the mayor.

21 * Q. [11:42:44] I've understood that, Mr Mayor, but between 1991 and 2006 -- and
22 2006, you were not mayor of the 7th arrondissement?

23 A. [11:43:03] What year are you talking about? What month?

24 Q. [11:43:08] The year is 2006. In your statement you indicated that you were
25 appointed mayor in 2006.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [11:43:26] I really don't recall those dates. I -- I don't remember.

2 Q. [11:43:35] It's not very -- it doesn't really matter, Mr Witness.

3 I want to provide the reference for my quotation, paragraph 13 of your prior
4 statement, where you state that: "In 2006, I was appointed by the country's President
5 as the Mayor of the 7th Arrondissement."

6 (Counsel confers)

7 MR JACOBS: [11:44:23](Interpretation)

8 Q. [11:44:24] Mr Witness, a short while ago you mentioned that you had been
9 appointed by a decree. I don't have the reference right now, but you said you were
10 appointed by decree.

11 Let me call for the display of tab 49 on our list, CAR-OTP-2068-0552. Thank you.

12 Can we go to the third page to begin with, that will be page 0554.

13 We see here that the document was issued in Bangui on 11 March 2010 by General
14 François Bozizé. Can you see that, Mr Witness?

15 A. [11:45:35] Yes.

16 Q. [11:45:39] Very well.

17 Can we go back to the first part -- first page, Madam Court Officer, please.

18 Here we see a decree appointing or confirming presidents of the administrative
19 committees of the arrondissements of the city of Bangui.

20 Now, if we go to the next page, 0553, and scroll down to the bottom of the page, thank
21 you very much.

22 You can see, Mr Witness, we see reference to "Administrative committee of the 7th
23 arrondissement Tagbalet Joseph". Is that you, Mr Witness?

24 A. [11:46:34] Yes, that's I.

25 Q. [11:46:40] Can you explain to us the difference between being a mayor and an

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 administrative committee. Is that one and the same thing?

2 A. [11:46:51] I can answer you. The administrative committee is the same as the
3 mayor of a particular area. For example, mayor of the 7th arrondissement, who in
4 this case is called Tagbale Joseph.

5 Q. [11:47:18] Very well. So I'm to understand that it's the same thing?

6 A. [11:47:22] It's the same thing.

7 Q. [11:47:21] Committee administrative, or administrative committee and mayor is
8 one and the same thing?

9 A. [11:47:28] Yes.

10 Q. [11:47:36] Thank you.

11 I request the formal submission of this document, Madam Court Officer -- or, in fact,
12 Madam President, I'm sorry.

13 All right. Very well. Could we display tab 46 of our list of materials,
14 CAR-OTP-2004-1086.

15 This document is already submitted. Could you please display page 1115.

16 Mr Witness, can you see this? We see here it's a decree 13 November -- a decree of
17 13 November 2013 appointing presidents of the administrative committees of the city
18 of Bangui -- of the arrondissements of the city of Bangui.

19 Now, if you go to the right column and scroll down a little bit. Well, we can see it
20 already. You can see your name, Mr Witness; is that correct, for this -- against "*7ème*
21 *Arrondissement*: Mr Tagbalet Joseph"?

22 A. [11:49:19] Yes.

23 Q. [11:49:20] Now, if we scroll further down, we notice that the decree is signed by
24 the minister of territorial administration; the prime minister, Mr Tiangaye; and the
25 head of state, Mr Djotodia.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Please scroll up a little bit. Yeah, there we have it. Thank you.

2 Can you confirm, Mr Witness, that you were once again appointed mayor of the 7th
3 arrondissement by Mr Djotodia in November 2013?

4 I see you nod, but, please, you need to answer so that it can be recorded on record.

5 A. [11:50:00] Okay.

6 Q. [11:50:25] Let's go back to 2013, Mr Witness.

7 In 2013 you were mayor of the 7^{ème} arrondissement. Do you remember who were
8 your -- the members of your team, your assistants, your deputies?

9 A. [11:50:55] No.

10 Q. [11:51:03] In your prior statement - still tab 1 for English and 1.2 in French, at
11 paragraph 13 - let me help you, Mr Witness, to jog your memory. You say that: "In
12 2013, I had two assistants, Alice Goute and Leon Régis Sao."

13 A. [11:51:33] Yes.

14 Q. [11:51:34] Does that help you to remember, and can you tell us a little more
15 about those two persons?

16 A. [11:51:38] Yes.

17 Yes, Mr Goute -- no, I'm sorry, Sao, was a worker at the ministry of foreign affairs.

18 At some point he was transferred to Ethiopia, so he left for Ethiopia. Then,
19 thereafter, a decree was signed cancelling the decree which had appointed him to the
20 embassy of the Central African Republic in Ethiopia. So all of a sudden he had to
21 remain in Bangui. He could not travel. So, because he hadn't travelled, he came
22 back to work as a counsellor or adviser to the municipal council of the 7th
23 arrondissement.

24 Q. [11:53:04] Thank you. When you see me stop a little bit, it's because I'm
25 waiting for interpretation to be completed. That's what's happening, Mr Witness.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Now, Alice Goute or Gouté, can you tell us a little more about that person.

2 A. [11:53:26] Alice Goute is still a municipal councillor with the 7th
3 arrondissement.

4 Q. [11:53:53] Now, still focusing on the administrative set-up of the 7th
5 arrondissement. You told us that there were three *groupements*. Do those
6 *groupements* have any specific names? Is it just 1, 2 and 3?

7 A. [11:54:14] 1, 2 and 3.

8 Q. [11:54:25] As mayor of the 7th arrondissement, do you know how many
9 neighbourhoods there were in each *groupement*?

10 A. [11:54:35] There were 38 *groupements* in total.

11 Q. [11:54:53] Very well. So to move forward, Bernard Sanze being the chief of the
12 1st *groupement*; is that correct? Can you confirm that?

