

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 Thursday, 19 September 2024
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:30] 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 -- oh, sorry, let me get the witness's mics on first.
15 Good morning, everyone.
16 Madam Court Officer, can you mention the case, please.
17 THE COURT OFFICER: [9:35:18] Good morning, Madam President, your Honours.
18 The situation in the Central African Republic II, in the case The Prosecutor versus
19 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
20 And we are in open session.
21 PRESIDING JUDGE SAMBA: [9:35:30] Thank you very much.
22 Can I ask for representation, starting with the Prosecution, please.
23 MS MAKWAIA: [9:35:36] Good morning, Madam President, your Honours. For
24 the Office of the Prosecutor this morning, myself, Holo Makwaia, senior trial lawyer;
25 Thomas Bifwoli, Marie-Jeanne Sardachti, trial lawyers; Sanyu Ndagire and

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- 1 Anusha Rawoah, assistant legal officers. Thank you.
- 2 PRESIDING JUDGE SAMBA: [9:35:54] Thank you very much, Ms Makwaia.
- 3 Ms Pellet for the victims, please.
- 4 MS PELLET: [9:35:58](Interpretation) Thank you, Madam President. The victims
- 5 are represented by Tars Van Litsenborgh and myself Sarah Pellet, counsel OPCV.
- 6 PRESIDING JUDGE SAMBA: [9:36:12] Thank you very much, Ms Pellet.
- 7 And Ms Naouri for the Defence, please.
- 8 MS NAOURI: [9:36:17](Interpretation) Thank you, Madam President. Good
- 9 morning. To my right, Fiana Gantheret and to my left, Mr Dov Jacobs. And myself,
- 10 I am Jennifer Naouri, counsel for Mr Said.
- 11 PRESIDING JUDGE SAMBA: [9:36:38] Thank you, Ms Naouri.
- 12 Rule 74 counsel, please.
- 13 MS BWIZA: [9:36:42] Good morning, your Honour. My name is Dignité Bwiza and
- 14 I'm the legal adviser to the witness. Thank you.
- 15 PRESIDING JUDGE SAMBA: [9:36:53] Thank you very much.
- 16 And for the record, we do take note that Mr Said is here in Court with us.
- 17 A very good morning to you, Mr Said. I hope I see you well.
- 18 MR SAID: [9:37:03](Interpretation) Yes. Good morning, Madam President.
- 19 PRESIDING JUDGE SAMBA: [9:37:06] Good morning.
- 20 Good morning, Mr Witness. I hope you rested well.
- 21 WITNESS: CAR-OTP-P-2563 (On former oath)
- 22 (The witness speaks Sango)
- 23 THE WITNESS: [9:37:19](Interpretation) Good morning, Madam President. Yes, I
- 24 did rest.
- 25 PRESIDING JUDGE SAMBA: [9:37:24] Good.

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- 1 Now we're going to continue with your testimony this morning. So I'm going to
2 remind you that you're still on oath to say the truth to this Court. And of course you
3 have your Rule 74 assurances and you have your legal adviser here in court with you.
4 So, also I'm going to remind you to please speak into the microphone before you and
5 to speak slowly so that the interpreters can get every word that you say. Start
6 speaking when the person asking you the question has finished.
7 I'm going to invite the Prosecution to continue putting questions to you in chief.
8 Madam Prosecutor, your witness, please.
9 MS MAKWAIA: [9:38:09] Thank you, Madam President, your Honours.
10 PRESIDING JUDGE SAMBA: [9:38:15] Just so you know, we are in open session,
11 Madam Prosecutor.
12 MS MAKWAIA: [9:38:20] Thank you, Madam President.
13 QUESTIONED BY MS MAKWAIA: (Continuing)
14 Q. [9:38:24] Good morning, Mr Witness.
15 A. [9:38:27] Good morning.
16 Q. [9:38:30] I will start with a series of questions that can be heard in the public
17 session, your Honours, but if the need arises, then I'll ask for a private session.
18 Mr Witness, yesterday when we took the break, you were telling the Court about the
19 military police. Do you remember that?
20 A. [9:39:00] Yes, I remember that.
21 Q. [9:39:01] Now, what I intend to do right now, because we're in public session,
22 I'm going to ask a few general issues, all right? And I will start with this --
23 A. [9:39:16] Yes, I remember*.
24 Q. [9:39:23] So you've spoken about a few Seleka bases in your prior testimony
25 yesterday. What we would like to know or what I would like to know is where was

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1 the Camp Beal located?

2 A. [9:39:53] Camp Beal, when you take the *avenue de France*, it's in the 30 civile
3 neighbourhood -- correction: 36 villas.

4 Q. [9:40:19] And who was the camp commander between March and August 2013?

5 A. [9:40:34] The commander of that camp was General Yaya Scout. He was
6 working with the colonel, with Colonel Damboucha.

7 Q. [9:41:10] How many sections or company were at Camp Beal, if you recall,
8 during this time frame?

9 MS NAOURI: [9:41:20](Interpretation) The witness did not say anything about
10 sections. He said nothing about the functioning of -- of Camp Beal, so this is
11 extremely leading.

12 PRESIDING JUDGE SAMBA: [9:41:39] Okay. Counsel, can you rephrase so that
13 the witness can say something about the camp.

14 MS MAKWAIA: [9:41:47]

15 Q. [9:41:48] Mr Witness, do you know how Camp Beal was organised or
16 structured?

17 A. [9:42:09] Camp Beal was structured or divided into sections, as I just said.
18 When the Seleka took power, there were several sections and there were problems
19 with the various bases. Some generals and colonels were housed or based at
20 Camp Beal, but there were several sections at Camp Beal. Each section had various
21 tasks, specific tasks. That's how Camp Beal was structured. In Camp Beal, there
22 was the command of the military police*. That's how I can -- that's what I can tell
23 you about Camp Beal.

24 Q. [9:43:17] And can you give an approximate, if you know, in each section, how
25 many men would be in a section; do you know that?

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1 A. [9:43:42] Each section was made up of 200 elements. Some sections were 100 or
2 200. There were several elements, many elements, many soldiers in each section.

3 Q. [9:44:11] Do you have the full name of Damboucha and his rank?

4 A. [9:44:32] I know his rank, but the only name that I know is Damboucha. I don't
5 know his name in full. And at that time his rank was that of colonel.

6 Q. [9:44:54] And do you know his ethnicity, Mr Witness?

7 A. [9:45:10] He was from Boya, and unless I'm mistaken, he must be from the
8 Runga ethnic group, because for the most part Boya is inhabited by Runga people.

9 Q. [9:45:35] And the military police that was based at Camp Beal, can you tell the
10 Court, please, how was its work organised {ICR: (Redacted)?}

11 A. [9:46:03] As for the military police and how they functioned, it was Commander
12 Mahamat Saleh who commanded the military police and he was the one who
13 led -- and it was Colonel Damboucha who led the patrols. As I've told you, since
14 there was a problem with the bases and the housing, some colonels would live in
15 their homes and in the morning, everyone would gather at Camp Beal. All the
16 sections who worked as part of the military police were at Camp Beal. The
17 instructions were given and the vehicles would go out on patrol.

18 The military police were supposed to ensure the safety and also to track down
19 elements who committed crimes or looted or stole things. The military police had
20 provided the telephone number to the population and if a person felt that he or she
21 was in danger, he or she could contact the military police and the military police
22 would go to the location and disarm the unruly elements and put them in prison.
23 The military police were in charge of discipline, the discipline of the soldiers,
24 particularly the unruly ones, the ones who behaved badly. They patrolled
25 throughout every single part of the city of Bangui.

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1 Q. [9:48:19] Do you know who gave the order for these patrols to be carried out?

2 A. [9:48:41] The instructions came from General Nouradine and he asked for
3 Mahamat Saleh to be the commander of the military police. He was the one who
4 gave the instructions. If there were cases, serious cases, Mahamat Saleh would be
5 called and he in turn reported to General Nouradine Adam.

