

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 Maria del Socorro Flores Liera and Judge
- 6 Sergio Gerardo Ugalde Godinez and Judge Keebong Paek
- 7 Trial Hearing - Courtroom 2
- 8 Monday, 23 September 2024
- 9 (The hearing starts in open session at 11.30 a.m.)
- 10 THE COURT USHER: [11:30:27] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SAMBA: [11:30:50] Good morning, everyone.
- 14 Madam Court Officer, can you please mention the case.
- 15 THE COURT OFFICER: [11:31:11] Good morning, Madam President, your Honours.
- 16 The situation in the Central African Republic II in the case the Prosecutor v. Mahamat
- 17 Said Abdel Kani, case reference ICC-01/14-01/21.
- 18 And we're in open session.
- 19 PRESIDING JUDGE SAMBA: [11:31:27] Thank you very much.
- 20 Can I ask for representations, starting with the Prosecution, please.
- 21 MS MAKWAIA: [11:31:34] Good morning, your Honours, Madam President.
- 22 For the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer;
- 23 Marie-Jeanne Sardachti, trial lawyer; Sanyu Ndagire and Anusha Rawoah, assistant
- 24 legal officers. Thank you.
- 25 PRESIDING JUDGE SAMBA: [11:31:49] Thank you very much.

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- 1 Ms Pellet for the victims, please.
- 2 MS PELLET: [11:31:55](Interpretation) Thank you, Madam President.
- 3 The victims are represented by Tars van Litsenborgh, and myself, Sarah Pellet,
- 4 counsel OPCV.
- 5 PRESIDING JUDGE SAMBA: [11:32:06] Thank you very much, Ms Pellet.
- 6 Ms Naouri, for the Defence, please.
- 7 MS NAOURI: [11:32:11](Interpretation) Thank you, Madam President. Good
- 8 morning.
- 9 To my right, Capucine Banet; and to my left, Mr Jacobs; and myself, I am Jennifer
- 10 Naouri, lead counsel representing Mr Said.
- 11 PRESIDING JUDGE SAMBA: [11:32:28] Rule 74 counsel, please.
- 12 MS BWIZA: [11:32:32] Good morning, your Honours. Good morning,
- 13 Madam President. My name is Dignité Bwiza and I represent the witness.
- 14 Thank you.
- 15 PRESIDING JUDGE SAMBA: [11:32:40] Thank you very much.
- 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 I see you well.
- 18 MR SAID: [11:32:52](Interpretation) Good morning, Madam President.
- 19 PRESIDING JUDGE SAMBA: [11:32:56] Good morning.
- 20 Good morning, Mr Witness. I hope you had a restful weekend.
- 21 WITNESS: CAR-OTP-P-2563 (On former oath)
- 22 (The witness speaks Sango)
- 23 THE WITNESS: [11:33:10](Interpretation) Good morning. Yes, I did rest well.
- 24 PRESIDING JUDGE SAMBA: [11:33:14] Good. Now, Mr Witness, we're going to
- 25 continue with your testimony. I'm going to ask Ms Naouri, for Mr Said, to put

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1 questions to you in cross. I wish to remind you that you are still on oath to say the
2 truth to this Court.

3 I also wish to reiterate that you do have your Rule 74 counsel here to represent you.

4 And I also wish to remind everyone of the need to speak slowly so that the
5 interpreters can be helped.

6 Wait for the question, Mr Witness, before you give your answer.

7 Ms Naouri, may I invite you to put questions to this witness.

8 And we are in open session.

9 MS NAOURI: [11:34:03](Interpretation) Thank you very much, Madam President.

10 I would like to put a few questions in open session and then after that, we'll have to
11 go into private session.

12 QUESTIONED BY MS NAOURI: (Continuing)(Interpretation)

13 Q. [11:34:39] Good morning, Mr Witness.

14 A. [11:34:42] Good morning.

15 Q. [11:34:45] I would like us to revert to the topic of the Ledger Hotel, and I'd like
16 you to explain to us what was the procedure for -- for everything having to do with
17 the Ledger and what was the procedure for obtaining a badge?

18 A. [11:35:21] Thank you.

19 At the Ledger Hotel, we brought in a person and this person would take the
20 photographs. It was a civilian. All the colonels of all the sections to -- were asked
21 to have their elements come in and {ICR: (Redacted)
22 (Redacted)}.

23 Q. [11:35:56] I'm just going to stop you at this point. Now, there's no problem,
24 don't worry. But we're going to go into private session because it's difficult for
25 you -- and that's a normal thing.

