

Trial Hearing
WITNESS: CAR-OTP-P-2563

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera,
6 Judge Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
7 Trial Hearing - Courtroom 2
8 Wednesday, 18 September 2024
9 (The hearing starts in open session at 9.40 a.m.)
10 THE COURT USHER: [9:40:42] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:41:12] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:41:17] Good morning, Madam President.
16 Your Honours.
17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
19 And we are in open session.
20 PRESIDING JUDGE SAMBA: [9:41:30] Thank you very much.
21 Can I have representation, starting with the Prosecution.
22 MS MAKWAIA: [9:41:36] Good morning, your Honours, Madam President.
23 For the Office of the Prosecutor this morning, myself, Holo Makwaia, senior trial
24 lawyer; Kamran Choudhry, Thomas Bifwoli, Marie-Jeanne Sardachti, Sanyu Ndagire
25 and Anusha Rawoah. Thank you.

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- 1 PRESIDING JUDGE SAMBA: [9:41:53] Thank you very much, Ms Makwaia.
2 Ms Pellet for the victims.
- 3 MS PELLET: [9:41:58](Interpretation) Thank you, Madam President. The victims
4 are represented by Tars Van Litsenborgh and myself, Sarah Pellet, counsel in
5 the Office of Public Counsel for Victims.
- 6 PRESIDING JUDGE SAMBA: [9:42:12] Thank you, Ms Pellet.
7 Ms Naouri for the Defence, please.
- 8 MS NAOURI: [9:42:17](Interpretation) Thank you, Madam President. Good
9 morning. To my right, Ms Banet; to my left, Maître Jacobs; and myself,
10 Jennifer Naouri, lead counsel for Mr Said.
- 11 PRESIDING JUDGE SAMBA: [9:42:40] Thank you, Ms Naouri.
12 Rule 74 counsel, please.
- 13 MS BWIZA: [9:42:44] Good morning, your Honour. My name is Dignité Bwiza and
14 I'm the legal adviser of the witness.
- 15 PRESIDING JUDGE SAMBA: [9:42:49] Thank you very much, counsel.
16 And for the record, I do take note that Mr Said is in court with us.
17 A very good morning to you, Mr Said. I hope you rested well.
- 18 MR SAID: [9:43:00](Interpretation) Yes, good morning, Madam President.
- 19 PRESIDING JUDGE SAMBA: [9:43:07] Good morning.
20 The Prosecution is calling P-2563 as its 50th witness. It is the Chamber's
21 understanding that this witness will be testifying in Sango. I remind everyone,
22 therefore, of the importance of the need to speak slowly and to observe
23 the five-second rule between questions and answers.
24 Before commencing, the Chamber notes briefly that protective measures are
25 confirmed for this witness by virtue of decision numbered 481 and that the VWU

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1 recommends certain special measures, including placing a screen to shield the view of
2 the witness, that he is able to see -- the accused is able to see the witness on the screen
3 and the accused enters the courtroom after the witness has entered -- the accused
4 enters the courtroom after the witness has entered and leaves before the witness
5 leaves.

6 The VWU also recommends observing the witness closely in case of signs of
7 discomfort, nervousness, distraction or too emotional reactions. A break is allowed
8 or the witness should be asked if he needs a break.

9 The Chamber approves these measures but finds that the accused may enter
10 the courtroom before the witness has entered, given that the screen will provide
11 sufficient shielding.

12 We will now discuss the issue of Rule 74 assurances. The Chamber notes that
13 Ms Bwiza submitted an expert report, filing numbered 858, in which she requested
14 that the Chamber order that the material used with P-2563 not be disclosed to
15 the public or to any state, including the Central African Republic; to grant P-2563
16 assurances under Rule 74(3)(c); to grant in-court protective measures for P-2563; and
17 to allow P-2563 to give his entire testimony in private session to avoid his
18 identification.

19 Can I ask the Prosecution to make submissions, if any, on counsel's request.

20 Let me remind you that we are in open session.

21 MS MAKWAIA: [9:45:42] Thank you, Madam President.

22 With respect to the request of having the entirety of the testimony of the witness in
23 private session, I think we'll take it under advisement and there is some part that I can
24 actually lead in public. But where the need arises, as usual, we will have in private
25 session.

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1 I have no further observations on the other matters submitted to the Court.

2 PRESIDING JUDGE SAMBA: [9:46:08] Thank you very much, Ms Makwaia.

3 Ms Naouri or the Defence, any other observations?

4 MS NAOURI: [9:46:13](Interpretation) Thank you, Madam President. If I

5 understand well, it is an *ex parte*, so we do not have the details of the merits or

6 reasoning of the application *prima facie*. Given the summary you have given, I join

7 the Prosecution to say that there is no reason to refuse the protection measures.

8 The testimony has to be done in public to the extent possible, but if there are

9 possibilities of having parts of the testimony in public session, then we will do that,

10 but we will go into private session whenever necessary.

11 PRESIDING JUDGE SAMBA: [9:47:12] Thank you very much for your observation,

12 Ms Naouri.

13 I render the decision on the requested assurances in accordance with Rule 74 of

14 the Rules of Procedure and Evidence. Mindful of the factors specified in Rule 74(5)

15 of the Rules, in particular the content of P-2563's anticipated testimony, the Chamber

16 agrees that P-2563 shall be provided with assurances pursuant to Rule 74 of the Rules

17 in order to enable the witness to testify without fear of the consequences of

18 self-incrimination. The parties are ordered to be mindful during their questioning of

19 P-2563 to the extent that a line of questioning raises issues of self-incrimination.

20 The Chamber does not consider it necessary to conduct the entirety of P-2563's

21 examination in private session, as P-2563 has already been granted protective

22 measures pursuant to decision numbered 481 for the purpose of protecting his

23 identity. Nonetheless, the Chamber orders the parties to request the use of private

24 sessions, as necessary.

25 The Chamber will explain the assurances and their limits to the witness when he is

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1 brought in.

2 This concludes the Chamber's ruling.

3 Can the court officer please bring the witness into the courtroom.

4 (The witness enters the courtroom)

5 PRESIDING JUDGE SAMBA: [9:50:38] A very good morning to you, Mr Witness.

6 Can you hear me?

7 WITNESS: CAR-OTP-P-2563

8 (The witness speaks Sango)

9 THE WITNESS: [9:50:47](Interpretation) Good morning, Madam President. I can
10 hear you well.

11 PRESIDING JUDGE SAMBA: [9:50:56] Mr Witness, you're going to testify before
12 the International Criminal Court. On behalf of this Chamber I welcome you to
13 the courtroom.

14 THE WITNESS: [9:51:16](No interpretation)

15 PRESIDING JUDGE SAMBA: [9:51:17] You should have in front of you, Mr Witness,
16 the solemn undertaking which every witness who appears before this Court must
17 agree to. Can I ask that you read that out loud for us, please.

18 THE WITNESS: [9:51:44](Interpretation) I solemnly declare that I shall speak
19 the truth, the whole truth and nothing but the truth.

20 PRESIDING JUDGE SAMBA: [9:51:51] Thank you very much, Mr Witness.
21 Now, do you understand and agree to what you just read out?

22 THE WITNESS: [9:52:07](Interpretation) Yes, I have fully understood,
23 Madam President, and I accept.

24 PRESIDING JUDGE SAMBA: [9:52:14] Good.

25 Now, Mr Witness, let me explain to you the protective measures that we have put in

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1 place for the duration of your testimony.