6 Q. [9:49:20] Thank you, Witness.

7 Madam President, if we can go to a very brief private session because I would like
8 displayed for the witness a document.

9 PRESIDING JUDGE SAMBA: [9:49:31] Certainly.

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

11 (Private session at 9.49 a.m.)

12 THE COURT OFFICER: [9:49:52] We are in private session, Madam President.

13 PRESIDING JUDGE SAMBA: [9:49:54] Thank you very much.

14 Madam Prosecutor, please carry on.

15 MS MAKWAIA: [9:49:58] Thank you, your Honours.

16 With your leave if the court officer could assist me by displaying the document at tab
17 39, CAR-OTP-2114-0323.

18 Q. [9:50:31] Mr Witness, you have a photograph before you on the screen. Can
19 you see it?

20 A. [9:50:45] Yes, I can see it just fine.

21 Q. [9:50:49] And we see a number of people on this photograph. Now, can you
22 identify any of them?

23 A. [9:51:04] Yes. On this photograph the person who is holding a mobile phone is
24 (Redacted), Colonel Mahamat Saleh. The one who is wearing sandals, and
25 he has a badge around his neck.

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1 Q. [9:51:34] Sorry, Witness, I think there is an electronic pen at your desk?

2 PRESIDING JUDGE SAMBA: [9:51:41] The court clerk will assist the witness.

3 Yes, Madam Prosecutor, what do you want him to do?

4 MS MAKWAIA: [9:52:06]

5 Q. [9:52:06] Can you -- you were beginning to tell the Court about the leader, you
6 said. Can you put a number 1 on that individual and then continue, please.

7 A. [9:52:30] A is Colonel Mahamat Saleh.

8 MS MAKWAIA: [9:52:41] I think, for the interpreters, it's "1", not "A".

9 Q. [9:52:52] And you were saying, who was he?

10 A. [9:53:00] Colonel Mahamat Saleh.

11 Q. [9:53:06] Can you continue if you recognise anybody else on the photograph.

12 A. [9:53:15] Number 2 at that time he was the director-general of the police. His
13 rank was commander. His name is Wanze Linguissara. He was the number 2.
14 He's number 2.

15 Q. [9:53:54] Can you please continue.

16 A. [9:54:10] Number 3 is me, the one who is before you today.

17 Q. [9:54:24] Thank you, Witness. There's a few individuals left. Are you able to
18 recognise any of them?

19 A. [9:54:48] Number 4 is (Redacted)
20 (Redacted). Grevaya Nazaire is his name.

21 THE INTERPRETER: [9:55:05] If the Sango interpreter heard correctly.

22 MS MAKWAIA: [9:55:10]

23 Q. [9:55:11] Yes, Witness. And the remaining two, do you know them?

24 A. [9:55:40] Number 5 is one of the elements (Redacted) under the
25 command of Mahamat Saleh. His name is Arlequin. He was very close to

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1 Colonel Mahamat Saleh.

2 Q. [9:56:05] And the last chap?

3 A. [9:56:10] The other two, I've forgotten their names. They are family members
4 of Colonel Mahamat Saleh. I've forgotten their names.

5 Q. [9:56:32] We can see in this photograph, Mr Witness, that number 5, number 4
6 and one of the individuals - you've forgotten his name - wearing armbands. Can
7 you tell the Court what those are, please?

8 A. [9:57:07] The red armbands are the armbands that were given to all the elements
9 of the military police. All the soldiers who wore the armbands marked "PM" were
10 the ones who were working in the military police.

11 Q. [9:57:40] Thank you, Witness.

12 Madam President, I would like to tender this as part of the Prosecution exhibits.

13 PRESIDING JUDGE SAMBA: [9:57:55] Madam Court Officer, can we have an ERN
14 number for the annotated versions, please.

15 THE COURT OFFICER: [9:58:03] Yes, Madam President. Tab 39 of the Prosecution
16 list of materials, CAR-OTP-2114-0323 will bear the following register number,
17 CAR-REG-0002-0132, and will be considered as formally submitted as requested.
18 Thank you.

19 PRESIDING JUDGE SAMBA: [9:58:25] Thank you very much.

20 Do you still want us to remain in private session?

21 MS MAKWAIA: [9:58:31] No, your Honours. Public session is in order at this
22 point.

23 PRESIDING JUDGE SAMBA: [9:58:36] Madam Court Officer, can we go back into
24 open session, please.

25 (Open session at 9.58 a.m.)

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1 THE COURT OFFICER: [9:58:43] We are back to open session, Madam President,
2 your Honours.

3 MS MAKWAIA:

4 Q. [9:58:58] Mr Witness, when we moved into the private session, we were
5 discussing about the Camp Beal base. Now, yesterday you also testified about
6 another base, the OCRB Ngouciment base; do you recall?

7 A. [9:59:30] Yes, I remember.

8 Q. [9:59:34] Where is this located in Bangui?

9 A. [9:59:40] The Ngouciment OCRB in Bangui, well, Ngouciment is the name of the
10 neighbourhood. I don't really know how to describe, because, you see, it is -- it is
11 inside the neighbourhood, it's in the Ngouciment neighbourhood. I don't really
12 know how I can give you the location, but Ngouciment is the name of the
13 neighbourhood. And the base is inside the neighbourhood itself. It's a branch
14 office of the OCRB, so to speak, and it was working as a -- as a branch office of the
15 Central OCRB to ensure the safety of the people living in Ngouciment.

16 Q. [10:00:55] That's fine, Mr Witness. Do you know the arrondissement in which
17 it was found?

18 A. [10:01:16] If I'm not mistaken, that base is in the 5th arrondissement. The
19 5th arrondissement. 5th arrondissement.

20 THE INTERPRETER: [10:01:31] Repeats the witness.

21 MS MAKWAIA:

22 Q. [10:01:36] And who was the commander of this base?

23 A. [10:01:55] It was Commander Amdaga. His name is Amdaga. He is from
24 Bria.

25 Q. [10:02:14] And how was this base organised?

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1 A. [10:02:36] The base was organised as follows: {PFR: (Redacted)} circulated
2 messages to members of the population informing them that if during the night
3 people were committing crimes or offences, the members of the population should
4 contact {PFR: (Redacted)} and that would make it possible for a team to be deployed
5 to ensure their security. {ICR: (Redacted)}

6 (Redacted)

7 (Redacted)}

8 Q. [10:03:53] Those -- let me take it up again.

9 Were people detained at this base?

10 A. [10:04:16] It was the police people who had been working there, who were
11 working there, and I have just told you there were also jail cells there. After the
12 Seleka took over power, the policemen deserted and abandoned the premises. {PFR:
13 (Redacted)
14 (Redacted)
15 (Redacted)} *When there were disputes amongst
16 the population, they would come to the base, and when they came before the
17 commander, it was simply in cases of reproaches. There was a base, but no one was
18 detained there.

19 Q. [10:05:37] You stated earlier this base was a branch of the Central OCRB. What
20 do you mean by that?

21 A. [10:05:52] By that what I mean is that the Central OCRB was located at the city
22 centre in Bangui, but in the neighbourhoods, there were branches and they are still
23 branches of the OCRB. So these branches are located in several neighbourhoods of
24 Bangui and in those branches police people were deployed and they were working in
25 cooperation with members of the population. It was those branches that were

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1 referred to as OCRB branches.

2 Q. [10:06:57] You testified earlier that the police abandoned the base when the
3 Seleka arrived. Why was that?

4 A. [10:07:23] * As I have just told you, when the Seleka seized power and
5 considering that the Seleka elements did not always behave well, the policemen fled
6 for their own safety. Some of them went into the neighbourhoods to first of all
7 observe what was going on and, if possible, come back on duty.

8 Q. [10:08:03] About how many Seleka were based at the OCRB Ngouciment; do
9 you know? You can give an approximate number.