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- 1 So I would like to ask the Presiding Judge if we can go into private session.
- 2 PRESIDING JUDGE SAMBA: [11:36:15] Definitely.
- 3 Madam Court Officer, can we go into private session, please. Thank you.
- 4 (Private session at 11.36 a.m.)
- 5 THE COURT OFFICER: [11:36:29] We are in private session, Madam President.
- 6 PRESIDING JUDGE SAMBA: [11:36:32] Thank you very much.
- 7 Ms Naouri, please continue.
- 8 MS NAOURI: [11:36:37](Interpretation) Thank you, Madam President.
- 9 Q. [11:36:41] You can continue, Mr Witness.
- 10 Now, you were telling us what this procedure was like for you, that is to say the men
- 11 reporting to Colonel Saleh.
- 12 A. [11:36:56] The elements were asked to go to the Ledger, section by section.
- 13 Each leader asked his elements to go to the Ledger Hotel, one after another, and
- 14 photographs were taken and that way -- well, that's the way that things were
- 15 organised there.
- 16 Q. [11:37:26] Very well. So I've understood that someone took your photograph.
- 17 Now, did you fill out a form to provide identifying information?
- 18 A. [11:37:41] No. We didn't fill out a form. When we got there, they took our
- 19 information -- for example, our surname, date of birth. Yes, that's the information
- 20 that we provided to them and then they took our photographs; that's the way that
- 21 they proceeded.
- 22 Q. [11:38:20] Very well.
- 23 Now I'd like us to go back for a moment or two on the badge, and I do have a few
- 24 follow-up questions about the badge -- tab 38 on our list, CAR-OTP-2114-0321.
- 25 And I believe it's already been formally submitted. Tab 38, CAR-OTP-2114-0321.

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1 Now, this badge is back up on the screen, Mr Witness, and I don't see anything about
2 your rank on this badge. Could you explain to us why that is the case?

3 A. [11:39:22] I didn't ask for information about the rank. I don't know how they
4 proceeded. We went, they took photographs of us and they took information from
5 us, and, as for the grade or rank, I don't know why it's not indicated on the badge.

6 Q. [11:39:50] Very well.

7 So, you just tell us what you know.

8 Now, here I see that something is written; namely, "RÉPUBLIQUES
9 CENTRAFRICAINE", Central African Republic, right at the very top. And there is
10 a spelling mistake in the word "*république*".

11 Do you know why that is the case?

12 A. [11:40:19] I have no idea. They took pictures and then we were issued badges,
13 and then what happened after that, I -- I can't tell you.

14 Where is the mistake that you're mentioning?

15 Q. [11:40:44] Well, at the very top. At the very, very top, beside the acronym, it
16 says: "RÉPUBLIQUES CENTRAFRICAINE". And then below we read unity, dignity
17 and work. And we noticed that *république* has an "S" at the end?

18 A. [11:41:18] That's not an R. I can see *république* with an R and I see a C. I really
19 don't know what you are driving at.

20 Q. [11:41:42] *Now, you have told us that because you had
21 your baccalaureat you were keeping records,
22 so that is why I just wanted to point out to you –
23 perhaps you can explain to us why the official badge had a spelling mistake on it with
24 the title,

25 "RÉPUBLIQUES" - with an "S" - "CENTRAFRICAINE"?

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1 A. [11:42:15] No, I have no idea, unfortunately.

2 PRESIDING JUDGE SAMBA: [11:42:22] Please carry on, Ms Naouri. I think he
3 answered earlier.

4 MS NAOURI: [11:42:27](Interpretation) Thank you, Madam President. Very well.

5 Q. [11:42:31] I've finished with this badge.

6 Now, you said that the GIR was the *Groupe d'intervention rapide*. And that was from
7 line 20 of the transcript, the French transcript -- transcript 112, page 15.

8 Now, why was this GIR set up, this rapid response group?

9 A. [11:43:03] (Redacted)

10 (Redacted)

11 (Redacted)

12 Once the badges were prepared, we went to get them. But I have no other
13 explanation for you about that.

14 Q. [11:43:39] *Just to pick up on what you were just saying, Mr Witness, I will read
15 out to you something that another witness actually told this Court, an insider --
16 corrected French transcript T-027, page 10 --"

17 THE INTERPRETER: [11:44:07] Correction: Page 9 --

18 MS NAOURI: [11:44:09](Interpretation) -- line 26 to page 10, line 7, this witness said:
19 "The military police badge happened because when the first identification was carried
20 out, it was a matter of identifying Seleka elements, so that they would be a group so
21 that we would not have disorder within the country.

22 But the disorder continued. The looting continued. And when there were
23 interventions, looking for these people who had been looting, we would always find
24 that badge. To end that, the president ordered that the identified elements should
25 be -- that some should be sent to work within the national guard, some to the military

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1 police, and some would have to go to training camps, and, that way, for the military
2 police, another badge -- another badge was prepared to identify these elements
3 belonging to the military police." End of quote.

4 My question: Do you have anything to add to what this witness said?

5 A. [11:45:51] Thank you for your question.

6 It was the same Seleka elements who were holding people up in the neighbourhoods,
7 who were doing those crimes. The badge made it possible to identify them and
8 determine who their colonel was, who their leader was.

9 As I've told you, the Seleka were the ones who were holding people up at gunpoint.

10 *And so, we would disarm them, and as well, we would send the ones we had caught
11 to prison. *The ones who did not have a badge, we would catch them, and when we...
12 To say that we suspected someone of creating fake badges in the neighbourhood, well,
13 I never heard about that.

14 Q. [11:46:47] Very well. That's not what this person said either. Now, did you
15 receive other identifying elements -- any other kind of identification than this badge
16 during the time of Mr Djotodia's government?

17 A. [11:47:11] Well, that's what the witness experienced. There were many sections.
18 Each person worked in his own section, so I really can't comment on what this other
19 witness experienced, I can only tell you about what I experienced.

20 Q. [11:47:44] I understand that.

21 Now I'm asking about you. Did you ever receive other ID documents during the
22 time of the Djotodia government, yes or no?