13 A. [11:55:10] Yes, but he is deceased.

14 Q. [11:55:14] Do you know when, Mr Witness?

15 A. [11:55:20] I have forgotten.

16 Q. [11:55:40] Albert Ngakossi, is he the chief of the 2nd *groupement*?

17 A. [11:55:47] He is still the chief of the 2nd *groupement*. He has just been
18 appointed a municipal councillor at the mayor's office of the 7th arrondissement.

19 Q. [11:56:05] So he is still today?

20 A. [11:56:09] Yes, today he is still a municipal councillor, and he is looking for
21 someone to replace him as -- in the position of *chef de groupement*.

22 Q. [11:56:33] Very well. And he was already the chief of the 2nd *groupement* under
23 Bozizé in 2013?

24 A. [11:56:42] Before 2013 and under Bozizé he was already the *chef de groupement*.

25 Q. [11:56:59] Just for the transcript, I see at line 10 on page 42 the name of someone

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

- 1 which has just been mentioned. And I will spell out the name: Albert Ngakossi.
- 2 Ngakossi, N-G-A-K-O-S-S-I. Can you confirm that, Mr Witness?
- 3 THE INTERPRETER: [11:57:24] The witness jumps in.
- 4 THE WITNESS: [11:57:26](Interpretation) Yes.
- 5 MR JACOBS: [11:57:34](Interpretation)
- 6 Q. [11:57:35] Perfect. Thank you.
- 7 Bernard Ngingo for the 3rd *groupement*; is that correct?
- 8 A. [11:57:41] Yes, but unfortunately he is deceased.
- 9 Q. [11:57:53] But he was the chief of the 3rd *groupement*; is that correct?
- 10 A. [11:57:56] Yes. A replacement is being sought. And I believe that, by the time
- 11 I go back, we -- he would have -- the replacement would have been found and the
- 12 replacement would be done.
- 13 Q. [11:58:18] Thank you, Mr Witness.
- 14 I'm not going to go through all the sub-neighbourhoods of the 7th arrondissement,
- 15 but I have a question for you.
- 16 The chiefs of the neighbourhood, are they elected? Can you confirm that.
- 17 A. [11:58:36] The chief of neighbourhoods are elected as chiefs. And then,
- 18 thereafter, they are appointed by their peers, the other neighbourhood leaders who
- 19 are -- are chiefs of the *groupement*.
- 20 Q. [11:59:06] So you are appointed mayor by decree. Is there any provision
- 21 written down anywhere in relation to the duration of your mandate?
- 22 A. [11:59:21] Once the president has appointed you, you remain in office until you
- 23 lose his trust and he -- you are then replaced by the next person who would be
- 24 elected.
- 25 Q. [11:59:38] Very well. Do you remember the name of the city of Bangui overall

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 in 2013, Mr Witness?

2 A. [11:59:50] I don't know, simply because there were some changes and so I am
3 not able to remember all of those things.

4 Q. [12:00:14] Very well. Mr Witness, now, in order to move forward, have you
5 already been a candidate in legislative elections, for example?

6 A. [12:00:27] Unfortunately, it is right now that names are being put forward for
7 candidates for mayorship or -- and it's right now that it's happening. Competition
8 hasn't yet been opened.

9 Q. [12:00:53] Very well. But beforehand, in the past that is, were you ever a
10 candidate? In the year 2011, for example?

11 A. [12:01:04] In the year 2011, that was the time when people, or candidates were
12 called for.

13 Q. [12:01:16] Well, I'm going to be showing you, Mr Witness, I'm going to be
14 showing you a document and you're going to try to explain it to us.

15 Could we please show the tab 45 on our list of materials, CAR-OTP-2061-0478.

16 I don't know whether you can see the document, Mr Witness.

17 Sorry, I didn't tell you which page it is. It's page 0545, please.

18 So we can see here that it is a definitive list of candidates for the legislative elections
19 of 23 January 2011. The prefecture is Kemo, the *sous-prefecture* is Djoukou, and the
20 circumscription is that of Ndjoukou.

21 I don't know whether you can see, Mr Witness, but on the second line you can see a
22 name there, the name of the Joseph Tagbale. I'd like to know whether that's you.

23 A. [12:02:43] Yes, it is indeed me, but this never took place.

24 Q. [12:02:59] Yes, so just to understand. You were a candidate in that area. And
25 we can see at the end there is a "Denomination IND". What does that mean?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 You can see that there's your name. You're Joseph Tagbale.

2 A. [12:03:26] IND means independent.

3 Q. [12:03:33](Overlapping speakers)

4 A. [12:03:33] Some of them come from MLPC, some from KNK, some are
5 independent on that list.

6 Q. [12:03:52] Yes. And when you say that this never took place, if I understood
7 and heard you correctly, what do you mean by that, that this never took place?

8 A. [12:04:02] When a proposal is made for an election -- well, in this case it did not
9 take place. I don't know the reason for that. Maybe politics would be able to
10 answer that question.

11 Q. [12:04:20] Very well. The election did not take place. Thank you, Mr Witness.
12 I would like to formally request that this item be submitted into evidence, please,
13 Madam President.

14 THE COURT OFFICER: [12:04:32](Overlapping speakers) so it was the wrong
15 tab number in the English transcript. Thank you.

16 MR JACOBS: [12:04:45](Interpretation) Thank you, Madam Courtroom Officer.

17 You are ahead of me. I was going to give that information again. Indeed it is tab 47,
18 CAR-OTP-2061-0478.

19 Could we please bring up tab 48 of our list of material, CAR-OTP-2018-0114 - 0174,
20 correction - at page 0240.

21 Q. [12:06:01] We can see here the first round of the legislative elections of
22 23 January 2011 in the *sous-prefecture* of Djoukou.

23 Can you see that, Mr Witness?

24 If we go down a little bit. Thank you.

25 We can see the votes. And we can see the list of candidates and the votes, with your

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 name at the sixth line, Joseph Tagbale.