10 A. [10:08:35] Ngouciment, I can say there were about 20 or 25 elements, or even 30,
11 based at that branch.

12 Q. [10:08:57] And of these, how many were officers?

13 A. [10:09:16] As I have told you, there was a single officer, Commander Amdaga,
14 he was the only one. The others were all under his command. {ICR: (Redacted)}
15 who were remaining. He would give {ICR: (Redacted)} instructions and {ICR:
16 (Redacted)} responsible for executing the orders that he gave {ICR: (Redacted)} And
17 sometimes after whatever happened relating to the population, {ICR: (Redacted)}
18 prepare reports, that is, concerning members of the population.

19 MS MAKWAIA: [10:10:16] Madam President, if we could go to a private session.

20 PRESIDING JUDGE SAMBA: [10:10:21] Madam Court Officer, can we go into
21 private session, please.

22 MS MAKWAIA:

23 Q. [10:10:35] At this point, Mr Witness, what was your --

24 THE COURT OFFICER: [10:10:39] Madam Prosecutor --

25 (Private session at 10.10 a.m.)

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1 THE COURT OFFICER: [10:10:41] We are in private session. Thank you.

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

3 Madam Prosecutor, carry on, please.

4 MS MAKWAIA: [10:10:52] Apologies.

5 Q. [10:10:54] We were discussing the officers at the OCRB Ngouciment, Witness.

6 At this point what was your rank?

7 A. [10:11:05] (Redacted)

8 (Redacted). I also told you that these were imaginary ranks. Even though you were a

9 simple element, you could wear the rank you chose. Our ranks were not recognised.

10 We did not receive any salary bonuses because of those ranks. So those ranks were
11 just imaginary.

12 We were simple soldiers.

13 Q. [10:12:22] You simple soldiers answered to a hierarchy, didn't you?

14 MS NAOURI: [10:12:37](Interpretation) * Madam President, It's not only extremely
15 leading, because she gives him the answer, "you reported to a heirarchy", - so that's 1:
16 leading - and 2: the witness has already said that (Redacted)

17 (Redacted)

18 (Redacted). So, 1: the question has already been put, and the witness answered 2:

19 one cannot lead him by saying, "well, you had a heirarchy", because the answer is
20 being provided to him in the question. (Redacted)

21 etc..

22 PRESIDING JUDGE SAMBA: [10:13:21] The name we have there is (Redacted).

23 Are we still talking about (Redacted),

24 counsel, Prosecutor?

25 MS MAKWAIA: [10:13:42] Indeed, Madam President. I can rephrase the question.

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1 PRESIDING JUDGE SAMBA: [10:13:46] Please do, please do.

2 MS MAKWAIA:

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 (Redacted)

20 Q. [10:16:44] Thank you, Witness. Do you know of any other bases in Bangui or
21 elsewhere of the Seleka?

22 A. [10:17:12] There were several bases. At the palace, Camp de Roux,
23 Camp Kassai, at the Central OCRB, Kolongo. In Kolongo, that is where the
24 gendarmes were trained. So there were bases here and there. Almost everywhere
25 in the four corners of Bangui. Even in a residential compound where a colonel lived,

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1 his place of residence could equally be considered as a base. If there was an incident,
2 it was possible for him to give instructions and elements would be deployed to the
3 field to execute his orders. So there were several bases.

4 Q. [10:18:18] For how long did you remain (Redacted), Mr Witness?

5 A. [10:18:54] As I have just told you, (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SAMBA: [10:19:19] Yes, Mr Witness, can I hear you.

8 THE WITNESS: [10:19:30](Interpretation) I would like to ask you to please grant me
9 a bathroom break, Madam President.

10 PRESIDING JUDGE SAMBA: [10:19:39] Definitely.

11 Mr Court Clerk, please help the witness.

12 We will wait for you.

13 (The witness exits the courtroom)

14 (Pause in proceedings)

15 (The witness enters the courtroom)

16 PRESIDING JUDGE SAMBA: [10:22:13] Madam Prosecutor, please continue.

17 MS MAKWAIA: [10:22:20]

18 Q. [10:22:21] Mr Witness, you had just told the Court that (Redacted)

19 (Redacted)-- and then you asked for the short break.

20 Do you want me to put the question again to you, or are you able to continue your
21 testimony?

22 A. [10:22:55] If you can kindly repeat the question, please.

23 PRESIDING JUDGE SAMBA: [10:23:02] Maybe you should -- well, with the question,
24 you should read his answers again so that he gets his train of thought again. Thank
25 you.

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1 MS MAKWAIA: [10:23:14] Thank you, Madam President.

2 Q. [10:23:17] So, Mr Witness, the question was:

3 "For how long did you remain (Redacted)?"

4 And your answer was: (Redacted)

5 (Redacted)--" and then you asked for the short break.

6 Do you recall saying that?

7 A. [10:23:49] Yes, I remember. (Redacted)

8 (Redacted)

9 Q. [10:24:23] And after that, where did you go?

10 A. [10:24:36] After that, I worked in various sections -- several -- in various

11 neighbourhoods. After working (Redacted), still under the command of

12 (Redacted), the situation was such that there were no incidents (Redacted), so I was

13 deployed to a different neighbourhood and still for the purpose of providing security

14 for the inhabitants.

15 Q. [10:25:25] In which neighbourhood was this?

16 A. [10:25:34] It was (Redacted)

17 (Redacted).

18 Q. [10:25:47] Why were you deployed here?

19 A. [10:25:51] We were deployed there for the same purpose of ensuring the

20 protection or safety of the population. A certain number of Seleka members were

21 based in (Redacted). Subsequently, we learned that there were holdups in that

22 neighbourhood and those holdups were carried out by the Seleka. So we were sent

23 there to carry out patrols (Redacted). So the work that we were doing there was the

24 same as we had been doing (Redacted).

25 Q. [10:26:55] And who -- who decided that you should go there?

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1 A. [10:27:16] It was (Redacted). He issued orders to our (Redacted) and he
2 asked -- or that the same team that had worked (Redacted) should be deployed to
3 work (Redacted).

4 Q. [10:27:46] For the clarity of the record, which month is this?

5 A. [10:28:08] If I remember correctly, it was between -- I think it was around the
6 (Redacted).

7 Q. [10:28:28] And the year, please?

8 A. [10:28:40] (Redacted) 2013.

9 Q. [10:28:47] (Redacted)
10 (Redacted)

11 A. [10:29:04] (Redacted)

12 Q. [10:29:19] What does OCRB stand for?

13 MS NAOURI: [10:29:29](Interpretation) I'm sorry, my learned friend, you asked a
14 question which is very interesting on the date, and the witness gave the dates, he gave
15 an answer, but it was not in the transcript -- well, I have made that remark and the
16 date has appeared on the transcript right now, so I just wanted to point that out.

17 MS MAKWAIA: [10:30:01] Thank you for that. We had it in the English transcript
18 though. It could have just been interpretation delayed.

19 Q. [10:30:10] Mr Witness, I had asked you what does OCRB stand for?

20 A. [10:30:27] OCRB, O for office, C stands for Central African*, R for
21 repression -- *office* -- Central African Republic Office for the Repression of Banditry,
22 OCRB.

23 THE INTERPRETER: [10:31:16] Says the witness.

24 MS MAKWAIA: [10:31:19]

25 Q. [10:31:19] You've said it's found in the city of Bangui. Do you know where

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1 exactly in the city, the arrondissement, if you know?

2 A. [10:31:33] Yes, I know where it is. The OCRB is in the centre of town and that's
3 in the first arrondissement. And if I have to locate the OCRB, I can say when you get
4 to Point 0, close to the central market, there is a bank, the BSIC bank, there is a road
5 that leads towards Camp de Roux. And if you take that road, the OCRB, the central
6 one, is on the right.

7 Q. [10:33:04] What is the distance between Camp de Roux and the OCRB, say if one
8 was walking?

9 A. [10:33:14] When you leave Camp de Roux on your way to the OCRB, it would
10 be about 500 or 600 metres. That's my estimate, 500 or 600 metres.