23 A. [11:48:00] No. There was no other ID, no other ID document.

24 Q. [11:48:09] Thank you.

25 Now, you said that the military police had been contacted to disarm unruly elements

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- 1 lacking discipline -- French edited transcript T-113 -- transcript T-113, pages 5 and 6.
- 2 I and do have a -- page 5, line 26 to page 6, line 2.
- 3 Now I have some follow-up questions.
- 4 So the instructions given to you were not to loot, not to steal, only to disarm people;
- 5 correct?
- 6 A. [11:48:56] Yes, that's right.
- 7 Q. [11:49:00] Very well. And it was Djotodia who set up the military police to avoid
- 8 people spinning out of control; isn't that the case?
- 9 A. [11:49:17] Yes, that's right.
- 10 Q. [11:49:21] (Redacted)
- 11 (Redacted)?
- 12 A. [11:50:01] Yes, that's right.
- 13 Q. [11:50:05] If I've understood correctly, the -- when the president fell from power
- 14 and many people came in with weapons, there were many opportunities to loot.
- 15 Have I understood correctly -- to loot and to steal; correct?
- 16 A. [11:50:39] Yes, that's right.
- 17 Q. [11:50:44] Mr Witness, President Djotodia were -- did a good job but the men
- 18 didn't always listen to him; isn't that correct?
- 19 A. [11:51:00] Yes, that's correct.
- 20 Q. [11:51:04] President Djotodia said in public to people with weapons that they
- 21 had to behave properly; correct?
- 22 A. [11:51:18] I haven't understood your question.
- 23 Q. [11:51:22] I will -- I will rephrase. President Djotodia had said in public during
- 24 public speeches that people had to behave properly. Those were his instructions;
- 25 isn't that right?

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1 A. [11:51:40] Yes, that's true.

2 Q. [11:51:44] Certain generals were trying to put Djotodia's instructions into effect,
3 but not all of them; isn't that so?

4 A. [11:52:03] Yes, that's right.

5 Q. [11:52:07] If we could return to the mandate of the military police. The
6 members of the military police arrested all delinquents and criminals; is that correct?

7 A. [11:52:41] Yes, that's correct.

8 Q. [11:52:48] So when people had weapons and they said they were Seleka
9 elements, they were arrested without any distinction between them and any other
10 criminals; is that correct?

11 A. [11:53:02] Yes, that's right.

12 Q. [11:53:07] *And to deal with this situation, Djotodia said that people bearing
13 weapons who were not following the rules, who were undisciplined, they were
14 supposed to be disarmed; that's what he said, isn't that so?

15 A. [11:53:50] *Yes, that's right.

16 Q. [11:53:55] *And the president said that all Seleka elements who took people's
17 possessions by force had to be seriously punished; is that correct ?

18 A. [11:54:00] Yes, that's right.

19 Q. [11:54:13] And when people had weapons and they said they were Seleka and
20 they got to Bangui, elements from the army, the gendarmerie or the military police
21 didn't necessarily go to work right away now, did they, at the beginning; is that -- is
22 that true?

23 A. [11:54:34] Yes, that's true.

24 Q. [11:54:40] Very well.

25 And the military police was set up in order to ensure that Seleka would not be

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1 targeted; correct?

2 A. [11:54:53] Yes, that's correct.

3 THE INTERPRETER: [11:55:02] Interpreter correction: That the -- in the previous
4 question, justice said -- correction -- Interpreter correction: In the previous question
5 counsel said:

6 "To ensure that FACA elements not be targeted".

7 Correction from the English booth.

8 MS NAOURI: [11:55:27](Interpretation)

9 Q. [11:55:33] Now, for the new authorities, it was a matter of encouraging the
10 FACA to return to work; is that not so?

11 A. [11:55:43] Yes, that's right.

12 Q. [11:55:47] And these instructions were given right from the very beginning
13 when they first arrived in Bangui; isn't that so?

14 A. [11:56:09] Yes, that's right.

15 Q. [11:56:18] Very well.

16 For example, there were press releases or announcements on the radio encouraging
17 FACA members to go back to work; isn't that so?

18 A. [11:56:32] Yes.

19 Q. [11:56:42] And there were no particular orders to track down FACA members,
20 were there?

21 A. [11:56:58] Yes, that's right.

22 Q. [11:57:03] And sometimes there were leaders who did things of their own
23 volition in the neighbourhoods; isn't that so?

24 A. [11:57:19] Yes, that's true; that's what happened.

25 Q. [11:57:25] And some of the leaders would go into the neighbourhoods to look

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1 for weapons; isn't that so?

2 A. [11:57:38] Yes, that's right.

3 Q. [11:57:44] And some of these inventions were illegal and the only purpose of
4 these interventions was to gain some financial advantage; isn't that so?

5 A. [11:58:14] Yes, that's true; that's correct.

6 Q. [11:58:21] And efforts made by President Djotodia were to keep people in
7 Bangui confined to barracks in places like the RDOT, Camp Béal; isn't that so -- Camp
8 Kassai; isn't that so?

9 A. [11:58:47] Yes -- yes, that's right.

10 Q. [11:58:51] And in these camps, many people who had weapons wanted to be
11 enrolled in the FACA. They went and volunteered to be included in the FACA, even
12 though they hadn't taken part in the march to Bangui; isn't that so?

13 A. [11:59:23] Yes, that's right.

14 PRESIDING JUDGE SAMBA: [11:59:24] Counsel -- counsel, just for my
15 understanding, when you say these "people" you're talking about and these "leaders",
16 you mean the Seleka or community leaders? Are you talking about the Seleka,
17 Ms Naouri?