2 Can you see that, Mr Witness?

3 A. [12:06:33] Yes, I can see it. And what is the question?

4 Q. [12:06:46] I was just waiting for the end of the interpretation.

5 Now, question is as follows: This document that we have before us seems to say that
6 there was a vote and that there were results. I just wanted to know whether you had
7 a comment to make in this regard, because you said to us that the election did not
8 take place.

9 A. [12:07:03] Yes, the election did not take place, for the simple reason that
10 everything was cancelled. Everything was cancelled.

11 Q. [12:07:16] Very well. So there was a vote, but at the end everything was
12 cancelled; is that correct?

13 A. [12:07:21] Yes, everything was cancelled.

14 Q. [12:07:23] I understand better now. Thank you, Mr Witness.

15 Do you know why it was cancelled?

16 A. [12:07:35] I'm not in a position to know that.

17 Q. [12:07:42] Thank you.

18 I would like to formally request the submission of this item of evidence, please,
19 Madam President.

20 And for the file, I shall give -- for the record, that's tab 48 on our list of material,
21 CAR-OTP-2018-0174.

22 Thank you, Mr Witness. I'm going to be moving on to another subject matter now.
23 All right?

24 A. [12:08:26] Yes.

25 Q. [12:08:40] I do apologise, I do have a point of clarification with regard to

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 something that you said to me at an earlier stage. I forgot to ask you.

2 The Asecna, where you worked, was that a state organisation?

3 A. [12:08:52] No, it is not a state organisation.

4 Q. [12:09:04] Very well. And it is an organisation that takes care of air traffic
5 control, all right? You need to wait, Mr Witness, to wait a few seconds when I put a
6 question to you, okay?

7 A. [12:09:17] Ah, yes.

8 Q. [12:09:19] So this is an organisation that is in charge of air traffic control; is that
9 correct?

10 A. [12:09:25] Indeed.

11 Q. [12:09:33] And if you remember, when you were working there, who was in
12 charge? Who was the leader of that organisation?

13 A. [12:09:42] The person in charge of my service, I was employed in a technical
14 department which sends messages, whether it be voice messages or in writing.

15 So -- I'm sorry.

16 Those messages are sent to those people who are working in the aeroplanes and those
17 people who are flying over the Central African territory.

18 Q. [12:10:36] Thank you, Mr Witness, for that clarification.

19 A. [12:10:44] Thank you.

20 Q. [12:10:45] Now, you talked to the OTP this afternoon about a number of lists
21 that were shown to you. All right?

22 I would like for us to bring up, please, tab 17 on our list of material. I'm sorry, it's
23 not 17. That seems to be a photograph.

24 Tab 20, please. Thank you.

25 No. Sorry. That's also a photograph. I do apologise.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 So let's try again. It's tab 32, please, CAR-OTP-2039-0351.

2 So, Mr Witness, can you see?

3 A. [12:12:11] Yes.

4 Q. [12:12:12] So have you already seen this list before today?

5 A. [12:12:19] I have seen this before, when we had to evacuate certain individuals,
6 and even myself, and even my neighbour, the lady neighbour. She is the second
7 person on the list, peace be to her soul.

8 Q. [12:12:50] But it is not you who drew up this list?

9 A. [12:12:54] No, it is the person in charge of the Red Cross.

10 Q. [12:13:02] Very well. Do you know -- well, you say that you have already seen
11 this list, but do you know when you saw it; 2013, 2014? When did you see that list
12 for the very first time?

13 A. [12:13:22] Mm, well, it's when we came here. I saw this list, and even both lists
14 sent by the Red Cross, the person in charge of the Red Cross.

15 Q. [12:13:45] Just to understand correctly, Mr Witness, you say, "when we came
16 here". Can you tell me a little bit more about that: When you came here to The
17 Hague? Where's here?

18 A. [12:13:56] Well, it's The Hague. We're in The Hague, aren't we?

19 Q. [12:14:09] So that was my question. So until you came here, you had never
20 seen this list before?

21 A. [12:14:15] This list was drawn up by the person in charge and it was given -- and
22 shown to me.

23 Q. [12:14:29] Very well. And do you remember the name of the person in charge
24 who presented that list to you?

25 A. [12:14:35] Yes, his name can be found at the bottom.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [12:14:41] So, Madam Courtroom Officer, could we please go down to the
2 bottom of the first page. Thank you. And then show the next page, please, 0352.

3 So, Mr Witness, on that list that we have before us is written "Red Cross local
4 committee of the 7th arrondissement", but there is no name of the person in charge.

5 A. [12:15:17] Yes, there is. I saw his name at an earlier stage.

6 Q. [12:15:33] Very well. Well, we'll have a look, Mr Witness. But from memory,
7 you no longer remember?

8 A. [12:15:39] Yes, he did write his name. I saw it.

9 Q. [12:15:47] Very well. Well, we'll have a look for it, Mr Witness.

10 Now --

11 A. (Overlapping speakers)

12 PRESIDING JUDGE SAMBA: [12:15:56] Maybe, do you want to go to the first
13 page so that he sees it again -- he has a look again.

14 MR JACOBS: [12:16:07](Interpretation) Of course, Madam President.

15 Could we bring up the first page again, please.

16 PRESIDING JUDGE SAMBA: [12:16:12] Can you -- can you bring it -- go to the top.

17 Top. Top.

18 Can you put your question again, please.

19 MR JACOBS: [12:16:25](Interpretation) Yes, of course, Madam President.

20 Q. [12:16:27] So, Mr Witness, can you see here, top left, the person in charge? Can
21 you see what is written there and does it help jog your memory?

22 A. [12:16:36] Could you please go up a little bit further. Can you see what is
23 written there at the top?

24 Q. [12:16:44] I do believe that we are at the top of the page, we can't go any further.

25 A. [12:16:49] Yes. The president of the Red Cross, Sao. He signed it over the

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 stamp.