11 Q. [10:33:57] You said you then were deployed (Redacted). When you got there,
12 did you report to anybody?

13 A. [10:34:24] When I got there, I met (Redacted). He was working under the
14 command of (Redacted). And as I told you, (Redacted), I was working -- I was very
15 close to him and we worked within the same section. The same elements were
16 under (Redacted), so we worked together. (Redacted)
17 (Redacted)
18 (Redacted)

19 THE INTERPRETER: [10:35:15] Interpreter correction: At the beginning of the
20 witness's reply, he said: (Redacted) worked under the command of (Redacted)
21 (Redacted).

22 MS MAKWAIA: [10:35:33]

23 Q. [10:35:33] Who is Mahamat Said, Witness?

24 A. [10:35:52] He was a colonel and he was the one who commanded the Central
25 OCRB. All the Seleka elements at the Central OCRB were under his command.

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1 Q. [10:36:18] Do you recall, (Redacted), how many Seleka elements were at the
2 OCRB?

3 A. [10:36:43] There were several Seleka elements. There were many of them. If I
4 were to count, between about 40 and 50, approximately.

5 Q. [10:37:05] You stated earlier that he was the one who commanded the Central
6 OCRB. Why do you say this?

7 A. [10:37:19] (Redacted)

8 (Redacted). And I saw that Colonel Mahamat Said was sitting under a tree and

9 *Colonel Yaya told me that he was working in cooperation with *Mahamat Said who
10 was sitting *there. (Redacted)

11 (Redacted). That's when I met Colonel Mahamat Said and that's when I
12 realised that he was really the commander of the Central OCRB.

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 A. [10:42:00] As I've been telling you, the person who was commanding was
6 Colonel Mahamat Said. Colonel Mahamat Said, all the instructions came from him.
7 And the commanders who were his deputies, (Redacted)
8 and those commanders would report to him. Sometimes he would ask to see the
9 incident logbook, *cahier d'événements*, in French.

10 Q. [10:42:56] And what was the name of his deputy, can you please tell the Court?

11 A. [10:43:04] The deputy of Colonel Mahamat Said, his name escapes me because
12 we would call him Colonel Shisha. That was his nickname. I don't know his full
13 name. He, too, was a colonel. That was his rank.

14 Q. [10:43:44] (Redacted)?

15 MS NAOURI: [10:44:07](Interpretation) Madam President, just to avoid leading
16 questions of the witness, he didn't say that (Redacted) handled the logbooks. He
17 could have been asked if someone did that. But this is the second time, so we object.

18 PRESIDING JUDGE SAMBA: [10:44:25] Upheld. Can you rephrase, counsel.

19 MS MAKWAIA: [10:44:31]

20 Q. [10:44:31] How many (Redacted) persons, if any, kept the *registre* or the logbook,
21 Mr Witness?

22 A. [10:44:51] (Redacted)

23 (Redacted)

24 (Redacted). There was a Gekambasté (phon) -- Lieutenant

25 Ngrekamba Steve, Mordomte-Timon-Tadde, Lieutenant Ibrahim. He, too, also did

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1 the logbook. (Redacted)

2 (Redacted).

3 Q. [10:45:43] Sorry, Mr Witness, just to bring you back. Do you mind spelling the
4 names for the record. So start with the first one. I think it was a ... There was
5 Timothée (phon), Lieutenant Ibrahim, Modonte (phon). Can you please spell these
6 names, Mr Witness.

7 PRESIDING JUDGE SAMBA: [10:46:28] Let's start with the first one, was Lieutenant
8 Kambasté (phon), do you want to pronounce that name properly for us now.
9 Then Lieutenant Modonte Thimothade (phon), as it appears on the English transcript.
10 In any event, mention the names again for us, the duty officers. Let's start with that.
11 Mention the names. The first one, give us the spelling; the second one, give us the
12 spelling, as best as you could; and so on.

13 THE WITNESS: [10:47:25](Interpretation) There was Lieutenant
14 Mordomte-Timon-Tadde. He was the first one.

15 MS MAKWAIA: [10:47:41]

16 Q. [10:47:43] If you could please spell the last name at least.

17 A. [10:47:56] Thank you, I will. It's written as follows: M-O-R-T-O-M-T-E,
18 hyphen, T-I-M-O-N, hyphen, T-A-D-D-E. Mordomte-Timon-Tadde.

19 Q. [10:49:31] Thank you, Mr Witness.

20 So what would happen to a person or a detainee when they arrived at the OCRB?
21 Perhaps I can be a bit more precise. Where were they detained?

22 MS NAOURI: [10:50:04](Interpretation) Madam President, to the best of my
23 recollection, the witness did not speak of detainees or places of detention, nothing like
24 that. So counsel should stop leading the witness and put questions to the witness,
25 listen to the answers and then continue.

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1 PRESIDING JUDGE SAMBA: [10:50:26] I think, the first question -- we'll go with the
2 first question, Madam Prosecutor. Objection upheld. Let's go with the first
3 question, please, and we'll get to the answers that you want to solicit from this
4 witness.

5 Let's -- the first question you asked was, I think, to do with what would happen to a
6 person when they arrived at the OCRB. Leaving aside detainee, because we do not
7 know whether people are detained. We have not gotten to that yet. He has told us
8 about a register when people get to the OCRB. He will tell us the rest if you put the
9 question properly.

10 MS MAKWAIA: [10:51:21] Actually, Madam President, at page 22, line 19 to 22, the
11 witness had mentioned previously in evidence: "(Redacted)
12 (Redacted)". So there was already mention of detainees arriving at the
13 OCRB.

14 PRESIDING JUDGE SAMBA: [10:51:42] Okay, noted. Then put the question.
15 Thank you very much.

16 MS MAKWAIA: [10:51:46] I'm obliged, your Honours.

17 Q. [10:51:48] So, Mr Witness, can you please assist us by telling the Court what
18 happened to persons or detainees when they arrived at the OCRB?

19 PRESIDING JUDGE SAMBA: [10:52:07] Let's start with what happened with
20 persons when they arrived at the OCRB.

21 MS MAKWAIA: [10:52:15] All right. So we'll take it sequentially.

22 Q. [10:52:20] Mr Witness, can you answer the Presiding Judge's question: What
23 happened to persons when they arrived at the OCRB?

24 A. [10:52:47] When a person was taken or if a prisoner was taken to the OCRB, the
25 duty officers would take the person's affiliations, the information, their name, their

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1 address, the grounds on which the person had been arrested, what the person had on
2 his or her body, for example, wallets, telephones, all of that information was written
3 down. Once that was done, the prisoner would be made available to the colonel.

4 Q. [10:53:54] And who would -- can you give us the name of the colonel, please?

5 A. [10:54:08] Mahamat Said, Mahamat Said.

6 Q. [10:54:16] And then what would happen?

7 A. [10:54:41] It would depend on the case. Sometimes the colonel would give
8 instructions that the person be beaten up and also he was the one which cell the
9 person, the detained person, would be placed in. That's what would happen.

10 Q. [10:55:07] How many cells were at the OCRB?

11 A. [10:55:39] There was G1, G2 and also there was an underground cell. In all,
12 I believe there were three cells.

13 Q. [10:55:56] Where was this underground cell located, Mr Witness?

14 A. [10:56:19] The underground cell was located in the office of Colonel Mahamat
15 Said. And so that was also in the main building, the main building of the OCRB.

16 Q. [10:56:46] And you've mentioned a G1, G2, where would -- where were these
17 cells located?

18 A. [10:57:05] When you enter the OCRB compound, the administrative building is
19 in the middle and then there's another building on the other side. And then there's
20 other buildings on the other side. The building that we would work in is in front of
21 the building where cells G1, G2 and G3 are located.

22 Q. [10:58:02] You've said earlier, Witness, that Mahamat Said, Colonel Said decided
23 the cells -- decided the cells where the detainees would be put in. So can you tell the
24 Court what type of detainees were put in the G1 cell, starting with that one?