18 MS NAOURI: [11:59:41](Interpretation) I said people "bearing arms". I didn't say
19 "leaders". If it was interpreted that way, that was incorrect. I said people
20 bearing -- people bearing arms, "*porteur d'armes*".

21 I said: People were bearing weapons, who hadn't taken part in the march upon
22 Bangui, went to the camps to be in barracks there in the hope of being enrolled in the
23 FACA.

24 And then the witness answered, saying yes.

25 PRESIDING JUDGE SAMBA: [12:00:16] Okay. You first spoke about -- you first

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1 referred to "leaders", then "people".

2 At line 13, page 12:

3 "And sometimes there were leaders who did things of their own volition in the
4 neighbourhood".

5 So that's why I'm asking whether you mean community leaders or are you talking
6 about the Seleka.

7 And when you went -- further down, you spoke about "people".

8 So I want a clear understanding. Thank you.

9 MS NAOURI: [12:00:54](Interpretation) Thank you. Now I better understand your
10 question. Yes, when I was talking about the previous topic, I was referring to
11 generals who claim to be Seleka, not community leaders.

12 You are correct. Thank you for pointing that out. Yes.

13 Q. [12:01:26] To go back to the barracks, so the elements who wanted to join the
14 forces of order in Bangui did not necessarily belong to the Seleka coalition; is that
15 correct?

16 A. [12:01:49] Could you please repeat your question?

17 Q. [12:02:02] Of course, Mr Witness.

18 What I was saying is that the individuals who wanted to join FACA and the order
19 force under Djotodia were not necessarily all people who belonged to a group of the
20 Seleka coalition; for example, for the CPJP, there were people who did not belong to
21 any particular group.

22 A. [12:02:37] When Seleka came to power, many youths -- many civilian youths
23 also wanted to join the ranks, so I could say there were quite a lot of young people
24 who wanted to join the army.

25 Q. [12:03:03] Thank you for that detail, Mr Witness.

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1 There were also sometimes there -- clashes between different persons bearing arms
2 who called themselves Seleka; is that correct?

3 A. [12:03:25] Yes. At a given point in time, there was a lot of conflict of those who
4 joined the ranks in Bangui. A lot of exactions were carried out. And that's the
5 reason why that the leaders wanted to set up a distinction between the Seleka who
6 came from the provinces and those who were primarily in Bangui.

7 Q. [12:03:59] Thank you for that clarification, Mr Witness.

8 (Redacted)

9 (Redacted)

10 A. [12:04:20] No. No, that's not the case. There was no exchange of fire with
11 these people bearing arms. Those people were under the command of other colonels.
12 It was their leaders who gave them instructions to go to a particular place and
13 rob -- or carry out exactions.

14 We, as elements, we did not seek to make this distinction between those who came
15 from the provinces and who -- who set up the Seleka in Bangui.

16 That's what I can tell you.

17 I'm not in a position to make a difference between those who came from the provinces
18 and those who came from Bangui.

19 Q. [12:05:19] Fine. Thank you for that clarification, Mr Witness.

20 You can't make the difference, that's clear, but my question was slightly different.

21 I'm going to read an extract from your previous statement. *It is tab 23.2 of our list
22 of materials; tab 23 in the English version, CAR-OTP-2130-5873, page 5881. I'm going
23 to read you line 2[20] to 2[2]6:

24 "OK. So all the generals agreed with the setting up of the military police. All -- did
25 some go against that?

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1 Answer: They were in agreement because the order had already been given and,
2 despite everything, some of them, especially those who wanted to carry on stealing,
3 did not want to and, therefore, did not. And even the arrival -- and the exchange of
4 fires took place on the ground."

5 Could you confirm what you said to the OTP Prosecutors -- the investigators, could
6 you confirm that?

7 A. [12:06:44] Yes, I can confirm that. I've just told you that these elements, if they
8 carried out exactions, it was because they did not respect the orders or the
9 instructions given by their leaders.

10 Q. [12:07:14] Fine.

11 (Redacted)

12 (Redacted)

13 A. [12:07:26] Could you please repeat your question? What generals are you
14 referring to?

15 Q. [12:07:42] I'm going to read the extraction from your previous statements and I
16 want to know if that clarifies, because I don't want to give incorrect information.

17 So this is tab 23, CAR-OTP-2130-5873, page 5490, line -- CAR-OTP-2130-5873,
18 page -- page 5890, line 147 to 156:

19 THE INTERPRETER: [12:08:39] Correction -- correction: Line 547 to 556.

20 MS NAOURI: [12:08:46](Interpretation)

21 Q. [12:08:46]

22 *" Interviewer: OK. When you carried out a patrol and there was a problem, in your
23 camp, according to your experience, which Seleka commander was normally
24 contacted to intervene if there was a problem?

25 [...] To call who?

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1 [...] So you explained that there was -- when there was a serious problem, sometimes
2 you called the generals so that they could intervene.

3 Answer: As I said, we very rarely called the generals except for some exceptions,
4 some rare cases." End of quote.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [12:09:55] A person who was not appointed to work in the military polices
9 couldn't carry out that function. It was those who were included in the group under
10 the instructions of their colonel. Those were the ones who could implement the
11 work in the various places.