2 We have in place for you the use of voice and face distortion for the duration of your

3 testimony. This means that no one outside the courtroom can see your face or hear

4 your voice during the testimony.

5 We also have in place for you the use of pseudonym. In accordance with that, we

6 will all refer to you only as "Mr Witness" so that no one outside this courtroom or in

7 the public knows your name.

8 When you answer questions that will not give away who you are, we will do so in

9 open session. Now, this means that people outside the courtroom in the public will

10 hear what is said in the courtroom. But when you are asked to describe anything

11 that relates specifically to you, or you are asked to mention facts that might reveal

12 your identity, we will do so in private session.

13 Mr Witness, you have been assigned a lawyer to provide you with legal advice about

14 possible incrimination. Now, your lawyer has requested that the Chamber grants

15 you assurances with respect to self-incrimination and the Chamber has decided to

16 grant you such assurances. This means that the Chamber assures you that if you are

17 asked questions where your answers may incriminate you, then these answers will

18 not be used against you in any subsequent proceedings before this Court. And those

19 questions and answers will be kept confidential.

20 Practically speaking, if any question is asked that could lead to your

21 self-incrimination, we'll hear you -- your answer in private session.

22 Now, with that being said, the assurances that the Chamber has granted you,

23 Mr Witness, do not mean that you are allowed to lie to the Chamber when giving

24 your answers, because you may be prosecuted for giving false or incomplete

25 testimony. You are under an oath to tell the truth to this Court and nothing but

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1 the truth.

2 Do you understand what I have just said, Mr Witness?

3 THE WITNESS: [9:55:47](Interpretation) Yes, Madam President, I fully understood.

4 PRESIDING JUDGE SAMBA: [9:55:52] Good.

5 I have a few practical matters you should have in mind when giving your testimony.

6 Everything we say here is written down and interpreted. It is therefore important to
7 speak clearly and at a slow pace.

8 Speak into the microphone before you and only start speaking when the person

9 asking you the question has finished. To allow for the interpretation, we all have to

10 wait a few seconds before we speak.

11 If you have any questions yourself, or if you need a break, please raise your hand so

12 we know that you want to say something to us. We understand, Mr Witness, that

13 you had an unfortunate situation this morning. So should you need any break for

14 medication, please let us know. Just do that by a show of hand.

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

16 THE WITNESS: [9:57:16](Interpretation) Yes, Madam President, I fully understand.

17 PRESIDING JUDGE SAMBA: [9:57:22] Thank you very much.

18 I'm going to ask that you speak close to the mic so that the interpreters can hear each

19 and every word that you say. Come closer to the mic, yes.

20 Yes, Madam, counsel.

21 MS BWIZA: [9:57:44] Yes, your Honour. For the purpose of clarity, I would like

22 to -- I have read the transcript, but it doesn't appear clearly whether the material used

23 with the witness will not be disclosed to any state and I would like that clarification if

24 it's possible. Thank you.

25 PRESIDING JUDGE SAMBA: [9:58:00] I think in the Rule 74 assurances I spoke on

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1 issues of confidentiality as to all that has happened here and gave him the assurances
2 against self-incrimination and things like that, and that he won't be prosecuted for
3 anything said here by this Court and everything will be kept confidential. I think
4 that should allay your fears.

5 Mr Witness, I'm going to invite the Prosecution to put questions to you.

6 Madam Prosecutor, your witness, please.

7 MS MAKWAIA: [9:58:35] Thank you, your Honour.

8 I'll start in a brief closed session so I can identify the witness, your Honour.

9 PRESIDING JUDGE SAMBA: [9:58:54] Maybe, Madam Prosecutor, before you do
10 that, if you may be seated.

11 We note that the Defence notified the Chamber and the Prosecution that an item on
12 the Prosecution's list of materials for this witness, CAR-OTP-2053-0485, is not on its
13 list of evidence. The Defence is of the view that the Prosecution -- or was of the view
14 at least yesterday that the Prosecution should not be able to use these lists because it's
15 not on the list of evidence but we note that the OTP's -- the OTP submitted this
16 morning that it is in fact on the list of evidence. So just to clarify the record. That's
17 the position of the Chamber, that the material is on the list of evidence, as you would
18 have noted, because the Prosecution did in fact inform or copy the Defence in its
19 submission this morning.

20 Madam Prosecutor, you may start with your questions, please.

21 MS MAKWAIA: [9:59:57] I'm obliged, your Honours.

22 Are we in closed session already?

23 PRESIDING JUDGE SAMBA: [10:00:04] We are not, because you have not requested
24 one.

25 MS MAKWAIA: [10:00:08] I'll request again.

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1 PRESIDING JUDGE SAMBA: [10:00:10] Okay.

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

3 (Private session at 10.00 a.m.)

4 THE COURT OFFICER: [10:00:28] We are in private session, Madam President,
5 your Honours.

6 PRESIDING JUDGE SAMBA: [10:00:31] Okay. I see that you really did request in
7 fact for us to go into private session.

8 Thank you, you may continue, Ms Makwaia.

9 MS MAKWAIA: [10:00:39] Thank you, your Honours.

10 QUESTIONED BY MS MAKWAIA:

11 Q. [10:00:47] Good morning, Mr Witness.

12 A. [10:00:50] Good morning.

13 Q. [10:00:52] We have met previously during the course of your preparation to give
14 evidence to this Court, but I shall introduce myself again. My name is

15 Holo Makwaia and I shall be leading your evidence before the Chamber today.

16 So, Mr Witness, can you please state your name in full for the Court. What are your
17 names?

18 A. [10:02:15] (Redacted)

19 (Redacted)

20 Q. [10:02:27] And do you have -- or did you have any nicknames, Witness?

21 A. [10:02:44] (Redacted)

22 (Redacted)

23 Q. [10:03:01] What's your nationality?

24 A. [10:03:11] (Redacted)

25 Q. [10:03:19] Which year were you born?

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- 1 A. [10:03:30] (Redacted)
- 2 (Redacted)
- 3 Q. [10:03:49] What's your religion?
- 4 A. [10:04:01] (Redacted)
- 5 Q. [10:04:09] And your ethnicity?
- 6 A. [10:04:20] (Redacted)
- 7 Q. [10:04:25] What was your occupation in 2013, starting January, Mr Witness?
- 8 A. [10:04:46] In January 2013?
- 9 Q. [10:04:50] Yes.
- 10 A. [10:05:01] I was part of the Seleka.
- 11 Q. [10:05:08] And what is the Seleka?
- 12 A. [10:05:20] The Seleka is a rebellion. An armed group that came together in
- 13 order to seize power.
- 14 Q. [10:05:40] Seize power from whom?
- 15 A. [10:05:55] To seize power from François Bozizé.
- 16 Q. [10:06:11] And why did you say it was an armed group, Mr Witness?
- 17 A. [10:06:30] I said that in that way because the Seleka is a coalition of several
- 18 smaller subgroups, armed groups, that formed a coalition called the Seleka. So
- 19 the Seleka was made up of a number of subgroups, armed subgroups.
- 20 Q. [10:06:55] Are you in a position to tell the Court which are these subgroups?
- 21 A. [10:07:17] There were groups such as the CPJP, the UFDR, the APRD, and other
- 22 subgroups made up of armed men. I don't know the names of all these groups, but
- 23 these groups formed a coalition and, ultimately, they were called the Seleka.
- 24 Q. [10:07:58] Did the Seleka group have a leader in 2013?
- 25 A. [10:08:16] Yes, there was a leader, a leader of the Seleka coalition.