25 A. [10:58:41] Thank you. As I told you, in cell G1, there were mostly Seleka

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1 elements or soldiers who were not disciplined, unruly. So in G1, the unruly Seleka
2 members were placed. In G2, that's where the civilians were held. Those people
3 had stolen something or engaged in violence, abuse. They were held in that cell. In
4 the underground cell, the grounds varied for a person to be taken there.

5 MS MAKWAIA: [11:00:06] I note the time, your Honours, and I can stop here for --

6 PRESIDING JUDGE SAMBA: [11:00:10] Yes, indeed. When we come back, we will
7 hear the reasons why persons would be taken to the underground cell. But also we
8 want to have a time frame for (Redacted). We know that he has spoken about

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Mr Witness, we are going to stop here for now for some 30 minutes. So we will
13 come at 11:30 to continue with your testimony.

14 I rise the Court for 11:30, please.

15 (Recess taken at 11.01 a.m.)

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

17 THE COURT USHER: [11:32:38] All rise.

18 Please be seated.

19 PRESIDING JUDGE SAMBA: [11:33:12] Good morning again, everyone.

20 We're going to continue with the testimony of this witness.

21 Madam Prosecutor, your witness. We're in open session.

22 MS MAKWAIA: [11:33:29] Thank you, Madam President, your Honours.

23 If -- with your leave, if we could revert back to private session so I can continue.

24 PRESIDING JUDGE SAMBA: [11:33:38] Madam Court Officer, can we go back to
25 private session, please.

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1 (Private session at 11.33 a.m.)

2 THE COURT OFFICER: [11:33:56] We are in private session, Madam President,
3 your Honours.

4 PRESIDING JUDGE SAMBA: [11:34:00] Thank you very much.
5 Continue, counsel.

6 MS MAKWAIA:

7 Q. [11:34:07] Mr Witness, you were giving evidence about the OCRB Central when
8 the break was taken, when we took the break.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:35:30] You have previously testified, Mr Witness, that detainees held in
16 the underground cell were held there -- the grounds for holding them in
17 the underground cell varied; remember saying that?

18 A. [11:36:08] Yes, that is correct.

19 Q. [11:36:13] So can you assist the Court, please, by telling it what kind of grounds
20 these would be, what are the reasons?

21 A. [11:36:43] Based on what I know and (Redacted), I can
22 mention the case of a young person who was brought there. He was taken there by
23 Colonel Mahamat Saleh. That young person was called Chiba. *He had been
24 arrested because it was alleged that he had attempted to throw a grenade at the
25 convoy of the president of the republic, so he was placed

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1 in the underground cell.

2 Another one was called Melky. He's a young man from the 8th arrondissement in

3 Bangui. He was put in the underground cell for the simple reason that he was

4 alleged to have brutalised elements of FOMAC at M'Poko.

5 Another one, a colonel of the Seleka and his elements attempted to hold up the Rayan

6 supermarket. So that team was placed in the underground cells. So those are

7 the cases of the people, the individuals who were held in the underground cell which

8 I know about.

9 Q. [11:38:36] Mr Witness, how -- first of all, were the cells guarded?

10 A. [11:39:09] The situation was as follows: The cells that were outside, there were

11 no guards, there were just Seleka elements who were in the OCRB courtyard.

12 Sometimes the cells would be opened to enable the people to come out and then

13 return. However, the underground cell was guarded by one or two elements.

14 Q. [11:39:57] Do you remember the names of the one or two elements who guarded

15 the underground cell?

16 A. [11:40:22] Yes. One (Redacted) of the Seleka, whose name was Noiro. I do

17 not know his family name. He was known as Commander Noiro. He is Amdaga's

18 junior brother. He was the one responsible for guarding the underground

19 cell.

20 Q. [11:41:07] And what would this entail? Can you just elaborate a bit more.

21 A. [11:41:35] As I have just told you, it was Commander Noiro who was

22 responsible for guarding the underground cell. Everyone referred to him as "Noiro.

23 Noiro." So this is the person who was assigned to guard the underground cell.

24 Q. [11:42:15] You have previously testified that there was around 40 to 50 Seleka

25 elements at the OCRB. Can you tell the Court, please, where -- where did

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1 they -- where were they based? Where did they spend -- where did they spend
2 the night? Can you tell the Court.

3 A. [11:42:59] Thank you. (Redacted)

4 (Redacted). There was no stable work plan or a schedule that would say that

5 such-and-such a team would take guard at this time and so on and so forth. Anyone

6 who wanted to visit their relatives would apply for permission, go into

7 the neighbourhood, spend three or four days with their families and then come back

8 on duty. That is how it happened.

9 (Redacted) the nights in the OCRB compound. There was a terrace, a veranda in

10 the OCRB compound. Even in the main building, in the waiting room, people could

11 stay there and spend the night on a mat. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [11:44:54] Thank you, Witness.

15 Your Honours, with your leave, can I have displayed the document at tab 54,

16 CAR-OTP-2033-6838.

17 MS NAOURI: [11:45:41](Interpretation) Madam President, just a minor error. In

18 the French transcript it is said, tab 44, but I believe it was 54. I just wanted to point

19 that out.

20 PRESIDING JUDGE SAMBA: [11:46:01] Yes, we have "54" in the English transcript.

21 If the French transcript can be corrected, please.

22 Thank you. Thanks, Ms Naouri.

23 Madam Prosecutor, please continue.

24 MS MAKWAIA: [11:46:17] Thank you, your Honours.

25 Q. [11:46:19] Mr Witness, you have a photograph before you. If you are able, can

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1 you tell the Court what is this photograph about.

2 A. [11:46:51] What we can see there is the OCRB building. So it is the OCRB
3 building that I can see on that photograph. I can see the courtyard of the compound,
4 as well as the building.

5 Q. [11:47:18] Thank you, your Honours.
6 Can I now have displayed tab 55, CAR-OTP-2033-7154.

7 What do we see in this photograph, Witness?

8 A. [11:47:52] Once again, it is the OCRB building. That is the main entrance of
9 the administrative building. It is the same building, so that is behind, that is when
10 you went to go inside the building.

11 Q. [11:48:19] Can you put a "1" where you say is the main entrance, please.
12 Thank you, Witness.

13 I wish to formally submit this photograph, your Honours.

14 PRESIDING JUDGE SAMBA: [11:49:00] Yes.

15 Madam Court Officer, can we have an ERN number for the annotated version of that
16 exhibit, please. Or is it already in, or?

17 THE COURT OFFICER: [11:49:13] Yes, Madam President.

18 The tab number 55 from the Prosecution list of material annotated by the witness will
19 bear the following Registry number, CAR-REG-0002-0133, and will be considered and
20 coded as formally submitted as requested. Thank you.

21 PRESIDING JUDGE SAMBA: [11:49:36] Thank you very much.

22 Madam Prosecutor, please continue.

23 MS MAKWAIA: [11:49:40] Can the witness please now be shown tab 56,
24 CAR-OTP-2033-6871, please.

25 Q. [11:50:10] Mr Witness, what does the Court see here?

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1 A. [11:50:22] What I can see are the cells. I can see the G1 cell at the OCRB. That
2 is the detention centre at the OCRB.

3 Q. [11:50:44] By using the electronic pen you have, can you please mark the G1
4 cells.
5 Sorry.

6 A. [11:51:18] The number "1", as I have said.
7 The entire building is actually known as G1. The building with four doors is known
8 as G1. The office where there is a table, where I have indicated "0", that is where
9 the duty officers would sit down to work. When someone was brought in, the duty
10 officer was seated there. The office is in front of him. He would ask for the contacts.
11 You can see bags and other things that are hung there. They belong to those people.
12 You have small bags under there. There are telephones and other objects inside
13 there. Then there is a tree there. That is where Colonel Mahamat Said used to sit.
14 He did not frequently remain in his office. He was quite often under that tree. So
15 he worked most of the time there. There were chairs around. He received people
16 who came in at that point and he could observe everything that was happening
17 within the compound from there.