12 So we would go to those places, try to stop those who were carrying out exactions,
13 but sometimes when we wanted to apprehend elements who were ill-disciplined, it
14 was those elements who refused.

15 In those particular cases, we contacted our colonel so that we could report back to
16 them. That's what I meant when I said that.

17 Q. [12:11:09] Fine, thank you.

18 Can you confirm that what you said to the investigators of the OTP when you said:
19 "We very rarely called the generals except from what particular cases -- on
20 a case-by-case basis."

21 Can you confirm that?

22 A. [12:11:27] Yes, I can confirm that statement. Rare -- very rare were the cases
23 when we contacted the general.

24 Q. [12:11:39] Thank you, Mr Witness.

25 Can you remember when the military police was actually created? Was it after the

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1 arrival of the groups in Bangui?

2 A. [12:12:00] If I remember correctly, the military police was set up one month after
3 the arrival of the Seleka in Bangui. I can't remember the precise date anymore.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:13:47] Fine, Mr Witness. *I'm going to read out part of your statement, tab
13 23.2, tab 23 for the English version, CAR-OTP-2130 –

14 THE INTERPRETER: [12:14:21] Correction : . *2130-5873.

15 MS NAOURI: [12:14:23](Interpretation)

16 Q. [12:14:24] * There are three pages. I've noted down three things.. Well, we... we
17 noted three pages. We are looking to see which page is the correct one.

18 (Defence team confers)

19 So it's page 5880. Thank you for your patience.

20 And the lines that are of interest are lines 197 and the following lines from that:

21 "OK. So when -- the military police was set up?

22 Answer: It was set up in about two or three weeks after we took control of the
23 country.

24 Question: And how was it dismantled?

25 Answer: As I said, we weren't active for a long time. It was after one or one and half

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1 months, roughly speaking, that the military police were dismantled.

2 Question: OK. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Question: Okay. And the military police ceased its activities in all of Bangui about
8 one month or one and a half months after it had been set up, is that correct?

9 Answer: Yes.

10 And after that, the responsibilities were confined to the various leaders and they
11 worked in different locations."

12 Can you confirm what you told the investigators of the OTP, Mr Witness?

13 A. [12:17:05] Yes, I can confirm that.

14 Q. [12:17:19] Thank you.

15 And the mixed patrols, they were also set up; isn't that correct?

16 A. [12:17:28] That's correct.

17 Q. [12:17:43] I'm going to read an extract of an individual who was heard by the
18 investigators.

19 And this document should not be shown to the witness.

20 It is 122.2 for the English version, CAR-OTP-2092-3276, and I'm going to continue
21 with line 251 of page 3282.

22 So the person said:

23 "There was no gendarmerie. There was not yet anyone. There was no one in the
24 ranks. Everyone had been dispersed. So, together with the police, we started to

25 call back people and others like that, we had an effective -- or a staff of about -- about

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1 50 police and I was head of that."

2 Sorry, there was an identifying element there. I would like that to be redacted, and
3 then we'll continue.

4 "...and we started to work to carry out patrols until the -- France arrived and
5 implemented -- and tried to implement some measures of security, that wasn't till
6 France had arrived.

7 The measures of security at that time were installed so that the police that worked
8 with you could feel safe and you could be by their side, and that strengthened our
9 desire to work and we continued to work until the government was set up.

10 Confidence was restored a little bit so that some of them -- I can assure you that it is
11 thanks to the police that the population felt reassured and felt they could go out
12 again.

13 This did not prevent exactions. This did not prevent everything that everybody was
14 doing in the various neighbourhoods, but nevertheless, the police were present.

15 We worked every morning at 9 o'clock, the patrols of the Seleka and -- was
16 side-by-side with the patrols of the police.

17 We went out, we worked until 4 o'clock in the afternoon, and it's the very same
18 patrols..."

19 And I'm going to stop there.

20 So my question to you, Mr Witness: did you participate to these mixed patrols who
21 worked with the police force?

22 A. [12:21:18] No. I did not participate in these mixed patrols.

23 Q. [12:21:29] Fine. Thank you for that clarification.

24 I have completed the period during the military police.

25 I'd like to go back to what you did after.

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1 (Redacted)

2 (Redacted), and then you told us, and this is from the edited French transcript,

3 T-113, page 15, lines 13 to 18.

4 (Redacted)

5 (Redacted)? That's the French version 113, page 15, line 15 to 18.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:23:11] *So just to understand, was this a fire station that was functional in the
11 normal way, for instance under Bozizé, was it like a fire station? Have I understood
12 correctly ?

13 A. [12:23:24] Yes, that's correct.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:24:01] Fine.

18 So I'm going to read out an extract, it is 33.2, 33 for the English version,

19 CAR-OTP-2130-6110, page 6121 -- I think it's rather 6122, my apologies, line 481.

20 "Question: Fine. (Redacted)

21 Answer: (Redacted)

22 Fine.

23 (Redacted)

24 Fine.

25 Were you at the base over there?

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1 Yes, at the base (Redacted)

2 (Redacted)

3 Question: How long were you there?

4 Answer: About one month."

5 Can you confirm your statement that you gave to the investigators of the OTP,

6 Mr Witness?

7 A. [12:25:33] Yes, I confirm that.

8 THE INTERPRETER: [12:25:45] The Sango booth has requested that the witness

9 speak directly into the microphone.