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1 Q. [10:08:23] And who was this?

2 A. [10:08:34] Michel Djotodia.

3 Q. [10:08:41] Since your evidence has been it was an armed group, Witness, can
4 you tell the Court if there were any commanders to the group.

5 A. [10:09:05] Yes, there were several commanders. Several commanders.

6 Q. [10:09:16] Can you tell the Court the names of those commanders that you
7 remember.

8 A. [10:09:35] The ones I remember are as follows: General Nouradine Adam,
9 General Mahamat Hamat, Colonel Mahamat Said, Colonel Mahamat Saleh, General
10 Mahamat Sallet, General Oumar Sodiam. And several others, other leaders. But
11 I don't know what their names were. They were in charge of other groups.

12 Q. [10:10:34] Did this armed group that you've told the Court about, Witness, what
13 weapons, if any, did they possess?

14 MS NAOURI: [10:10:47](Interpretation) I beg your pardon, Madam President.

15 I'm sorry, I beg your pardon. I think that we need to specify which armed group
16 we're talking about because the witness said, and I quote, page 12, line -- line 2 of
17 the French transcript, he said: "I put it this way because the Seleka was a coalition of
18 different armed subgroups that came together into a coalition. The Seleka was made
19 up of several subgroups."

20 So I think it would be a good thing to clarify whether we are talking -- well, if we're
21 talking about subgroups we need to know who the leaders were rather than a group
22 in general.

23 So I think it's important to clear this point up because otherwise one has
24 the impression that the subgroups no longer existed and that -- that there was only
25 a single group, whereas the group was defined by the existence of subgroups.

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1 PRESIDING JUDGE SAMBA: [10:12:01] Madam Prosecutor, please.

2 MS MAKWAIA: [10:12:06]

3 Q. [10:12:06] Mr Witness, these subgroups that you've described formed part of
4 the Seleka coalition, did they join hands in their quest to force Bozizé - you told
5 the Court François Bozizé - did they join hands?

6 A. [10:12:45] Yes, that's right.

7 Q. [10:12:49] So now I'm going to put my question again to you. Do you know
8 what type of weapons, if any, the Seleka possessed?

9 A. [10:13:16] The Seleka had various kinds of weapons made available to them.
10 For example, 12.7s, AK-47s, rocket launchers, RPG7s, 14.7 weapons, grenades,
11 automatic rifles. Several kinds of weapons. I don't know what the -- the brand
12 names of those weapons were, I can't tell you that here.

13 PRESIDING JUDGE SAMBA: [10:14:07] Do you still want us to be in private session,
14 counsel?

15 MS MAKWAIA: [10:14:13] Just for a question or two more, your Honours, and then,
16 with your leave, we can go to public session.

17 Q. [10:14:22] When you were part of the Seleka, Witness, did you have any rank?

18 A. [10:14:42] (Redacted)

19 Q. [10:14:54] At the time you were a part of the Seleka, were you issued with an
20 identity card, Witness?

21 A. [10:15:15] Yes. I had an identity card that had been provided to me when I was
22 part of the Seleka.

23 Q. [10:15:29] Did you have a force number? *A numéro d'immatriculation?*

24 A. [10:15:43] Yes. During recruitment I was granted a military number, a force
25 number.

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- 1 Q. [10:15:57] Do you remember this force number?
- 2 A. [10:16:10] No, I no longer recall. I've forgotten.
- 3 Q. [10:16:18] Where were you recruited?
- 4 A. [10:16:33] I was recruited (Redacted).
- 5 Q. [10:16:40] Who recruited you?
- 6 A. [10:16:51] I was recruited by (Redacted).
- 7 Q. [10:17:00] Who did you report to?
- 8 A. [10:17:18] (Redacted)
- 9 (Redacted)
- 10 Q. [10:17:40] Can you give an approximate number, if there were other members
- 11 under the command of (Redacted)?
- 12 A. [10:18:15] I don't know the exact name --
- 13 THE INTERPRETER: [10:18:17] Correction: The right number.
- 14 THE WITNESS: [10:18:19](Interpretation) (Redacted)
- 15 MS MAKWAIA: [10:18:36]
- 16 Q. Thank you, Witness.
- 17 Your Honours, can I be assisted by the court officer by showing the witness
- 18 the document at tab 38 of our list of evidence -- material for this witness.
- 19 CAR-OTP-2114-0321.
- 20 MS NAOURI: [10:18:57](Interpretation) We were talking about (Redacted) and
- 21 the -- this item has nothing to do with the temporal scope or the geographical area.
- 22 So there is no foundation for showing this item. I think it is necessary to establish
- 23 the conditions under which this item was obtained before it is shown to the witness.
- 24 I think it's quite normal to show the item to the witness but I think, first of all, we
- 25 need to set the foundation.

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1 We were talking about (Redacted), early 2013, the questions had to do with where he
2 was in January 2013. So at this stage there's no foundation to show the document to
3 the witness and I believe questions must be put to the witness that would make it
4 possible to establish a proper foundation.

5 PRESIDING JUDGE SAMBA: [10:20:01] Yes, Madam Prosecutor. I'm also
6 interested in knowing when this witness was recruited (Redacted), if you may.

7 MS MAKWAIA: [10:20:14] I can put that answer and then I'll respond to
8 the objection, your Honour.

9 Q. [10:20:19] Mr Witness, you heard Madam President, the Presiding Judge's
10 question, can you please tell the Court when was it (Redacted) recruited you.

11 A. [10:20:47] (Redacted) -- I don't
12 remember the exact date. All I know is that he recruited me (Redacted).

13 PRESIDING JUDGE SAMBA: [10:21:10] Sorry, Madam Prosecutor.
14 Was that before 2013? Was your recruitment before 2013 or was it in 2013?

15 THE WITNESS: [10:21:43](Interpretation) I was recruited in 2013. I was recruited
16 (Redacted).

17 PRESIDING JUDGE SAMBA: [10:22:01] Thank you very much, Mr Witness.
18 Yes, Madam Prosecutor, can you respond to counsel's objection, please.

19 MS MAKWAIA: [10:22:08] I have established foundation with respect to this
20 witness being a member of the Seleka. I have established foundation that he was
21 subsequently issued an identity card by the Seleka, your Honours. Now that I
22 previously asked about (Redacted) and I'm going to move into the identification is
23 because I choose how I direct my examination-in-chief, your Honours. So
24 foundation is before the Chamber, witness is a member of the Seleka, witness has
25 been issued an identity card by the Seleka.

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1 PRESIDING JUDGE SAMBA: [10:22:42] Carry on, counsel.

2 MS MAKWAIA: [10:22:48] I had requested, your Honours, for the document at
3 tab 38 to be shown to the witness.

4 Q. [10:23:07] Mr Witness, you have a document before you. Can you see it?

5 A. [10:23:19] Yes, I see it.

6 Q. [10:23:22] Can you tell the Court what is it?

7 A. [10:23:33] This document that I see here is -- is an identity card, a Seleka identity
8 card.

9 Q. [10:23:47] And who is it issued to?

10 A. [10:24:04] The ID card from the Seleka was issued -- well, the cards were issued
11 to all Seleka elements, all Seleka soldiers.