18 Q. [11:53:24] Can you please put an "A" where this tree is located in
19 the photograph.

20 To the left of the photo we see a small, a small building, partially, in white. Do you
21 know what that is?

22 A. [11:54:15] Those are the toilets. Those are the toilets. You can see that
23 the door is open. It is the toilets.

24 Q. [11:54:33] Could you please -- go on, then. Could you please put the letter "B"
25 on this.

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

2 PRESIDING JUDGE SAMBA: [11:55:11] Madam Court Officer, can we have an ERN
3 number for the annotated version of this exhibit, please.

4 THE COURT OFFICER: [11:55:18] Yes, Madam President.

5 Tab 56 of the Prosecution list of material annotated by the witness will bear
6 the following Registry number, CAR-REG-0002-0134, and coded as FS.

7 PRESIDING JUDGE SAMBA: [11:55:42] Thank you very much.

8 Madam Prosecutor, please continue.

9 MS MAKWAIA: [11:55:46] At tab 57, your Honours, can we please have displayed
10 CAR-OTP-2033-7064.

11 Q. [11:56:11] What does this photograph depict, Mr Witness?

12 A. [11:56:25] That is the second building. This building is known as G2. It is
13 the second building of that detention centre.

14 Q. [11:56:46] Thank you, your Honours. This is already formally submitted.
15 Can we now have displayed tab 58, CAR-OTP-2033-7170, please.

16 What does this photograph depict?

17 A. [11:57:35] What we can see there is the inside, the interior of the OCRB building.
18 It is a reception area, the seating area of the building whose exterior we saw a few
19 minutes ago. So that is the interior of the building.

20 Q. [11:58:08] Thank you, Mr Witness.

21 Can photograph -- sorry. It's already formally submitted as well.

22 Can the photograph at tab 59 be displayed, please, CAR-OTP-2033-7175.

23 What does this photograph show, Witness?

24 A. [11:59:04] It is the interior of the administrative building of the OCRB that I
25 talked about a short while ago. But the photograph was taken from a different angle.

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1 It is the same location that we saw a short while ago, that is the interior of
2 the administrative building of the OCRB, but a photograph taken from a different
3 angle.

4 Q. [11:59:37] Thank you, Witness.

5 Photograph also formally submitted, your Honours.

6 Now, if I may please have tab 60 displayed, CAR-OTP-2033-7056.

7 Can you assist the Court, Mr Witness, what does this photograph depict?

8 A. [12:00:15] What we see there, I can see the inside of the office where there is
9 the underground cell. You can see the planks on the floor there, the opening into
10 the underground cell which is locked. And when people are brought, they are taken
11 down there. That is where the underground cell is found. That is what we can see
12 on that photograph.

13 Q. [12:00:56] Now can you mark it with number "1" where you say
14 the underground cell was located.

15 Thank you, Witness.

16 I formally ask your leave to tender this photograph, your Honours.

17 Tendered for -- we would like to tender the photograph as a Prosecution exhibit,
18 your Honours.

19 PRESIDING JUDGE SAMBA: [12:01:56] Okay, can we have an ERN number for that
20 exhibit, please, Madam Court Officer.

21 THE COURT OFFICER: [12:02:02] Yes, Madam President.

22 Tab 60 from the Prosecution list of material will bear the following Registry number,
23 CAR-REG-0002-0135, and coded as formally submitted.

24 PRESIDING JUDGE SAMBA: [12:02:20] Thank you very much.

25 Madam Prosecutor, please continue.

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1 MS MAKWAIA: [12:02:26] Can we now have displayed tab 61, CAR-OTP-2033-7060,
2 please.

3 THE INTERPRETER: [12:02:46] Message from the interpreters: (Overlapping
4 speakers)

5 THE COURT OFFICER: [12:02:52] Message from the French booth: Could
6 the Prosecution please slow down when eliciting ERN number. Thank you very
7 much.

8 MS MAKWAIA: [12:02:58] I can repeat.

9 PRESIDING JUDGE SAMBA: [12:03:04] Please do so.

10 MS MAKWAIA: [12:03:05] Apologies for that.

11 The last photograph is tab 61, CAR-OTP-2033-7060.

12 Q. [12:03:25] Mr Witness, can you please assist us, what does this photograph
13 show?

14 A. [12:03:44] What we see here is the office where the underground cell was. I
15 marked it number "1". You can see that there's a bench placed on top of it.

16 Q. [12:03:59] Can you mark again number "1" on this photograph, or "A".
17 And whose office was this underground cell located in?

18 PRESIDING JUDGE SAMBA: [12:04:49] I think he had given that answer, but
19 anyway let's allow him. He did give that answer.

20 Mr Witness, can you answer the question: In whose office was this underground
21 cell?

22 THE WITNESS: [12:05:18](Interpretation) It was in the office of
23 Colonel Mahamat Said.

24 MS MAKWAIA: [12:05:26]

25 Q. [12:05:26] With an arrow, can you point towards the direction?

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- 1 PRESIDING JUDGE SAMBA: [12:05:32] The direction of?
- 2 MS MAKWAIA: [12:05:34] Actually, I withdraw that question. It's superfluous.
- 3 I would like to tender this as a Prosecution exhibit.
- 4 PRESIDING JUDGE SAMBA: [12:05:43] Madam Court Officer, can we have an ERN
- 5 number for that exhibit, please. Thank you.
- 6 THE COURT OFFICER: [12:05:49] Yes, Madam President.
- 7 Tab 61 from the Prosecution list of material will bear the following Registry number,
- 8 CAR-REG-0002-0136, and coded as formally submitted.
- 9 PRESIDING JUDGE SAMBA: [12:06:07] Thank you.
- 10 Carry on, counsel.
- 11 MS MAKWAIA: [12:06:12]
- 12 Q. [12:06:12] And finally on this series of photographs, can we have tab 62
- 13 displayed, CAR-OTP-2033-7061.
- 14 What's this photograph, Witness?
- 15 A. [12:06:57] This is the underground cell. The hole that I see here, that's where
- 16 the detainees were placed.
- 17 Q. [12:07:13] Thank you, Mr Witness.
- 18 The photograph is already formally submitted, your Honours.
- 19 Mr Witness, when you spoke -- first of all, do you remember being interviewed by
- 20 investigators of the Office of the Prosecutor?
- 21 A. [12:07:52] Yes, I remember that.
- 22 Q. [12:07:59] Do you remember the year?
- 23 A. [12:08:19] We met at the time -- if I recall correctly, it was in 2019. Yes, 2019.
- 24 That's when I met (Redacted) in Bangui. Yes, in 2019, unless I'm mistaken.
- 25 Q. [12:09:05] When you met them, apart from them interviewing you, do you

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1 remember giving them a series of documents?

2 A. [12:09:28] Yes, I remember.

3 Q. [12:09:38] Do you remember what some of these documents were?

4 A. [12:09:55] If I recall correctly, I believe I gave them some documents such as
5 my -- my card -- my unemployment card. And also a little notebook, if I recall
6 correctly. What's more, an -- a Seleka identity card, if I recall correctly.

7 THE INTERPRETER: [12:10:31] Interpreter correction: The first document
8 mentioned was a jobseeker's card.

9 MS MAKWAIA: [12:10:47] Okay.

10 Q. [12:10:47] And in elaborating your answers to the questions they were putting to
11 you, did you provide them with any other document?

12 A. [12:11:28] Yes. If I recall correct -- oh, now I remember. Also
13 the -- the certificate attesting to the laying down of weapons, which had my name on
14 it. I showed it to them. It was issued by MINUSCA after we had identified
15 ourselves. It was the laying down of weapons certificate.

16 Q. [12:12:09] For the better understanding of what you are describing as the OCRB,
17 were you asked to do anything?

18 A. [12:12:48] I'm -- I don't believe I've understood your question. Could you
19 rephrase it.

20 Q. [12:12:58] What diagrams, if any, did you produce?

21 PRESIDING JUDGE SAMBA: [12:13:05] Do you want to tell him that it's when he
22 was talking to the investigators.

23 Mr Witness, when you were talking to the investigators of the OTP and when you
24 were explaining to them about the OCRB, did you give them any further document?