2 Q. [12:17:08] Very well. We have noted that.

3 You say that his signature is on the stamp, top right; is that correct?

4 A. [12:17:14] Yes.

5 Q. [12:17:21] Very well. And I'm going to put the question to you once again, just
6 to be certain.

7 These are incidents that allegedly occurred on 13 April, and you were hospitalised on
8 that day, if I have understood you correctly. And how much later after 13 April did
9 you see that list for the very first time?

10 A. [12:17:53] After we asked the president of the Red Cross to draw up a list of
11 those who were killed during the events, then this list was sent to me by the Red
12 Cross committee of the 7th arrondissement, and the person in charge is indeed this
13 gentleman. And on the day of 13th of April.

14 Q. [12:18:38] Very well. So if I understand you correctly, it was after having asked
15 the president to establish a list of names? It's not on 13 April, it was at a later stage?

16 A. [12:18:48] Well, after 13 April, mm. You can see 13 April 2013 is written here,
17 the day of 13 April 2013.

18 Q. [12:19:03] I'm going to try and put this question to you for one last time so that
19 we can be sure for the record.

20 So we're talking here about the day of 13 April 2013 for the incidents, but when did
21 you get that list yourself? When was it in your hands? Was -- at a later stage?
22 When did you receive the list?

23 A. [12:19:30] Could you please go up a little higher on the page.

24 Q. [12:19:34] Madam Courtroom Officer, could the bottom of the document be once
25 again shown to us.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Could we please bring up the next stage -- or should we bring up the next page,
2 Mr Witness?

3 A. [12:20:00] Yes.

4 PRESIDING JUDGE SAMBA: [12:20:10] Mr Jacobs, from what I recall of
5 Mr Tagbale's testimony, the incidents that he is talking about happened, according to
6 him, either on 13 or 14 April, then he said he lost consciousness and he was -- he -- he
7 was taken to the hospital. Maybe if you refresh his memory that much, then we
8 get -- we'll get a picture or understand and he maybe -- his answer will be helpful to
9 the record. Thank you.

10 MR JACOBS: [12:21:03](Interpretation) Yes, Madam President. I do agree with
11 you.

12 Q. [12:21:06] So, Mr Witness, as I was saying to you at an earlier stage, on 13 April,
13 the incidents on this list occurred, and also the one concerning you?

14 A. [12:21:18] Yes.

15 Q. [12:21:18] And you were hospitalised, were you not?

16 A. [12:21:20] Yes.

17 Q. [12:21:21] So you were hospitalised on -- for how long? Let's try and provide a
18 temporal scope.

19 A. [12:21:30] For one month.

20 Q. [12:21:37] Very well. So that's helpful to us.

21 It was after that month in hospital that you saw that list, was it?

22 A. [12:21:43] Yes, it was after that month that I saw that list and all of those who
23 deceased and those who were not deceased.

24 Q. [12:21:56] Very well. Thank you, Mr Witness, that helps us to clarify the
25 sequence of events.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 I have the same questions with regard to the other lists.

2 Could we please bring up tab 33.

3 I haven't provided you with a reference. CAR-OTP-2039-0353.

4 Can you see the document, Mr Witness?

5 A. [12:22:42] Yes, I can.

6 Q. [12:22:43] This was the document that we showed -- or the OTP indeed showed
7 to you at an earlier stage today, and we can see that it has not been drawn up with a
8 stamp of the Red Cross, like the other one. Can you tell us why there are no
9 indications from the Red Cross on this list?

10 A. [12:23:05] Well, this list was drawn up by the president of the Red Cross. His
11 writing says here that it was the local committee of the 7th arrondissement, in fact,
12 who drew up this list.

13 Q. [12:23:27] Very well. And do you know whether this list was drawn up before
14 or after the other list? If you know. If you don't, fine.

15 A. [12:23:40] Well, I can't confirm or deny whether this was done before or after.

16 Q. [12:23:53] Thank you, Mr Witness.

17 A. [12:23:55] Thank you very much.

18 Q. [12:23:56] I'm going to be putting the same question to you with regard to the
19 following list, which is tab 34 on our list of material. CAR-OTP-2039-0354.

20 Can you see this list, Mr Witness?

21 A. [12:24:23] Yes.

22 Q. [12:24:27] So we can see here, "13 April 2013", "CR-CA", so I imagine that that
23 must be the Red Cross in the Central African Republic?

24 A. [12:24:41] Yes.

25 Q. [12:24:42] And, to your knowledge, was this list drawn up by the same

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 individual as the other two?

2 A. [12:24:47] Yes. It's still the same individual.

3 Q. [12:25:00] Very well. And I'm going to be putting the question to you just in
4 case. Do you know whether this list was drawn up before or after the other two?

5 A. [12:25:10] No, there's no after. When things happened, that's when the list was
6 drawn up and that's when they got hold of the names.

7 Q. [12:25:52] Was it you who gave these lists to the Office of the Prosecutor; is that
8 correct?

9 A. [12:25:58] I was surprised by this list, because when I saw my house on that first
10 day I was in tears. So I don't know who. It was the people of the Red Cross who
11 gleaned all this information, through their research.

12 Q. [12:26:33] I do understand, Mr Witness. And I'm going to be putting my
13 question to you again.

14 These lists, did you have them on you when you met with the investigators of the
15 OTP of the ICC?

16 A. [12:26:50] I cannot tell you that I met with them because, indeed, I was surprised
17 here by this list. Whilst this list, I did have a copy on me that I did not bring out or
18 produce.

19 Q. [12:27:23] Very well. So just to understand you correctly, these lists you say
20 you saw in 2013, that you have a copy of them at home but that, subsequently, you
21 never saw them again until they were shown to you here. Do I understand what
22 you said?