12 Q. [10:24:19] This particular one, can you confirm, Mr Witness, whose name is it?

13 A. [10:24:37] This card belongs to me, (Redacted), that's my name on this identity
14 card.

15 Q. [10:24:49] On the card we can see (Redacted). What does that mean?

16 A. [10:25:06] (Redacted)

17 (Redacted)

18 Q. [10:25:26] We can also see that it was issued -- can you tell the Court the date it
19 was issued and where.

20 A. [10:25:52] The card was issued on the date that we see on the card, (Redacted)
21 (Redacted)

22 Q. [10:26:09] And we see the name at the bottom just after this date. Can you read
23 that out for the record, please, and tell the Court why his name appears on
24 the identity card.

25 A. [10:26:34] The name at the bottom is the name of General Nouradine Adam.

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1 His name at the bottom of this card, well, the name is there because he is the one who
2 signed the card. This card that was issued to us, it was necessary for him to sign
3 the cards, that's why.

4 Q. [10:27:07] Thank you, Witness.

5 I would like to formally tender this as a Prosecution exhibit, your Honours.

6 Mr Witness, we see that this card was issued in Bangui and previously you told us
7 you were at (Redacted). So now can you tell the Court how you left (Redacted) and
8 ended up in Bangui. And I will assist you by putting questions to you, all right?

9 A. [10:28:01] To leave (Redacted) and get to Bangui, we had to deal with a number
10 of situations, that is to say fighting, before we got to Bangui.

11 Q. [10:28:20] Okay. So from (Redacted), where did you go before you reached Bangui?

12 A. [10:28:41] We left (Redacted) and we got to Bambari. After Bambari, we
13 moved forward and immediately we got to Sibut, and then after that Damara. Once
14 we got to Damara, we went back to Sibut, and then after that we moved forward to
15 enter the city of Bangui.

16 Q. [10:29:16] Okay. So I'll stop you there for now.

17 Under whose command did you go to Bambari?

18 A. [10:29:39] (Redacted)

19 (Redacted)

20 Q. [10:30:09] How many men at this point in time were under his command? You
21 can give an approximate, Witness.

22 A. [10:30:32] Under (Redacted), there were about 100 men, one hundred and
23 something men. There were many people.

24 Q. [10:30:53] Were there other groups led by other commanders?

25 A. [10:31:15] All those groups had formed the Seleka coalition, but there were

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1 various groups and various commanders and, as I have said, there were colonels,
2 there were commanders, there were various leaders.

3 Q. [10:31:42] So, from Bambari, where did you go?

4 PRESIDING JUDGE SAMBA: [10:31:48] His testimony is that, from (Redacted) they
5 went to Bambari, then Sibut, then Damara, back to Sibut, then Bangui.

6 MS MAKWAIA: [10:31:58] Thank you, Madam President. I'm guided.

7 Q. [10:32:00] When you were at Sibut, when you reached Sibut, for how long did
8 you stay there?

9 A. [10:32:21] When we were at Sibut, we advanced directly to Bangui. We were
10 stopped at Damara where there was the red line, and after that there were
11 negotiations. Then we turned back and returned to Sibut. We spent a few days
12 there. We spent some time at Sibut, but I no longer remember precisely how long
13 we spent in Sibut.

14 PRESIDING JUDGE SAMBA: [10:33:00] Sorry, Madam Prosecutor, before you put
15 your next question.

16 Mr Witness, I'm going to ask again that you please speak -- I can see that you are
17 really doing your best, but speak closer to the microphone so that the interpreters can
18 hear what you are saying. You see, as I told you when we started, everything we say
19 here is written down and interpreted. So please speak a bit closer to the microphone
20 and a bit maybe louder. Thank you very much for your cooperation.

21 Yes, Ms Makwaia, you can continue, please.

22 MS MAKWAIA: [10:33:35] Thank you, Madam President.

23 Q. [10:33:40] So, when at Sibut, what did the Seleka, the various Seleka groups do
24 before you went to Bangui?

25 A. [10:34:02] When we were at Sibut there were various sections. After

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1 the agreement, we had returned to Sibut. We had been promised negotiations and
2 that peace would be restored. There were several elements under the authority of
3 the various chiefs and commanders.

4 Q. [10:34:39] With who were the negotiations being carried out?

5 A. [10:34:58] As I have just said, the leader of the Seleka was in Bangui.

6 The leader was called Michel Djotodia. He was the one leading those negotiations.

7 Q. [10:35:22] So you said earlier you then went to Bangui. Can you tell the Court
8 who made the decision that the Seleka were to go to Bangui.

9 A. [10:35:51] As I have told you, before entering Bangui city, his excellency
10 Michel Djotodia was there. He had taken part in a meeting with the leaders, with
11 the chiefs, and after that meeting we advanced to Bangui. So I can tell you that
12 the orders came from him.

13 Q. [10:36:27] Where did this meeting take place, do you know?

14 A. [10:36:44] The meeting took place at the Sibut junior seminary. It is a school
15 called *petit séminaire* or junior seminary. That is where the meeting took place.

16 Q. [10:37:10] Who attended this meeting, Witness?

17 A. [10:37:24] There were many Seleka leaders, as I have just told you. I was
18 accompanying my chief, (Redacted). He took part in that meeting. I saw
19 General Arda*, General Namboro, I also saw General Mahamat Saleh* Djouma. I
20 saw many Seleka leaders. All those people attended that meeting.

21 Q. [10:38:10] Did you subsequently find out what was discussed during
22 the meeting?

23 A. [10:38:35] During that meeting they were discreet. And, as I have just told you,
24 our leaders had entered into a room with his excellency. Those of us elements had
25 stayed outside. They were very discreet and we were unable to hear what was being

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1 said in the course of the meeting.

2 Q. [10:39:12] How was the information transmitted to you and other Selekas that
3 you had to go to Bangui?

4 A. [10:39:35] As I have told you, after that meeting we returned to our bases and
5 there were no leakages relating to what had happened in that meeting. Eventually
6 we heard that there might be a mission that we had to prepare and then go on
7 a mission. And subsequently we left on that mission.

8 Q. [10:40:12] From who did you hear that you had to prepare for the mission?

9 A. [10:40:31] As I have said, I was very close to (Redacted). And he was the one,
10 he was informing me about what was happening. * He told me that I had to get ready
11 because there was a mission. That is how I got ready for that mission. And during
12 the assembly he also told the troops that there was a mission about to start and that
13 mission was eventually carried out.

14 Q. [10:41:18] So how did the troops prepare for the mission?

15 A. [10:41:36] As I have always said, there were several sections and those sections
16 were geographically located at various locations. Some were with their leaders in
17 the various bases and the bases occupied the entire village or town. So I do not
18 know the details of what the various chiefs told their own specific elements.

19 Q. [10:42:21] Dealing with your own particular group, how did you carry out
20 the mission?

21 THE INTERPRETER: [10:42:42] The witness added that there was a group at the
22 prefectoral school.

23 THE WITNESS: [10:42:52](Interpretation) Now, regarding my group, we passed
24 through Damara, then we arrived at PK55, before later on arriving at PK12.

25 MS MAKWAIA: [10:43:10]

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1 Q. [10:43:11] What happened -- what happened, if anything, at PK55, Mr Witness?

2 A. [10:43:46] At PK55, there was some very violent fighting. Very brutal and
3 violent fighting. We lost many men.

4 Q. [10:44:29] Do you need a moment, Witness?

5 A. [10:44:46] Yes, I would like to take a brief rest.

6 PRESIDING JUDGE SAMBA: [10:45:00] You can also have some water, Mr Witness,
7 and just calm down. Would you want some water? You have water on your right.
8 Yes, Mr Witness? Do you want to say something?