25 THE WITNESS: [12:13:37](Interpretation) Yes, I remember. I made a little sketch.

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1 I sketched the OCRB and they asked me to do it just like that, just on a piece of paper.

2 And I had to describe on this diagram the layout of the OCRB. Yes, I remember that.

3 I remember.

4 PRESIDING JUDGE SAMBA: [12:14:07] Thank you very much, Mr Witness.

5 Madam Prosecutor, please continue.

6 MS MAKWAIA: [12:14:11] Thank you, Madam President.

7 Q. [12:14:15] If we can have displayed tab 44 of the Prosecution list of material.

8 CAR-OTP-2114-0319, please.

9 Apologies for colleagues at the Registry, it's tab 37.

10 Can it please be zoomed in a little bit. It's extremely small, the writing.

11 Is there a way of having the whole picture, or?

12 Okay, we -- I'll move it around as I ask the questions.

13 So, Mr Witness, the Court has before it a sketch. Can you just confirm what this is

14 again.

15 A. [12:16:35] What we see here, this image, I was asked to make a drawing of

16 the inside of the OCRB and how it was inside the building. So that's what I did. I

17 made this sketch to show them how the things were.

18 *At the top, that's the centre of town. The roundabout, there's the BSIC bank, that's

19 what you can see at the very top. Next to the BSIC bank, to the left, there is an

20 entrance and a road, there's an entrance. This road leads towards Camp de Roux, you

21 will see the OCRB compound. There is an entrance here. There is a gate. There's a gate,

22 there's the gate that you see on this photo. I mentioned a little something here, to

23 show that the OCRB compound has two gates, one at the front and one to the side of

24 the compound. The square indicates the OCRB compound. That's what I mentioned

25 when drawing this square here. And if you head towards the 1st arrondissement,

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1 you will see the main entrance, and that's what you see on the sketch and it's marked
2 "P". "1st Arrd", 1st arrondissement.

3 Within the compound I sketched the OCRB building. That's what I did when I made
4 this circle. Now in circle -- within that building, that circle, there are two entrances.
5 There's an entrance at the back of the building, and when you enter the back entrance
6 and you turn a bit, you find the office of Mahamat Said and that's where I have
7 marked it "Said".

8 I don't -- I'm not much of an artist, but I prepared this sketch so that they could
9 understand.

10 At the bottom you see the main entrance to the OCRB. I showed it to you on
11 the photograph where there were -- where there were steps. Then I marked "G1",
12 there were some offices. At that time, that office was the office of the director of
13 the OCRB. (Redacted) a general, his name was General Mazangue. He has
14 now passed away. That was the office of General Mazangue.

15 Q. [12:19:42] Hang on, Mr Witness.

16 A. [12:19:43] So you can see the cells.

17 Q. [12:19:53] Okay, can you just put a circle where you say it was the office of
18 General Mazangue.

19 And do you recall when was it he was at the OCRB, when he worked at the OCRB?

20 A. [12:20:43] (Redacted). He was there and he would
21 come and work at the office for a while, then he would close his office and leave. He
22 would come and he would go. Sometimes he would talk to Colonel Mahamat Said
23 and then he would go into his office, he would leave his office, he would lock it. It
24 was his office. (Redacted).

25 Q. [12:21:23] Thank you, Witness. And there's a tree there. What's this tree?

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1 A. [12:21:39] That's the tree that I pointed out to you in the previous photograph.
2 The tree beside building G1. That is where Colonel Mahamat Said would -- that's
3 where he would sit. There was an armchair, there was a small table and he would
4 regularly sit there. That's what we saw on the photograph.

5 Q. [12:22:09] And to the left of the tree we see a table and "*officier*" in the diagram.
6 What's this?

7 A. [12:22:32] I beg your pardon? I don't quite see what you're talking about.

8 Q. [12:22:41] It's in the building you've marked as G2. So if you count one, two,
9 three, four, you will see "*officier*" and there appears to be something like a table that
10 you've drawn.

11 A. [12:23:17] That's where there was a small sort of terrace. I told you the duty
12 officers would sit there and work there. That's why I sketched that there. That's
13 where (Redacted).

14 I sketched that little table and the chair. That's where the duty officers would sit and
15 work.

16 Q. [12:23:49] Can you please put a "1" on this, on this area.

17 And put a "2" on the tree and area you said Mahamat Said would sit and work.

18 And put a "3" where you said previously you put "SS" where Said's office is found in
19 the main building.

20 If the photograph can be -- if I can have the full photograph, please.

21 THE COURT OFFICER: [12:25:46] I'm not sure the Registry fully understands
22 the Prosecution request.

23 PRESIDING JUDGE SAMBA: [12:25:53] Can you reduce the size, maybe one step.
24 She wants to see the bottom bit of ...

25 THE COURT OFFICER: [12:26:04] Yeah, the sketch is already fully displayed in its

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- 1 entirety, Madam President, I think.
- 2 PRESIDING JUDGE SAMBA: [12:26:12] Can you -- yes, that's the bottom part that
- 3 she wants to see, yes.
- 4 THE COURT OFFICER: [12:26:17] Yes, I hadn't seen. Thank you.
- 5 MS MAKWAIA: [12:26:23] Thank you, your Honours.
- 6 Q. [12:26:24] Mr Witness, we see a name. Can you read for the record the name
- 7 there. And we see a signature. Can you tell the Court whose signature that is.
- 8 A. [12:26:46] The name on this document is (Redacted). That's my name and
- 9 that's my signature which I placed at the bottom of this document.
- 10 Q. [12:27:03] Can you also read the date, please.
- 11 A. [12:27:16] 21 July 2019.
- 12 MS MAKWAIA: [12:27:24] Your Honours, we would like to tender this sketch as
- 13 part of the Prosecution exhibit.
- 14 PRESIDING JUDGE SAMBA: [12:27:30] Madam Court Officer, can we have an ERN
- 15 number for that exhibit, please. No?
- 16 THE COURT OFFICER: [12:27:53] Yes, Madam President. Tab 37 from
- 17 the Prosecution list of material will bear the following Registry number,
- 18 CAR-REG-0002-0137 and be coded as formally submitted. Thank you.
- 19 PRESIDING JUDGE SAMBA: [12:28:10] Thank you very much.
- 20 Madam Prosecutor, please continue.
- 21 Yes, Mr Witness, can I hear you?
- 22 THE WITNESS: [12:28:28](Interpretation) Please, I'd like to take a bathroom break, if
- 23 you don't mind. If you agree.
- 24 PRESIDING JUDGE SAMBA: [12:28:38] For sure.
- 25 We'll wait for you. Please go ahead.

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1 (The witness exits the courtroom)

2 (Pause in proceedings)

3 (The witness enters the courtroom)

4 PRESIDING JUDGE SAMBA: [12:35:45] Carry on, Madam Prosecutor.

5 MS MAKWAIA: [12:35:59] Thank you, your Honour.

6 Q. [12:36:08] So, Mr Witness, you had previously testified that once the detainees
7 arrived and were registered, they were then taken to Said, who decided which cells
8 they would be held in. Can you tell the Court if there were any other -- I'll take that
9 up again.

10 Were any of these detainees interrogated?

11 A. [12:37:00] Those who were just brought in, most of them were identified at the
12 guard post by the duty officer, (Redacted). After taking their contacts,
13 then (Redacted) them to the colonel. The colonel had the last word on their fate, so
14 he could ask that they should be beaten up or tell them -- tell the others to put them in
15 the G1 or in the underground cell.

16 So that's what happened. The last word belonged to Colonel Said regarding the fate
17 of the most recent arrivals.

18 Q. [12:38:04] And when he decided that the detainee be beaten, was this
19 implemented?

20 A. [12:38:33] Yes. The person was beaten until the colonel asked that he should
21 stop being beaten. Then he would be sent to the cell. His instructions were
22 executed to the letter. It was just not anyone who could beat up a prisoner. No.
23 All that was after an order from the commander.