23 A. [12:27:41] Yes.

24 (Counsel confers)

25 MR JACOBS: [12:28:10](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [12:28:11] Thank you, Mr Witness.

2 Now I have a question: You talked about the events of 13 April. Can you confirm
3 to me that on that day you did not see any of these victims or any of the incidents that
4 are mentioned in these lists, apart from yours, of course?

5 A. [12:28:35] Apart from yours?

6 Q. [12:28:37] Apart from the incident concerning you. All the other alleged
7 incidents in this list you did not see with your very own eyes?

8 A. [12:28:46] No.

9 Q. [12:29:01] And on that day, generally speaking, you did not see any incident
10 yourself?

11 A. [12:29:06] No incident, no.

12 MR JACOBS: [12:29:23](Interpretation) Madam President, if you could grant me a
13 minute, I'm just going to be selecting subject material, just to see whether I need to
14 come back on them or not.

15 Q. [12:29:54] In 2013, Mr Witness, you can confirm that meetings took place with
16 the president of the republic and the neighbourhood leaders during the year in order
17 to discuss the situation. Do you remember that, Mr Witness?

18 A. [12:30:11] Well, that meeting took place when I was still present -- well, that's a
19 question for me. That meeting you're talking about, did it take place in my presence
20 or in my absence, that's what I need to know.

21 Q. [12:30:27] Well, the idea is for you to tell us what you remember. So I'm going
22 to put the question to you more directly. Did you -- were you in attendance at any
23 meetings between Michel Djotodia and neighbourhood chiefs or mayors of
24 arrondissements?

25 A. [12:30:46] No.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [12:30:57] You yourself, did you participate in any demonstrations in support of
2 the government; is that the case?

3 A. [12:31:05] When?

4 Q. [12:31:10] Still in 2013, after Michel Djotodia came to power.

5 A. [12:31:20] I was ill. I was in bed.

6 Q. [12:31:50] I will help you, Mr Witness. That was after the arrival of
7 Mr Djotodia, but before your illness.

8 So I want to put up a document to jog your memory, Mr Witness. If that's fine by
9 you.

10 Court officer, please display tab 10 on our list of materials, CAR-OTP-2039-0330.

11 Can you see the photograph, Mr Witness?

12 A. [12:32:47] Yes, can I see it.

13 Q. [12:32:54] We see a banner: "7th arrondissement Bangui supports the 24 March
14 change". Can you see that?

15 A. [12:33:03] Yes, I see it. But during the change I was sick.

16 Q. [12:33:18] But, Mr Witness, you're the one who took this photo.

17 A. [12:33:23] I? No.

18 PRESIDING JUDGE SAMBA: [12:33:35] Mr Jacobs, maybe it would be helpful if
19 there is any paragraph in Mr Tagbale's statement where he, you know, he may have
20 said that he took this photo. It -- it would be helpful to, you know, just refreshing his
21 memory. And also in respect of the lists. I mean, look at paragraph 48 and maybe
22 help him refresh his memory to see, so that we have that on the record as to how the
23 OTP got the list. Thank you.

24 MR JACOBS: [12:34:23](Interpretation) I was getting there, Madam President, on the
25 photos. I was going to show him two more photographs and then read that

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 paragraph. That is with your leave, Madam.

2 So, court officer, tab 12, CAR-OTP-2039-0332, please. Could you display that.

3 Q. [12:35:00] Mr Witness, do you see that photograph?

4 A. [12:35:02] Yes, I can see it.

5 Q. [12:35:06] We see: "Movement of Central African students say yes to peace and
6 to the right to education"?

7 A. [12:35:14] Yes, yes, yes.

8 Q. [12:35:30] These two photographs, as the Presiding Judge has indicated -- well,
9 you state in your prior statement, tab 1 for English, tab 1.2 for French,
10 CAR-OTP-2122-3598. I will start at paragraph 33, page 3604 in the French version.
11 This is your statement, so that we can be clear.

12 You say that: "[A] few days after the arrival of the Seleka in Bangui, Djotodia and
13 his government asked the local Mayors and the people to come out in support of the
14 regime change by attending the city centre with our constituents. The relevant
15 photographs in my camera for this event are dated 30 March 2013 in the
16 metadata/properties, so I believe that this was the day of this event."

17 Now, paragraph 34, I move to paragraph 34:

18 "On that day there was a big march from all over Bangui, with the population
19 showing support to the new government with the hope that things will be better.

20 We attended PK0 with banners of support of the new government, as can be seen in
21 the photographs. President Djotodia was there on a stand and he addressed the
22 crowd. I was there and I took photographs of our march to support the new
23 government. The Investigators made digital copies of the six following photographs
24 (Annex 3)."

25 Now, I have read it all out to you, Mr Witness. Does that jog your memory?

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 A. [12:38:00] I can't see. Not at all. Not at all.

2 Q. [12:38:09] For me it's very clear.

3 And I therefore request submission of tabs 10 and 12, Madam President.

4 PRESIDING JUDGE SAMBA: [12:38:20] Does the witness have that document before
5 him, his statement? Can I confirm that? Is that what you means by "I can't see."

6 MR JACOBS: [12:38:34](Interpretation) In French, he simply said "absolutely not",
7 meaning that his memory wasn't jogged. And that's what I understood from his
8 answer.

9 PRESIDING JUDGE SAMBA: [12:38:49] Because what we have on the English
10 transcript is: "I can't see. Not at all. Not at all."
11 Can you put -- maybe put the question again in respect of paragraphs 33 and 34 as to
12 what Mr Tagbale said to the investigators.

13 Madam Court Officer, can you check his screen to see whether he has got the
14 statement before him.

15 MR CHOUDHRY: [12:39:17] Your Honours, I was just going to say, in light of the
16 witness's mode of testimony it might be of assistance if he was to be first given the
17 opportunity himself to read paragraphs 33 and 34 to himself and then my learned
18 friend to ask the questions.

19 PRESIDING JUDGE SAMBA: [12:39:32] Okay. That's fair.

20 Mr Witness, can you read from your screen paragraphs 33 and 34. That is your
21 statement that you gave to the investigators, just so you know. Thank you.