9 THE WITNESS: [10:45:45](Interpretation) Yes, I would like to take leave for
10 a bathroom break for a brief moment, Madam President.

11 PRESIDING JUDGE SAMBA: [10:46:05] Mr Court Officer, can you help the witness
12 out, please. We'll wait for you, Mr Witness, and please calm down.

13 (The witness exits the courtroom)

14 (Pause in proceedings)

15 PRESIDING JUDGE SAMBA: [10:51:13] Now I'm informed by the VWU that we'll
16 need at least a 10-minute break, so I'm going to rise the Court and ask that we come
17 for 11.20 instead.

18 Thank you very much.

19 THE COURT USHER: [10:51:29] All rise.

20 (Recess taken at 10.51 a.m.)

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

22 THE COURT USHER: [11:32:33] All rise.

23 Please be seated.

24 PRESIDING JUDGE SAMBA: [11:33:21] Good morning again, everyone.

25 So we'll continue with the questions in chief to this witness.

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1 We're in open session, Madam Prosecutor. Please continue with your questions.

2 MS MAKWAIA: [11:33:38] Thank you, Madam President, your Honours.

3 I'll try and carry out this series of questions in the public session.

4 Q. [11:33:51] Mr Witness, as you heard the Presiding Judge, we're now in a public
5 session, so be mindful by not giving information that could reveal your identity, all
6 right?

7 So when we took the break, you're about to tell the Court what had happened at PK55.

8 Do you remember?

9 A. [11:34:36] Yes, I remember.

10 Q. [11:34:39] In fact, you'd stated that brutal fighting had occurred and you had
11 lost many men. So can you describe for the Court how this unfolded?

12 A. [11:35:05] Thank you. When we got to PK55 the fighting was intense. The
13 South Africans used an aeroplane and there were many deaths. {ICR: (Redacted)
14 (Redacted)} he was hit by a bullet and his body was
15 ripped apart. There were many deaths.

16 MS MAKWAIA: [11:35:52] Your Honours, out of an abundance of caution, with
17 your leave, if I could continue in a private session.

18 PRESIDING JUDGE SAMBA: [11:36:00] Okay.

19 Mr Witness, we're going to go back into private session so that you'll feel free to give
20 further explanation as to what really happened that you know about.

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

22 (Private session at 11.36 a.m.)

23 THE COURT OFFICER: [11:36:29] We are in private session, Madam President.

24 PRESIDING JUDGE SAMBA: [11:36:32] Thank you very much.

25 Madam Prosecutor, can you carry on please.

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1 MS MAKWAIA: [11:36:36] Thank you, your Honour.

2 Q. [11:36:40] So, Mr Witness, apart from the South Africans, were there any other
3 forces you were fighting?

4 A. [11:37:05] Yes, there was the FACA. They were moving forward on foot, and
5 the South Africans were using aeroplanes to shell our positions. The FACA soldiers
6 were shooting as they moved forward on foot. That is when we lost many fellow
7 soldiers.

8 It was indescribable. The situation was so difficult that I can't explain it today.

9 (Redacted), he was hit by a bullet and his

10 body was split in two. One Seleka member -- *one of the chiefs of staff of the
11 Seleka -- received a serious injury.

12 Those were some of the things that happened during the fighting at PK55.

13 Q. [11:38:16] What is the name of the injured Seleka leader you just mentioned?

14 A. [11:38:33] Issa Issiaka was his name. He was the head of military operations.
15 Issa Issiaka. Issa Issiaka Aubin.

16 THE INTERPRETER: [11:38:59] Specifies the Sango booth.

17 MS MAKWAIA: [11:39:05]

18 Q. [11:39:05] And he was the head of operations of which group?

19 A. [11:39:14] He was the chief of operations for the Seleka group. At that time, we
20 referred to him as chief of military staff. He was the chief of military staff of the
21 Seleka. He was the number one guy. But there were several other heads of
22 operations.

23 Q. [11:39:48] After he got injured, do you know what happened to him?

24 A. [11:40:04] After he was injured he was taken to Sibut for medical treatment.

25 Q. [11:40:28] Who were the other commanders on this day that were present when

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1 you were assaulting Bangui?

2 A. [11:40:47] During the attack upon Bangui there were several commanders.

3 There was General Namboro. There were several generals -- Mahamat Saleh.

4 There were several generals. I don't know the names of some of them because other

5 generals took a different road, the Boali and Bossembele roads. We took the Damara

6 road so that we could advance towards PK55. So the other leaders were travelling

7 on other roads.

8 Q. [11:41:54] You had earlier in your testimony stated there was a -- a Said. Do

9 you remember that?

10 A. [11:42:14] Yes, I remember. I remember Colonel Mahamat Said, but it was in

11 Bangui that *I made his acquaintance (Redacted).

12 Q. [11:42:33] Yes. Do you know, if you know, how he arrived in Bangui.

13 A. [11:42:56] Within the Seleka movement there were several leaders, several units.

14 I don't know how he got to Bangui. And as I told you, I met him only (Redacted)

15 (Redacted). I don't know how he got

16 to Bangui.

17 Q. [11:43:24] Okay. We'll get (Redacted), witness.

18 Now just for the record, because it's not clear or well spelt, you've spoken about a

19 General Namboro. Do you mind spelling the name for the Court, please.

20 A. [11:43:54] General Namboro. It's written N-A-M-B-O-R-O.

21 Q. [11:44:18] And you also spoke of Mahamat Saleh. Can you spell that name as

22 well?

23 A. [11:44:34] Mahamat Saleh is written as follows, M-A-H-A-M-A-T, and Saleh is

24 written S-A-L-E. Colonel Mahamat Saleh.

25 Q. [11:45:16] Thank you, Witness.

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1 Just rounding up on the PK5 combat, for how long did this fighting last, do you
2 recall?

3 A. [11:45:40] The fighting at PK55 lasted between two and three hours.

4 Q. [11:45:57] If -- only if you know, Mr Witness, why is it called PK55, that area?

5 A. [11:46:16] That place is called PK55 because it is 55 kilometres away from the
6 centre of Bangui. It's the official distance in kilometres from there to *PK0. That's
7 why it's called PK55 -- the distance between that place and PK0.

8 Q. [11:46:49] So after the two to three hours of fighting, what happened to you and
9 your group of Seleka?

10 A. [11:47:18] I was not injured, (Redacted)
11 (Redacted), he was struck by a bullet during the shelling, and that's why, when I was
12 telling you about that earlier, that's why I experienced those emotions.

13 Q. [11:48:03] You may have said this, Mr Witness, so -- but I'm -- I'm putting the
14 question just for clarity. So when (Redacted) was struck by the bullet, did he die?

15 A. [11:48:24] Yes, he died immediately, and his body was split in two. He died
16 right there and then.

17 Q. [11:48:43] So where did you go from PK55 on that day?

18 A. [11:48:57] I was at PK55. And we continued to advance. And thanks to the
19 protection of god, I was there at that time and I took part in the fighting, and today I
20 am telling you that it is with great regret.

21 Q. [11:49:40] Where did you advance to?

22 A. [11:49:51] I was at PK55 and -- and we were at a disadvantage. There was the
23 aeroplane that was intervening. Everyone was looking for shelter. There was
24 shooting in all directions. I was at PK55 and we were not able to advance
25 immediately.