10 MS NAOURI: [12:26:01](Interpretation) I suppose everything is fine now.

11 Everything is going smoothly.

12 Q. [12:26:10] Thank you, Mr Witness, thank you for that clarification.

13 Let us go back to your deployment in the OCRB, all right?

14 You told us when you were examined and questioned that when you were in the

15 OCRB, in -- page 16, and I'm going to ask you, can you explain to us what was the

16 mission of the OCRB?

17 That was transcript 113, edited version, page 16, line 10 to 11.

18 A. [12:26:51] The mission of the OCRB was to track down the bandits and to

19 discipline them, those who took drugs and who were creating disorder in the

20 neighbourhood. That was the function of the OCRB.

21 Q. [12:27:20] Fine.

22 Did you also have to fight and see -- and control the gangs, no? Is that correct?

23 A. [12:27:35] Yes, that's correct.

24 Q. [12:27:41] Which ministry did the OCRB fall under?

25 A. [12:27:55] If I remember correctly, the OCRB was under the minister of the

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1 interior.

2 Q. [12:28:08] Thank you.

3 And the role of the OCRB, before the Djotodia government, was to fight against
4 criminality, banditism, the gangs, those who took drugs, et cetera; is that correct?

5 A. [12:28:30] That's correct.

6 PRESIDING JUDGE SAMBA: [12:28:33] Ms Naouri, do you want us to remain in
7 private session?

8 MS NAOURI: [12:28:39](Interpretation) Yes, indeed, Madam President. I was
9 looking for a moment where we would avoid -- where we wouldn't say what he was
10 doing. So I'm going to try, but you are absolutely correct. We are aware of that, so
11 that we can spend as much time as possible in public session. But I think we should,
12 perhaps, continue in private session for the moment, to answer your question.

13 PRESIDING JUDGE SAMBA: [12:29:08] Carry on, please. That's okay.

14 MS NAOURI: [12:29:11](Interpretation) Thank you, your Honour.

15 Q. [12:29:16] So I'm going back to my question, Mr Witness.

16 Yes, you've answered that. Perfect.

17 And when you were in the OCRB, those who bore arms who said they were Seleka,
18 were taken to the OCRB just like other criminals and bandits, like any other criminal;
19 isn't that correct?

20 A. [12:29:45] Yes, that's correct.

21 Q. [12:29:55] So the object of the OCRB under Djotodia was to continue to fight
22 against banditry; do you agree?

23 A. [12:30:06] Yes, that's correct.

24 Q. [12:30:11] And the imprisoned population was varied in the OCRB?

25 A. [12:30:27] Yes, the imprisoned population was varied. They were taken to the

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1 OCRB for various different reasons as well.

2 Q. [12:30:42] Very well. And why, why was it that people who claimed to be Seleka
3 members found themselves in prison?

4 A. [12:30:55] Because they had committed exactions. That's why. That's why
5 they had been detained.

6 Q. [12:31:15] Very well. Could you give us some examples of offences that they
7 committed?

8 A. [12:31:29] Sometimes we would take prisoners to the OCRB and, when we beat
9 them up, it was really unhuman.

10 Q. [12:32:03] You're not answering my question. I was talking about -- about
11 infractions against the Seleka, and the Seleka were arrested, you said, and they were
12 taken to the OCRB -- and this question has been asked and answered, I am
13 conducting the cross-examination right now, so this is my turn to ask questions. *My
14 question to you is this: These Seleka members who were taken to the cells, who were
15 detained at the OCRB, what were they accused of? What offences were they accused
16 of ?

17 A. [12:32:48] Thank you.

18 PRESIDING JUDGE SAMBA: [12:32:51] Okay, so the witness will answer the
19 question, but if he has to, you know, give some more information, I mean, let's not
20 just cut him off, counsel. If the witness has to give some more information, let's not
21 just cut him off. If he doesn't answer the question, you put the question again to him
22 to get the answer that you need.

23 Can I ask Madam Prosecutor, why you are on your legs?

24 MS MAKWAIA: [12:33:24] It's the comment you've made, your Honours. The
25 witness should be allowed to give a fulsome answer to the questions being put to

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1 him.

2 PRESIDING JUDGE SAMBA: [12:33:36] Ms Naouri, please continue with your
3 questions to the witness.

4 MS NAOURI: [12:33:39](Interpretation) Thank you.

5 Q. [12:33:41] I will repeat the question, Mr Witness.

6 Now the Seleka who were brought to the OCRB, the Seleka members, what were they
7 accused of? What had they done wrong? Why were they shut up in cells, the
8 people who were bearing weapons who were from the Seleka?

9 A. [12:34:01] They had held people up. They had stolen the possessions of the
10 people. Those were the reasons, those were the grounds on which they were taken
11 to prison.

12 Q. [12:34:29] Very well. Thank you, Mr Witness.

13 There was no special treatment for Seleka members who were at the OCRB; isn't that
14 so?

15 A. [12:34:49] They did have special treatment.

16 Q. [12:35:03] Very well.

17 *I have to read out something to you, something from your previous statement, tab

18 9.1 - tab 9 for the English version, CAR-OTP-2130-4978, page 4983, lines 109 to 121:

19 "Question: Who gave the order to imprison the SELEKA?

20 Was there a special system for them?

21 Answer: The person who gave the orders was NOURADINE and the orders came
22 from the President of the Republic who said that all the SELEKA who took people's
23 possessions forcibly should be severely punished.