22 THE WITNESS: [12:39:52](Interpretation) Yes. I can read.

23 "A few days after the Seleka arrived in Bangui, Djotodia and his government asked
24 the local elected persons and the inhabitants to take a position in support of regime
25 change by gathering in the city centre with our voters. The relevant photographs of

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 this event were taken by my camera and are dated 30 March 2013 going by the
2 metadata. And I therefore believe that this is the date on which the events took
3 place.

4 On that day inhabitants of the entire city of Bangui participated in a major event in
5 the city and displayed their support for the new government while hoping that things
6 would get better. We went to PK0 with the banners to show our support to the new
7 government, as can be seen on the photographs President Djotodia was there on a
8 stand and addressed the crowd. I was there and I took photographs of our march to
9 support the new government. The Investigators made digital copies of the six
10 following photographs."

11 PRESIDING JUDGE SAMBA: [12:41:47] Thank you very much, Mr Witness.

12 Mr Jacobs, please put your question now to Mr Tagbale.

13 MR JACOBS: [12:41:59](Interpretation)

14 Q. [12:42:02] Mr Witness, now, I have read this excerpt out to you, you have read it
15 out yourself. Does this jog your memory about this event and the photographs that
16 you took?

17 A. [12:42:18] Well, to say that it has normally jogged my memory, no.

18 Q. [12:42:31] That is very clear, Mr Witness. Thank you.

19 Now, I don't know where we were with regard to the submissions, but I would like to
20 request for formal submission of tabs 10 and 12 of our list of materials.

21 Now, Mr Witness, I have a small question. On 5 December 2013, when the
22 Anti-Balaka arrived in Bangui, they committed exactions in your arrondissement, not
23 so?

24 A. [12:43:31] Yes.

25 Q. [12:43:44] Can you tell us a little more about the crimes and the exactions that

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 they committed in your arrondissement when they arrived?

2 A. [12:44:05] Well, only those who take down and note the crimes are in a position
3 to tell you. You see, I was at my home and I cannot say -- I cannot disclose these
4 things to you, except somebody has taken them down and then brought them up
5 and -- indicating that I said something, taken this down on a piece of paper.

6 Q. [12:44:37] Very well, Mr Witness, you are saying that you cannot talk about
7 what you did not see, so I'll move on to another question.

8 I will now ask you a few questions on your contacts with the investigators of the OTP.

9 And please just tell us what you remember, that's all we seek from you.

10 Do you remember when the investigators of the International Criminal Court
11 contacted you for the first time, the year, please?

12 A. [12:45:40] Oh, I don't remember the date. I don't remember.

13 Q. [12:45:51] Very well. I will suggest a date to you which might help us move
14 forward a little bit.

15 Tab 41 on our list of materials. This can be shown to the witness but not to the
16 public, to be on the side of caution. These are OTP screening notes.

17 CAR-OTP-2005-0274. Can we go to page 0275, please. Thank you.

18 This document mentions that you met the investigators of the OTP in person on 23
19 February 2015. Does that ring a bell or not at all?

20 A. [12:47:14] And what did I tell them?

21 Q. [12:47:27] Well, Mr Witness, I wasn't there, and I don't know. But I'm focusing
22 on the date alone. Does that date in February 2015 ring a bell or not at all?

23 A. [12:47:40] Well, you know, this was the day of the events. Many things -- well,
24 I was the mayor of the arrondissement and so many questions may have been put to
25 me, but I don't know which ones and I don't remember.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Q. [12:48:09] No problem at all.

2 I would like to request formal submission into evidence of this document and then
3 move on to something else.

4 PRESIDING JUDGE SAMBA: [12:48:19] Yes. Before you move on, Mr Witness, can
5 you speak a bit louder and speak into the microphone like I said to you when we
6 started so that the interpreters will get each word that you say. Thank you very
7 much for your understanding.

8 Mr Jacobs, please continue.

9 MR JACOBS: [12:48:52](Interpretation) Thank you, Madam President.

10 (Counsel confers)

11 MR JACOBS: [12:49:01](Interpretation)

12 Q. [12:49:03] Now, we have a date of February 2015, but in your prior statement
13 you mentioned 10 September 2016. That is about a year and a half later. I wanted
14 to find out from you whether you know why there is this gap of a year and a half
15 between your first meeting and the date in the prior statement?

16 PRESIDING JUDGE SAMBA: [12:49:31] I don't think that is a fair question to
17 Mr Tagbale, Mr Jacobs. That's the work of the Prosecution. Please put another
18 question. Thank you.

19 MR JACOBS: [12:49:48](Interpretation) Thank you, Madam President, but I was just
20 finding out if he had any information regarding that. But if he doesn't, I will
21 proceed.

22 Q. [12:50:00] Mr Witness, you showed a piece of identification when you met the
23 investigators of the OTP for the purposes of your prior statement; is that correct?
24 Did you show them a national identity card, a passport and identification paper?

25 A. [12:50:21] I don't remember.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

- 1 Q. [12:50:28] In your prior statement - tab 1 for the English version, 1.2 for the
2 French version - at page 3599, there is a passport number which should not be shown
3 to the public but can be shown to the witness.
4 It shows here passport number -- I will not read it for the public, but we can see under
5 the name of your father and mother, you see the number of a passport.
6 Did you provide that passport to the Prosecutor when you met them?
7 A. [12:51:12] Yes. Yes.
8 Q. [12:51:23] Did the Prosecutor make a copy of that document -- or the Prosecutor
9 did not make a copy of that document when you met them. Do you still have a copy
10 of that document because the Court does not have a copy of that document?
11 A. [12:51:42] Which document, please?
12 Q. [12:51:46] Your passport, Mr Witness. Would you be willing to provide your
13 passport so that a copy thereof can be made for the file, because we don't have a copy
14 of any identification papers for you.
15 A. [12:52:06] Okay, I will ask for my passport to be returned to me so that I can
16 make a copy thereof.
17 PRESIDING JUDGE SAMBA: [12:52:11] Well, Mr Jacobs, he has got to understand
18 that -- well, it is my understanding, based on the answer that Mr Tagbale just gave,
19 that he is talking about his current passport, whereas you're talking about, you know,
20 an old passport which number is on there. So you want to ask him whether he has
21 his expired passport, his old passport.
22 THE WITNESS: [12:52:42](Interpretation) Well, I don't know. I will show you what
23 I have and you'll see.
24 MR JACOBS: [12:52:51](Interpretation)
25 Q. [12:52:52] I will ask you a question after what the Presiding Judge has said.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 The passport that you have now, is it the same passport you had when you met the
2 investigators in 2016 or is it a new passport?