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1 Q. [11:50:27] Were you ultimately able to leave, or move, beyond PK55?

2 A. [11:50:44] Yes. After the shelling by the aeroplane, the leaders asked for heavy
3 weaponry. A piece of heavy weaponry was placed there and there were two shots,
4 two mortars were fired, to drive the aeroplane away, and the leaders asked us to
5 move forward. After that, there were no longer any aircraft and we saw that there
6 was much less resistance and so we were able to move forward. And so we
7 advanced all the way to PK12.

8 Q. [11:51:45] Who were the leaders who asked for the weaponry, for the heavy
9 weaponry? Can you give us some names?

10 A. [11:52:10] There was General Mahamat Saleh. In the movement there was a
11 general called Mahamat Sallet Djouma and Colonel Mahamat Saleh, (Redacted)
12 (Redacted). There was Colonel Mahamat Saleh, there was General Namboro. They
13 met, they talked, and I was alongside (Redacted) and I said to him "What's going on?"
14 He said, "They're asking for heavy weaponry because the aircraft is keeping us from
15 advancing."

16 Those are the generals whom I saw at the time.

17 Q. [11:53:00] Do you know to whom they had asked for this heavy weaponry?

18 A. [11:53:13] I believe that not everyone was moving forward. There was a rear
19 base, a rear base, and that weapon was requested so that the soldiers who were at the
20 rear base could advance and bring this piece of heavy weaponry forward.

21 Q. [11:53:40] How did the Seleka communicate, Mr Witness?

22 A. [11:53:58] As far as I know, and since I saw my colonel, it was with a Thuraya,
23 that's how the leaders communicated with each other.

24 Q. [11:54:18] So for a better understanding, what's a Thuraya?

25 A. [11:54:29] Yes, that's right, Thurayas.

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1 Q. [11:54:41] So that we understand, what exactly is a Thuraya, what is it?

2 A. [11:54:56] It's a satellite telephone with a long antenna. It looks like a mobile
3 phone, but that's not the case. With that phone you can communicate even when
4 you don't have a connection.

5 Q. [11:55:25] Apart from the Thuraya, were other means of communication used?

6 A. [11:55:45] My chief only had a Thuraya. He also had a mobile phone. That's
7 what I saw. And most of the time he used the Thuraya to communicate. When he
8 would get calls or when he needed to speak, he would go off to the side, to a place a
9 little bit higher up*, to make the call or receive the call.

10 Q. [11:56:23] You had earlier testified, Witness, that after the fight -- fighting at
11 PK55, you were then able to go at some stage to PK12. Remember that?

12 A. [11:56:44] Yes, I remember.

13 Q. [11:56:49] So where in PK12 did you go?

14 A. [11:57:03] Once we got to the PK12 checkpoint, the elements started to scatter.
15 The groups were going in different directions. Some went to the residence of the
16 president François Bozizé to loot his possessions, others went to the centre of town.
17 So, you see, the various groups went in different directions. Some went to the police
18 base where the South Africans were based.

19 Q. [11:57:44] Who was manning this checkpoint at PK12?

20 A. [11:58:01] The PK12 checkpoint, when we got to it, there was no longer anyone.
21 But before we got there, the checkpoint was held by the FACA. When we got there,
22 there was no longer anyone there at that checkpoint.

23 Q. [11:58:25] Do you know where the FACA went?

24 A. [11:58:47] Some of them knew that the government had just fallen so I can say
25 that everyone was looking for shelter. I can't say exactly who. The Seleka came in

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1 and they knew they had to save themselves. They were scattering.

2 Q. [11:59:10] And just for the clarity of the record, what does FACA stand for?

3 A. [11:59:22] FACA, those are the armed forces of the Central African Republic,
4 *Forces Armées Centrafricaines*. They are the ones who were called the FACA.

5 Q. [11:59:48] So as the Seleka elements went to different places, where did you go?

6 A. [12:00:05] At that time (Redacted).

7 Q. [12:00:19] Where is (Redacted)?

8 A. [12:00:31] (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [12:01:03] How long did you remain at this location?

12 A. [12:01:23] Which place, which location are you referring to, please?

13 Q. [12:01:29] You said you went (Redacted); is that
14 correct?

15 A. [12:01:45] Yes, that is correct.

16 Q. [12:01:46] Okay, let me just maybe break it down for you. So how many of you
17 went there, apart from yourself and (Redacted)?

18 A. [12:02:14] When we entered Bangui, some of their elements and their chiefs
19 went in different directions that I do not know. They entered Bangui, but I do not
20 know precisely where. And when we entered the base, there were also many of us.
21 Some colonels went to (Redacted), but I do not know them. (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SAMBA: [12:02:59] Yes. Yes, Mr Witness, do you want to say
25 something to us?

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1 THE WITNESS: [12:03:10](Interpretation) Yes. Can I take a bathroom break,
2 please?

3 PRESIDING JUDGE SAMBA: [12:03:20] Certainly, Mr Witness. We will wait for
4 you in court.

5 Mr Court Officer, can you help him.

6 (The witness exits the courtroom)

7 (Pause in proceedings)

8 (The witness enters the courtroom)

9 PRESIDING JUDGE SAMBA: [12:06:11] Yes.

10 Madam Prosecutor, let's continue please.

11 MS MAKWAIA: [12:06:20] Thank you, Madam President.

12 Q. [12:06:27] Mr Witness, before you took the short break you were describing to
13 the Court how (Redacted)

14 (Redacted)

15 A. [12:07:11] (Redacted)

16 (Redacted)

17 Q. [12:07:44] Thank you, Witness. When you were in the Seleka, did you have a
18 uniform?

19 A. [12:08:04] When I joined the Seleka movement, (Redacted) gave me a pair of
20 military trousers. So I was wearing those trousers with a t-shirt and a pair of
21 basketball shoes. I did not have a complete uniform, just a pair of military trousers.

22 Q. [12:08:45] Did you have a weapon?

23 A. [12:08:56] Yes, I had a weapon.

24 Q. [12:09:04] Where were you trained in usage of -- first of all, what kind of
25 weapon was it?

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1 A. [12:09:24] I was not trained in weapons handling when I joined the movement.
2 (Redacted), taught me how to assemble and disassemble a weapon,
3 and to shoot. And when the Seleka group was in the bush, the section chiefs were
4 asked to instruct the elements on weapons handling. We did sports exercises as well
5 as training in disciplinary matters.

6 Q. [12:10:21] Okay, Mr Witness.
7 Now to bring you back to the base (Redacted) where you went with (Redacted). For
8 how long -- for how long did you remain there?

9 A. [12:10:46] (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)

14 Q. [12:11:22] So --
15 PRESIDING JUDGE SAMBA: [12:11:24] Counsel, do you still want him to answer
16 your question as to what kind of weapon he had, at least for the record?

17 MS MAKWAIA: [12:11:36] Yes, of course. Thank you, Madam President.

18 Q. [12:11:41] Mr Witness, can you answer the question, please.

19 A. [12:11:52] I no longer remember your question.

20 Q. [12:11:59] I'll take it up again. I had asked you earlier if you had a weapon and
21 you said yes, and the question is this: What kind of weapon did you have?

22 A. [12:12:22] I had an AK-47 rifle.

23 Q. [12:12:37] And did other members of your group, or other Seleka elements also
24 have weapons?

25 A. [12:12:55] In the Seleka movement it was not all the men who carried weapons.

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1 They had edged weapons, machetes, spears and grenades. Others had nothing.