24 Question: And did you hear the President say that? Or how did that instruction get
25 passed on to you?

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1 Answer: He said it many times, even during his speeches, that the looting had to stop
2 because we had taken control of the country and soldiers who behaved badly should
3 be severely punished."

4 Can you confirm that this is what you said to the OTP investigators, Mr Witness?

5 A. [12:36:40] Yes. They were -- they were severely punished.

6 Q. [12:36:50] Thank you, Mr Witness. Very well.

7 And when you were working at the OCRB, were there different shifts? Did
8 you -- did you have a system of rotation, so to speak?

9 A. [12:37:29] Not really. Not really. Sometimes a person might be on duty, but
10 the person was supposed to sleep at the OCRB, and, after a few days, another person
11 would come in and take over. But the people who worked on shifts were mostly the
12 leaders, the chiefs.

13 So to say that people -- well, people were there for a week or so and then they would
14 go back home, but you -- that didn't really happen. It didn't work that way.

15 Q. [12:38:17] Very well.

16 I'd like to read out something that another insider told this Court. Page 14, lines 9 to
17 14, and corrected transcript, T-24, page 14, lines 9 to 14, quote:

18 "Not all these elements worked at the same time. They were divided into teams and
19 within each team, there was a designated officer who was in charge of the team.
20 Each team had 24 hours of work, as did the duty officers.

21 So a duty officer had to work with the team, and that team would be responsible for
22 patrolling and carrying out interventions."

23 And this person continued, transcript 26, page 10, lines 17 to 20 - I'll read it out in
24 a non-identifying form - quote:

25 "If it was a duty officer's workday, he would spend a day and a night at the OCRB,

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1 and then, after that, he would go off duty, he would go home and he would wait until
2 the next day that he was designated to come back to work."

3 End of quote.

4 So my question to you, Mr Witness, is this: Did you work for periods of 24 hours?

5 A. [12:40:13] Thank you. We received instructions along those lines, but
6 unfortunately, they were not respected. Some people would begin their work, but
7 they were never relieved. Yes, duty officers, yes, they did have some rest time after
8 their hours of work, but not the elements.

9 These were instructions that had been given, but unfortunately they were not
10 followed.

11 Q. [12:40:54] Very well.

12 And for you, someone who was recording names in a logbook, you weren't a duty
13 officer?

14 A. [12:41:13] I don't believe I've understood your question.

15 Q. [12:41:19] In your answer, you seem to be making a distinction between
16 a secretary and a duty officer, between the role of secretary and duty officer. Have I
17 understood?

18 A. [12:41:36] Yes. There is a difference, depending on the group that works for
19 a period of time, or for a day, the reports were sent to different people in charge.
20 That's how things happened. A duty officer might also be a secretary, but he didn't
21 have all the advantages that senior officials from the Seleka had.

22 Q. [12:42:19] Thank you. Very well, Mr Witness.

23 Now, when you were at the OCRB, Colonel Saleh was always above you, wasn't he?

24 A. [12:42:40] No. No. It was Colonel Mahamat Said, he was the person in charge
25 of the OCRB, and he worked with Colonel Mahamat Saleh.

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1 Q. [12:42:58] Very well.

2 I'd like to read something to you, it's from the statement you gave earlier, 7.1 -- tab 7.1,
3 tab 7 for the English, CAR-OTP-2130-4935.

4 THE INTERPRETER: [12:43:27] Correction: *CAR-OTP-2130-4935, page 4942.

5 MS NAOURI: [12:43:39](Interpretation)) *I will start at line 194

6 Q. [12:43:39] So the interviewee said this:

7 "Yes. He couldn't put people there. The order had to come from someone.

8 Answer: It was because the people -- the prisoners who had been taken there, were in
9 different categories. For some of them, for instance, if Mahamat SALEH knew
10 for -- the prisoner, he would call and give the order directly saying that that person
11 should be placed in the underground cell.

12 Question: And who gave such an order to whom?

13 Answer: Who?

14 Interviewee: Yes, SALEH, yes.

15 Answer: He gave the order to SAID. Mahamat SALEH gave the order to SAID to
16 put a particular prisoner in the underground cell. People or prisoners were not put
17 in the underground cell just like that."

18 Can you confirm that this is what you said to the OTP investigators?

19 A. [12:44:53] I said the person who would bring the detainees to the OCRB, for
20 example, Chiba, when instructions were given about that, he would be taken directly
21 to the underground cell. That's what I was trying to say.

22 Q. [12:45:25] Very well.

23 You said, and I quote:

24 "Mahamat SALEH gave the order to SAID to put a particular prisoner in the
25 underground cell. Prisoners were not put in the underground cell just like that."

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1 Can you confirm that this is what you said to the OTP investigators?

2 A. [12:45:50] Yes. I said that, but Said also gave instructions to put people in the
3 underground cell and Mahamat Saleh did as well. Both of them did. And since it
4 was Said who was the chief at the OCRB, he gave orders to put people in the
5 underground cell.

6 What I said to the investigators, I didn't give details.

7 So Mahamat Saleh as well gave instructions and Said did the same.

8 Q. [12:46:36] Very well.

9 And Said reported to Saleh, didn't he? He was under his command?

10 A. [12:46:49] They worked together, but it's true, it's true, he was under the
11 command of Saleh.

12 Q. [12:47:06] Very well. And Saleh gave orders -- direct orders and sometimes
13 one of you or all of you together, the elements, he would speak to you directly at the
14 OCRB, didn't he?