24 After a detained person was identified, then we would wait for the order from
25 the colonel. If he said that he should be put in a cell, then he would be put directly

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1 in the cell. But if he said that he should be beaten up really well, then that would be
2 done. His instructions were executed to the letter.

3 Q. [12:39:53] Thank you, Mr Witness.

4 Now, why is it the Seleka elements were deployed to the OCRB, do you know?

5 A. [12:40:25] Well, as I have just told you, the precise date of the deployment of
6 the Seleka to the OCRB, that I do not know. (Redacted)

7 (Redacted)

8 (Redacted). I am not

9 aware of the date at which they were originally deployed there.

10 Q. [12:41:15] Where did -- the regular policemen of the OCRB, where were they?

11 A. [12:41:42] As I have just told you, when the Seleka coalition took over power,
12 the situation was quite delicate. Most of the administrative legal employees deserted.
13 Some were -- did not even want to collaborate with the Seleka given their brutality.
14 Some of them came and worked at their duty posts for a short while and then would
15 return home. But most of the policemen, the regular policemen, did not work with
16 the Seleka, right up until the time that the Seleka left the location.

17 Q. [12:42:52] How were the -- what did the -- sorry.

18 What did the persons who were detained at the OCRB do for food?

19 A. [12:43:21] Some of the detainees were supplied with food by their relatives.
20 When the detainees were authorised to go out around noon or half past 12 to visit
21 relatives or, rather, to meet their relatives, those relatives would give them food.
22 Some of them were not authorised to receive visitors so they would give themselves
23 mutual assistance. Some prison -- prisoners would share their food. I saw one
24 prisoner who never received a single -- or, rather, prisoners who never received
25 a single relative. Those who went out would carry out some of the duties in

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1 the compound. We gave them food. But most of them, they would share their food
2 amongst themselves. However, I did not see any organisation which came to
3 provide food to the detainees. I never saw any such thing. So that is how
4 the detainees fed themselves.

5 Q. [12:45:02] You spoke about "some" who were not authorised to -- to go out.
6 Can you please elaborate on this.

7 A. [12:45:32] Those who were not authorised to go outside into the compound were
8 those who were in the underground cell. They were never allowed out. Sometimes
9 if there was something to give them, that item would be given to the person
10 responsible for guarding their cell, so he would lift the trapdoor and hand over
11 whatever item it was to them. But those prisoners themselves never came out.

12 Q. [12:46:25] You said earlier that some of the detainees were beaten following
13 instructions or orders of Said. Were they afforded any medical treatment after being
14 beaten?

15 A. [12:47:05] There was no treatment. They did not receive any care. It was
16 the good lord who preserved their lives. That is why there were no deaths.
17 After the prisoners were beaten up, they were put in the cells, they were feeling pains
18 everywhere. They would complain to their relatives, some of whom brought them
19 paracetamols and so on. But they did not receive any medical treatment at all.

20 Q. [12:47:55] Is it within your knowledge, Mr Witness, as to what would happen to
21 a detainee who was held in the basement and then got out into the compound?

22 A. [12:48:40] Can you repeat your question, please.

23 MS NAOURI: [12:48:50](Interpretation) First of all, the witness said "people did not
24 go out", those people did not go out. So why ask the question? Then it would be
25 speculation. What would the witness say? He said those people did not go out, so

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1 he would be required to imagine what would happen to those people, so that is why
2 I am raising the objection.

3 PRESIDING JUDGE SAMBA: [12:49:19] Madam Prosecutor.

4 MS MAKWAIA: [12:49:21] I'll take that up again.

5 Q. [12:49:31] Mr Witness, (Redacted), did anybody who was held in the basement
6 come out?

7 A. [12:50:01] It was those who had held up Rayan, they were beaten up. Those
8 were Seleka elements who were put in that hole. They had gone to hold up
9 the Lebanese, the Lebanese people of the Rayan supermarket. They were brought
10 and they were tortured and water was thrown on them. They were beaten up and
11 then they were taken into the hole.

12 PRESIDING JUDGE SAMBA: [12:50:46] Madam Prosecutor, but what we have on
13 record is that those who were in that hole, at least to his knowledge, did not come out.

14 MS MAKWAIA: [12:51:00] Thank you, Madam President. I'll move to another
15 subject.

16 Q. [12:51:23] Mr Witness, you've told the Court the overall in charge of the OCRB
17 was Mahamat Said. Can you tell the Court who did he report to?

18 A. [12:51:57] Mahamat Said worked in collaboration with Mahamat Saleh and
19 Adam. The person who coordinated everything with Mahamat Said was his
20 excellency General Nouradine Adam.

21 Q. [12:52:24] And how do you know General Nouradine Adam coordinated
22 everything with Mr Said, or Colonel Said?

23 A. [12:52:50] As I have just told you, this is something that I saw with my own eyes.
24 He was the minister of the interior during that period. He was the minister of
25 the interior. The police was under his authority and sometimes he would come, he

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1 would come unexpectedly. He would come in and cross-check the logbook of events.
2 One day we were detaining two other personalities, Colonel Dazoumi and his brother
3 Sani Yalo. They were detained in the OCRB and Colonel Mahamat Said had let them
4 out. They were in the compound and they were conversing. Suddenly, his
5 excellency came into the premises. It was so sudden. He wanted to salute them.
6 And then he saw the detainees in the compound. What I know is that most of the
7 orders came from him. He had a cane with him and he threatened Said with that
8 cane.
9 He said, "I had asked them -- I had asked that they should be put in prison. This
10 should be the last time. If I see them outside the next time, you will be responsible."
11 And then Colonel Said would answer, "At your service, General. At your service,
12 General." So he made threats and he went away with his elements.
13 So, automatically, he asked Colonel Said to take them straight back to the cell. So
14 that is what he did. And as from that moment I fully understood that it was true
15 that most of those instructions came from him. It was on the basis of that that I came
16 to know that General Nouradine was a very high-ranking official.

17 Q. [12:55:32] Can you spell the name of Colonel Dazoumi, please. I think the one
18 for his brother, Sani Yalo, is correct on the record. Can you spell that, please.

19 A. [12:56:05] Based on the pronunciation, what I know is Colonel Dazoumi, aka
20 Daz. The name is spelled D-A-Z-O-U-M-I. Dazoumi.

21 Q. [12:56:46] Where in the OCRB was he held? And his brother? Where were
22 they held?

23 A. [12:57:08] If you remember the cells where I referred to as G1, where there is
24 the office of the duty officers, there was a door there and so they were inside that
25 particular room. That is the door right next to the desk of the duty officers. Both of

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1 them were in that same cell in that room, in G1.

2 Q. [12:57:53] Why were they detained, do you know?

3 A. [12:58:10] The reason for their detention, well, I really don't know much about
4 that. But it was alleged that it was at the orders of a high-ranking authority and it
5 seems that Colonel Dazoumi was working with his excellency François Bozizé, so he
6 was a colonel who had been working with him who was working with him. So he
7 had been brought. They had been brought there. And the duty officer had not
8 written down their contacts *and most times it was General Nouredin and Saleh who
9 knew the grounds for their detention.

10 The military... the policemen did not go near them. They would just manage the
11 situation. Sometimes when the wives of Dazoumi or Yalo would bring food, Colonel
12 Said would give the order for them to be brought out so that they should be able to
13 take the food so they would be able to eat and they would be taken back. The
14 elements of the OCRB did not have access to them. Everything was coordinated by
15 Colonel Mahamat Said.

16 MS MAKWAIA: [12:59:48] I'm mindful of the time, your Honours. We could stop
17 here for today.

18 PRESIDING JUDGE SAMBA: [12:59:52] Yes, definitely.

19 Mr Witness, we're going to stop here today with your testimony. But we shall
20 tomorrow again. So I'm going to ask you not -- that you do not discuss your
21 testimony with anybody when you leave here and that you would still be on oath
22 when we meet again tomorrow to continue taking your testimony at 9.30.

23 So I rise the Court tomorrow for 9.30, please. Thank you.

24 (The hearing ends in private session at 1.00 p.m.)