3 A. [12:53:07] I cannot answer you right now.

4 Q. [12:53:12] We will look at the date on the new passport and draw the necessary
5 conclusions, Madam President.

6 When you met with the investigators of the Office of the Prosecutor, did they give
7 you a telephone, for example, so that they could reach you? I'm not asking you for a
8 telephone number, I'm asking for a -- I'm talking about a telephone set, a mobile
9 telephone.

10 A. [12:54:08] *Pardon?*

11 Q. [12:54:09] I'll repeat my question. Did the investigators of the International
12 Criminal Court give you a telephone on which they could call you if necessary?

13 A. [12:54:19] No.

14 Q. [12:54:31] Very well. I have two topics which I could broach quickly so that we
15 finish off today, just for your attention.

16 Now, Mr Witness, do you know what Kota-Sewa is, the group Kota-Sewa?

17 A. [12:55:01] What?

18 Q. [12:55:02] A group known as Kota-Sewa, K-O-T-A-S-E-W-A, do you know that
19 group?

20 Madam Court Officer, could we submit -- oh, let's start by displaying document -- the
21 document at tab 45.1 on our list of materials? Could we display that document,
22 Madam Court Officer. It's CAR-D33-0014-1063.

23 Can you see the document, Mr Witness?

24 A. [12:55:59] Yes.

25 Q. [12:56:02] Here we see, created on 5 September 2015, a group known as

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Kota-Sewa, ready to serve the country, "*I kwé gui oko ita*".

2 And below, to the right, you see "president Kota-Sewa", "Balamo Bruno Anselm".

3 Could we please go to the last page of the document, which is 1066.

4 I'm sorry. Can we, first, display page 1064. I sort of jumped the gun there.

5 Here we see "Support Group Kota-Sewa" -- "Candidate Support Group Kota-Sewa",
6 and there's the composition of the bureau.

7 Now could we go to page 10, now please, 1066. And zoom in to the bottom part.

8 Please. Thank you, Madam Court Officer.

9 Mr Witness, to the bottom right you can see a signature under "Joseph Tagbale", and
10 then you see "President chief of *quartier* Mayor of the 7th arrondissement". Is that
11 you, Mr Witness?

12 A. [12:57:52] Yes, that is I. The *chef de quartier* signed first and then I also signed.

13 Q. [12:58:07] I have not understood you. Did you sign the document as well?

14 A. [12:58:11] I signed the document after the *chef de quartier* Narcisse had signed.

15 Q. [12:58:19] So, very well. I ask you the question again.

16 This signature is signed in relation to a group known as Kota-Sewa. Do you know
17 what this group is?

18 A. [12:58:34] Yes, he brought me a copy. That is why I signed.

19 Q. [12:58:45] But you do not know -- and I put this question to you for the last time
20 just to be clear. But you do not know what Kota-Sewa as a group represents, but
21 you went ahead and signed a document and you don't know what this group does?

22 A. [12:59:04] The group has already indicated what it does in the neighbourhood.

23 Q. [12:59:23] Very well.

24 And I have one last question, Madam President, and it's about the witness's telephone
25 numbers. Maybe we could briefly go into private session. I don't know whether

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Private Session)

ICC-01/14-01/21

1 we can address telephone numbers in public or not. I have no opinion on this,
2 Madam President.

3 PRESIDING JUDGE SAMBA: [12:59:39] Okay.

4 Madam Court Officer, let's go briefly into private session, please.

5 (Private session at 12.59 p.m.)

6 THE COURT OFFICER: [12:59:57] We are in private session, Madam President.

7 PRESIDING JUDGE SAMBA: [12:59:59] Thank you very much.

8 Mr Jacobs, your question, please.

9 MR JACOBS: [13:00:06](Interpretation) Yes, and I just realised that I forgot to
10 request the formal submission of the prior item, that's tab 45.1 please. So I am
11 requesting its formal submission please, that of tab 45.1.

12 Q. [13:00:25] Now, Mr Witness, I just want to confirm with you rapidly your
13 telephone numbers, and we're going to go very fast on this.

14 We have a report from the investigators of the OTP -- that's tab 40 on our list of
15 material, CAR-OTP-00000457, at page 3.

16 We have telephone numbers. I'm going to read them out to you and you're going to
17 tell me whether you were using them in 2013, yes or no. All right?

18 A. [13:01:02] Yes.

19 Q. [13:01:02] So the first number is (Redacted). Was that a
20 number that you were using in the year 2013, Mr Witness?

21 A. [13:01:32] Yes, I believe so. Even the second number belongs to me.

22 Q. [13:01:41] Very well. I'm going to say it for the record so that will be clear.
23 The second number that belongs to you is (Redacted).

24 A. [13:01:53] Mm.

25 Q. [13:01:54] We can see a third number here, (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Private Session)

ICC-01/14-01/21

1 A. [13:02:02] There's the (Redacted) that are no longer in operation.

2 Q. [13:02:16] Very well. So just to be clear for the record, you say that the number
3 (Redacted), you no longer use those numbers; is that correct?