2 And when some chiefs managed to recover some weapons, they would hand them

3 over to people that they liked. But it was not everyone who was armed.

4 Q. [12:13:45] Thank you, Witness.

5 And I should have asked you this question earlier: Which month was it when this

6 assault was conducted on Bangui?

7 A. [12:14:11] The attack on Bangui took place, if I'm not mistaken, on the 23rd.

8 The 23rd. Because -- it was between the 23rd, on that same day the Seleka -- well,

9 I would say the 23rd. It was on the 23rd.

10 Q. [12:15:06] Of which month?

11 A. [12:15:18] March.

12 Q. [12:15:27] And the year?

13 A. [12:15:38] 2013.

14 Q. [12:15:45] And you had spoken earlier of François Bozizé. Who was he

15 in -- between January and March 23, 2013?

16 A. [12:16:13] François Bozizé was the president of the republic during that period.

17 The president of the Central African Republic.

18 Q. [12:16:31] And what happened to him when the Seleka attacked Bangui?

19 A. [12:16:46] When we entered into Bangui, we did not meet him there. After

20 having crossed PK55, he had fled. He had fled with his entire family. So this

21 means that nothing happened to him.

22 Q. [12:17:22] Thank you, Witness.

23 Now focusing your mind to your movement, after you left (Redacted)

24 (Redacted), where did you go?

25 A. [12:17:53] After (Redacted), we went in different directions.

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1 (Redacted)

2 (Redacted). Thereafter, we

3 received information according to which Colonel Saleh and his excellency were both
4 at the Ledger Hotel and so we joined them there.

5 Q. [12:18:56] Can you give us the name of the person? Who's "his excellency"?

6 Who are you referring to?

7 A. [12:19:17] There was General Nouradine Adam and His Excellency

8 President Michel Djotodia. They were at the Ledger Hotel.

9 Q. [12:19:34] So after receiving this news, what did you do?

10 A. [12:19:48] We went to meet them. We went to meet Colonel Mahamat Saleh.

11 We met him there. We met them there and with other teams. Some of our
12 collaborators were already there and they were ensuring the security of those
13 high-ranking authorities.

14 Q. [12:20:26] Did you also stay at the Ledger?

15 A. [12:20:36] Yes. I stayed at the Ledger.

16 Q. [12:20:47] And what is the Ledger?

17 A. [12:21:00] Ledger Plaza is a hotel. It is a big -- a famous hotel in Bangui and it
18 was in that hotel that his excellency was residing.

19 Q. [12:21:27] When his excellency was there, and the other persons you've spoken
20 to the Court about, was it still running or functioning as a hotel?

21 A. [12:21:53] The hotel was operational. There were also customers in that hotel.
22 Yes, the hotel was functioning and that is how come they went there to find lodging.
23 As I have said, the hotel was operational and there were customers in that hotel.

24 Q. [12:22:30] Which part of the Ledger Hotel were the Seleka staying at?

25 A. [12:22:42] The Seleka were within the premises of the Ledger Hotel, the parking

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1 lot, the guard posts. The colonels and the commanders were giving orders. The
2 elements were outside, but not in the rooms, but under the hangars and under some
3 huts and in the parking lots.

4 Q. [12:23:27] How about yourself? Did you have any functions whilst at the
5 Seleka? What was your role?

6 A. [12:23:51] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:24:37] You've also spoken of Nouradine Adam as being at the Ledger. Did
11 you see him at some point?

12 THE INTERPRETER: [12:24:53] The witness said: (Redacted)

13 (Redacted).

14 THE WITNESS: [12:25:04](Interpretation) Yes, I saw him, and once he came out and
15 at the entrance he called Colonel Mahamat Saleh, discussed with him and then he
16 went back into the lobby. I saw him because he came out and discussed at the
17 entrance to the hotel with Colonel Mahamat Saleh.

18 MS MAKWAIA:

19 Q. [12:25:31] And as I general, would he have escorts or bodyguards?

20 MS NAOURI: [12:25:48](Interpretation) Madam President, I'm sorry. We let a lot
21 of things slide just to -- just to advance, *but here, there's no foundation for knowing
22 whether there was an escort. It's extremely leading, so we object to the question.

23 PRESIDING JUDGE SAMBA: [12:26:15] As a military commandant, I wonder how
24 else the question could be put. But, Madam Prosecutor, can you maybe rephrase, if
25 you may.

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1 MS MAKWAIA: [12:26:29] I'll do my best.

2 Q. [12:26:32] Mr Witness, as (Redacted) in the Seleka during this period, can you
3 tell the Court, please, how would a high-ranking officer, like a general, like General
4 Nouradine, what kind of a retinue would he have?

5 A. [12:27:16] General Nouradine had a bodyguard and those who were in his
6 entourage were Colonel Mahamat Saleh. He would give instructions to Colonel
7 Mahamat Saleh when we went to the Ledger Hotel, and even when we left, he called
8 Mahamat Saleh, even when he went to visit his father. So he had
9 elements -- security elements. So there were Seleka members inside the premises of
10 the Seleka, but there were no elements that did not have access to the hotel itself.
11 But it was the commanders who were in the rooms.

12 Q. [12:28:31] Do you know the name of some of the bodyguards of Nouradine
13 Adam?

14 A. [12:28:47] I know the name of one of them. He was a captain and his name was
15 Djaffar, he was known as Captain Djaffar.

16 Q. [12:29:11] So when you were at the Ledger, what did you do?

17 A. [12:29:26] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [12:30:16] How long did you remain at the Ledger?

22 A. [12:30:29] I believe I spent (Redacted) at the Ledger Hotel, (Redacted).

23 Q. [12:30:48] And then where did you go?

24 A. [12:31:04] (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:33:14] And when you got there, who did you report to?

11 A. [12:33:38] We were doing the work of soldiers. You know, most of the ranks
12 that the Seleka elements had were not justified. Some people were deemed to be
13 colonels, but even that being the case, they were just ordinary soldiers. So I was
14 doing my work and I really wasn't paying attention, and the ranks that we had were
15 not really considered. And that was the case of all the other Seleka elements like me.

16 Q. [12:34:25] Yes, Witness. When you arrived at (Redacted), who did you
17 report to?

18 A. [12:34:44] I was under the command of (Redacted).

19 Q. [12:34:52] And where did you sleep?

20 A. [12:35:06] We would stay where we were deployed. We'd be deployed to a
21 particular location and that is where we would stay. That's where we would sleep.

22 Q. [12:35:23] Would you observe military rules?

23 A. [12:35:43] Well, you know, we were working like the national army, and most of
24 us did not follow military rules.

25 Q. [12:36:10] So what rules did you follow then?

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1 A. [12:36:27] When we would receive instructions, we would try to carry them out.
2 When we came across people who were walking about at night with a weapon, we
3 would arrest that person and we would take that person to prison. And if we came
4 across a group of people who were holding up people, that's what we would do. We
5 would arrest them and we would try to restore peace in the area.

6 Q. [12:37:03] And who gave you the power to put them in prison and arrest?

7 A. [12:37:26] We would receive instructions from General Nouradine and they
8 would be passed on to us by (Redacted). And yes, those instructions, (Redacted)
9 would give them also to all the other leaders who were under his responsibility.

10 Q. [12:38:01] Thank you, Witness.

11 Now, before I move you forward in your narrative, with the leave of the Court,

12 I would like to show you a photograph and receive your comments on it.

13 What I would like displayed, your Honours, is at tab 85 of the list of material. It's

14 CAR-OTP-2042-4943.

15 Mr Witness, before you, you have a photograph. Can you see it?

16 A. [12:39:18] Yes, I see it.

17 Q. [12:39:24] Can you please tell us, or tell the Court, please, what it is you can see
18 in this photograph.

19 A. [12:39:39] In this photograph I can see two Seleka elements under a tree, and
20 this is in a neighbourhood and they have weapons.

21 Q. [12:39:57] How do you know it is Seleka elements?

22 A. [12:40:15] What makes me say that they're Seleka elements, it's because you
23 can see the way they're dressed and the way that they're holding the weapons.

24 I -- by that I know that they are Seleka elements.

25 Q. [12:40:37] And what type of weapon is this that we see in this photograph,

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1 Witness?

2 A. [12:40:59] It's an RPG-7. It's also called a rocket launcher.

3 Q. [12:41:21] Thank you, Witness.

4 Thank you, Madam President. I would like to tender this photograph.

5 Can I now have displayed -- can we please have displayed, at tab 84,

6 CAR-OTP-2043-4938, please.

7 Mr Witness, what do we see here?

8 A. [12:42:30] Here we can see Seleka elements with a Seleka vehicle and they are
9 bearing weapons.

10 Q. [12:42:46] Can you tell what type of weapons these are, Witness?

11 Can we zoom the picture in, perhaps.

12 A. [12:43:13] Yes, I see. I can see.

13 Most of them are bearing AK-47s, Kalashnikovs.

14 Q. [12:43:37] Thank you, Mr Witness.

15 Your Honours, I would also like to tender this photograph.

16 Actually, both photographs have already been formally submitted previously.

17 THE COURT OFFICER: [12:44:07] For your information, the Registry doesn't see it,

18 as far as we can see, if we are talking about tab 84 and 85. Eighty-four has just

19 been coded as FS right now, so maybe now you change -- you see the change of status,

20 but the recent one will be coded as FS as requested by the Prosecution, just to clarify.

21 MS MAKWAIA: [12:44:35] They've all been submitted previously, so it was my
22 mistake.

23 Q. [12:44:52] Now, Mr Witness, still on this photograph, we see some men with

24 green berets and others with - to the far left, for example - one with a red beret. Are

25 you in a position to make a distinction of the different berets?

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1 A. [12:45:29] Normally, as we know, the uniforms can be different. The red or
2 green berets, it means they're not the same -- they're not from the same company.

3 But in the Seleka, things were utterly confused. People would just put on whatever
4 beret they might be able to get their hands on, or one that they thought looked good
5 on their head.

6 Q. [12:46:06] Okay. But ordinarily, a person or an element wearing a green beret,
7 what would that mean?

8 MS NAOURI: [12:46:27](Interpretation) I think we need a little bit more clarity.

9 What does "ordinary" mean in this question? We do not understand this question.

10 The witness just said that in the times of the Seleka it was utter confusion and people
11 wore whatever beret they wanted to. So ordinary in relation to what? Because the
12 witness has just answered, telling us that people wore whatever they might be able to
13 get their hands on. So I think we need a temporal time frame of some kind,
14 otherwise there's no point in putting the question.

15 PRESIDING JUDGE SAMBA: [12:47:05] Yes, Madam Prosecutor, that's my
16 understanding really of the witness's answer. But do you need further answer to
17 that question?

18 MS MAKWAIA: [12:47:23] Perhaps, with the assistance of the court officer, if I can
19 have back the exhibit, the identity card of this witness when he was a Seleka member.
20 And then we can get a bit more clarity.

21 PRESIDING JUDGE SAMBA: [12:47:41] Do you remember the tab number?
22 Thirty-eight, I think.

23 MS MAKWAIA: [12:47:58]

24 Q. [12:47:58] Witness, can you see your identification before you?

25 A. [12:48:09] Yes, I can see it.

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1 Q. [12:48:11] And here we see you wearing (Redacted), correct?

2 A. [12:48:21] That's right.

3 Q. [12:48:23] And what would this signify then?

4 A. [12:48:40] Thank you. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:49:23] Mr Witness, look carefully again at this identity card that you've
9 previously described to the Court. Can you see it?

10 A. [12:49:38] Yes, I see it.

11 Q. [12:49:42] Can you see who issued it?

12 A. [12:50:01] The signature that I see here is General Nouradine Adam. His name
13 is clearly indicated on this card. It's written on the card.

14 Q. [12:50:19] And it is your evidence that this was a general in the Seleka, correct?

15 A. [12:50:30] Yes, indeed. He was a Seleka general.

16 Q. [12:50:38] So during this time frame when you were in possession of this
17 identity card, and we can see there the date it was delivered - 2 April 2013 - what
18 would it signify -- what would it mean for a Seleka element to be wearing (Redacted)
19 like yourself in this picture?

20 MS NAOURI: [12:51:05](Interpretation) I beg your pardon, asked and answered.

21 PRESIDING JUDGE SAMBA: [12:51:12] Yes, objection really, upheld. Counsel,
22 please move on.

23 MS MAKWAIA: [12:51:24]

24 Q. [12:51:25] Mr Witness, now if I can have the other photograph.

25 Your Honours, tab -- tab 84.

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1 So a person wearing a green beret between April, May, June, July 2013, to

2 which -- what would that mean, can you tell us?

3 MS NAOURI: [12:52:14](Interpretation) Once again, asked and answered,

4 Madam President.

5 PRESIDING JUDGE SAMBA: [12:52:19] It's the same answer, counsel. The

6 witness's testimony is that during the period concerned they wore almost anything

7 they wanted to wear.

8 Asked and answered. Objection upheld, please.

9 MS MAKWAIA: [12:52:37]

10 Q. [12:52:38] Mr Witness, after (Redacted), did you take any other

11 functions for the Seleka?

12 And the photograph can be removed, your Honour.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 A. [12:58:56] Because of our work, you see, our leaders would sleep at different
- 20 places. (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [12:59:36] And who provided you food?

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1 A. [12:59:53] Are you still talking about (Redacted)?

2 Yes, (Redacted). He was in charge of the (Redacted). After the patrols we would be
3 given a tin of sardines and odds and ends of things, but we weren't given food
4 regularly. Most of the missions and tasks that we carried out were conducted on a
5 voluntary basis.

6 Q. [13:00:41] What do you mean by "voluntary"?

7 A. [13:00:55] What I meant is that when we entered Bangui, we did not have any
8 salaries. We did not even have a daily allowance. At certain moments we could
9 receive small amounts of money from our leaders to meet our needs, but we were not
10 paid salaries as such.

11 PRESIDING JUDGE SAMBA: [13:01:37] Counsel.

12 MS MAKWAIA: [13:01:41] I'm mindful of the time, your Honour. I was just
13 reminded that the item at tab 84 is actually not formally submitted, so I request to
14 have it formally submitted by the court officer who has checked the exhibit list.
15 Thank you.

16 PRESIDING JUDGE SAMBA: [13:01:58] Okay, thank you very much.

17 Mr Witness, we are going to break off here with your testimony for today. We'll
18 meet again tomorrow to continue with your testimony in chief. I'm going to advise
19 you not to discuss anything that you've said here today with anybody till we meet
20 again tomorrow. And you'll still be on oath when we meet again tomorrow.

21 So I rise the Court for 9.30 tomorrow, please.

22 (The hearing ends in private session at 1.02 p.m.)