4 A. [13:02:28] No.

5 Q. [13:02:37] Very well. Thank you very much, Mr Witness. Thank you for
6 giving us this information and for your cooperation and patience.

7 Madam President, that's my last question.

8 PRESIDING JUDGE SAMBA: [13:02:47] Thank you very much, Mr Jacobs. Well
9 appreciated.

10 Mr Prosecutor, do you have any question in re-examination, please?

11 MR CHOUDHRY: [13:02:57] Your Honour, I do.

12 Your Honour invited my learned friend to put paragraphs 48 and 49 to this witness.

13 What I propose to do is do the same exercise, simply to allow the witness to read it
14 and then ask him questions. And so if I could ask the court officer --

15 PRESIDING JUDGE SAMBA: [13:03:19] Yes, Mr Jacobs.

16 MR JACOBS: [13:03:21](Interpretation) Just for the record, I do understand what my
17 colleague is going to be undertaking, but I do formally object that this be in

18 re-examination. My learned colleague decided during his examination-in-chief not

19 to discuss the origins of the list with the witness as to when it was handed over, by

20 whom it was handed over. He had four hours in order to do so, he decided not to.

21 So, personally, we would like to object to the fact that he is actually correcting his

22 examination-in-chief during re-examination, whereas this was a subject that had been

23 broached in advance and he chose not to do the work, to not authenticate the lists

24 during his examination-in-chief.

25 PRESIDING JUDGE SAMBA: [13:04:09] Mr Choudhry.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Private Session)

ICC-01/14-01/21

1 MR CHOUDHRY: [13:04:12] Your Honours, in response to that, giving evidence is
2 not a memory test. This is a question that your Honour raised and requested that
3 my learned friend be put to the witness. That question wasn't put. In the interests
4 of fairness, I'm quite willing to allow my learned friend to read -- to allow the witness
5 to read paragraph 48, ask the witness whether that's correct, and read paragraph 49
6 and ask whether that's correct. This is a -- the purpose of evidence is to seek the
7 truth. I don't seek to do anything that's unfair that your Honour hasn't instructed.

8 PRESIDING JUDGE SAMBA: [13:04:51] Yes, indeed, the purpose of trials is to seek
9 the truth. But, you see, we all follow procedures.

10 In any event, do you have any other question, apart from paragraphs 48 and 49, that
11 you wanted to ask this witness?

12 MR CHOUDHRY: [13:05:04] No. No, your Honour.

13 PRESIDING JUDGE SAMBA: [13:05:06] Thank you very much. I'll uphold the
14 objection.

15 Now, Mr Witness, thank you very much for your testimony.

16 I want to ask you a question. You have given testimony here, and before now, in
17 2016, you explained certain things that happened in the Central African Republic to
18 the investigators of the International Criminal Court. In your testimony to the
19 investigators you -- according to your statement, you gave them certain pieces of
20 evidence, including photos.

21 Now, Madam Court Officer, can you put up the witness's statement.

22 Thank you very much.

23 Now, Mr Witness, can you read paragraphs 48 and 49 please.

24 THE WITNESS: [13:06:28](Interpretation) Can I read it?

25 "At the time, (Redacted), the local representative of the Red Cross whom

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Private Session)

ICC-01/14-01/21

1 I mentioned above, would meet with me in order to draw up the list of victims,
2 because the human rights defenders whose names I no longer recall and the
3 organisations were requesting information from us.
4 [...] I brought a number -- to the OTP interview several lists of the 7th Arrondissement
5 victims of violence. Most of them were given to me by -- were given to me by
6 (Redacted). The relevant Chefs de Quartiers may be able to help the OTP in
7 tracing the telephone numbers of these victims or of their family members. The
8 relevant quartiers are noted in lists. The OTP Investigators made paper copies of
9 these documents and they consist of the following."

10 PRESIDING JUDGE SAMBA: [13:07:44] Thank you. Thank you very much,
11 Mr Witness.

12 So those lists that you referred to in those paragraphs, did you give them to the
13 investigators when you spoke to them in 2016?

14 THE WITNESS: [13:08:13](Interpretation) No.

15 PRESIDING JUDGE SAMBA: [13:08:15] Thank you very much.

16 Now, can we go back into open session please.

17 Do you have any questions?

18 Can we go into open session, Madam Court Officer.

19 (Open session at 1.08 p.m.)

20 THE COURT OFFICER: [13:08:42] We are back to open session, Madam President.

21 PRESIDING JUDGE SAMBA: [13:08:46] Thank you very much.

22 Do you have any question, Mr Jacobs, after our question from the Bench?

23 MR JACOBS: [13:08:56](Interpretation) No, Madam President, I do not have any
24 additional questions. Thank you.

25 PRESIDING JUDGE SAMBA: [13:09:00] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-0312

(Open Session)

ICC-01/14-01/21

1 Now, Mr Witness, on behalf of the Chamber, we wish to thank you very much for
2 your cooperation with the Court in helping us solicit evidence as to what happened in
3 the Central African Republic during the period concerned.

4 We wish you best of luck in your future endeavours and we really do wish you a safe
5 flight back home.

6 (The witness is excused)

7 PRESIDING JUDGE SAMBA: [13:09:31] So, I note that our next witness for the
8 Prosecution will be P-1264. And we're supposed to get that witness's testimony
9 tomorrow, or start his testimony tomorrow.

10 Madam Prosecutor.

11 MS MAKWAIA: [13:09:56] Thank you, your Honours. The witness was prepared
12 yesterday, so I see no reason why she can't start tomorrow.

13 PRESIDING JUDGE SAMBA: [13:10:06] Thank you very much for that confirmation.

14 And I hope you liaise with your colleague on the other side of the Bar.

15 And I rise the Court and ask that we meet again tomorrow here, at 9.30, please.

16 Thank you.

17 THE COURT USHER: [13:10:20] All rise.

18 (The hearing ends in open session at 1.10 p.m.)