15 A. [12:47:22] No. Saleh did not speak directly to the elements gathered at the
16 OCRB. When he would come to the OCRB, he would talk to Said.

17 Q. [12:47:46] Very well, Mr Witness.

18 I'd like to read out to you what you told the OTP investigators, tab 5.1, tab 5 for the
19 English version, CAR-OTP-2130-4890, page 4897, line 190:

20 "Question: Who told you to behave well and to do good work?

21 Answer: Colonel Mahamat SAID.

22 Question: And how do you know that he was under the command of SALEH?

23 Answer: We were together all the time and sometimes SALEH would come and he
24 would ask to see the report. He would receive the reports, and, at the end, before
25 leaving, he would give his instructions.

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1 Question: Mm-hmm. And did SALEH give instructions directly to SAID or did he
2 give them to other SELEKA members?

3 Answer: He gave direct orders, and sometimes he would gather us together, all of us,
4 all together, and he would talk to us." End of quote.

5 Can you confirm that this is what you said to the OTP investigators?

6 A. [12:49:34] Yes. As was read out here, Mahamat Saleh would give instructions
7 to Said.

8 Q. [12:49:55] And he would -- have you all come together? Here, we read that, "he
9 would bring us together, all of us, all together, and he would speak to us."

10 Is that correct?

11 A. [12:50:12] Yes, just once to give us instructions to be disciplined and to follow
12 orders. He asked us to be disciplined and to do the training that was being given to
13 us about military discipline. That is when he gathered us together to talk to us.

14 Q. [12:50:43] Very well. Thank you for that information.

15 Now, Saleh was considered by the senior officials of the government - the police, for
16 example, people from the ministry - he was considered to be the head of the OCRB;
17 wasn't he?

18 A. [12:51:05] Said was in charge of the OCRB.

19 Q. [12:51:14] Very well.

20 I'd like to read out something to you, and someone who met with the OTP
21 investigators told us this.

22 This should not be shown to the witness for reasons of confidentiality.

23 Tab 124, 124.2 for the English, CAR-OTP-2092 -- CAR-OTP-2092-3310, page 3327:

24 "Question: Now the OCRB, you said that it was the SELEKA who reigned and SALET
25 was the commander?

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1 Answer: Yes.

2 Question: And who was under him? Who came under the orders of SALET?

3 Answer: It was --

4 Were there --

5 Question: -- "

6 THE INTERPRETER: [12:52:24] Rather --

7 MS NAOURI: [12:52:25](Interpretation)

8 Q. [12:52:26] "Answer: All kinds, all kinds of people, everyone was a colonel,

9 everyone was a lieutenant under him.

10 Question: Can you mention any names?

11 Answer. Ah, that, that, that... In any event, at that time, if you came to the OCRB

12 compound, you would see all kinds -- all kinds of people with all kinds of military

13 stripes on their sleeves. No one would understand what you had to say."

14 End of quote.

15 Do you have anything to add to that, Mr Witness?

16 A. [12:53:14] Well, I don't know what to say. What this witness said, that's one

17 thing, but I can tell you at the OCRB, everything was well organised, well ordered.

18 There were not many colonels at the OCRB.

19 At the OCRB, there was Colonel Mahamat Said and his deputy. They gave

20 instructions. There were commanders and lieutenants, there were lots of lieutenants,

21 but there weren't a lot of colonels at the OCRB.

22 I can't confirm what this witness said in its entirety.

23 Q. [12:54:11] Very well. Thank you, Mr Witness.

24 Now when talking -- once again, the OCRB and your colleagues, I'd like to ask you

25 about your colleagues.

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1 We're going to stay in private session.

2 Steve Ngrekamba, you mentioned him, could you explain to us the role of Steve

3 Ngrekamba at the OCRB?

4 A. [12:54:57] He was one of the people who kept the logbooks at the OCRB.

5 People would be brought in and he would take the statement from people, all the

6 items that people had on their person, he would write all of that down in the logbook.

7 That's what he did there at the OCRB.

8 Q. [12:55:31] Very well.

9 And how did you know him?

10 A. [12:55:42] I knew him at the OCRB as well.

11 Q. [12:55:57] You didn't know him beforehand?

12 A. [12:55:59] No, I didn't know him before.

13 Q. [12:56:01] Very well.

14 And you're still in touch with him?

15 A. [12:56:11] No. I don't know where he is now. I do know that he had travelled,

16 but I didn't try to find out where he went or whether he was still travelling. I haven't

17 had any news about him in years.

18 Q. [12:56:35] Very well.

19 At any particular time, (Redacted)?

20 A. [12:56:44] Yes. (Redacted).

21 Q. [12:56:51] Very well. *In your previous statement, tab 29.3, tab 29 for the English

22 version, CAR-OTP-2130-6008, page 6016, line 223 onwards, you were asked, "And

23 then you said Ngrekamba, do you mean Steve Ngrekamba? And you answered:

24 "Yes, Steve NGREKAMBA. He's my man." What did you mean by that when you

25 said that he was your man?

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1 A. [12:57:47] I meant that he was a person that I talked to a lot. He was an
2 educated person. When you talked to him, you could tell that he had more
3 schooling. He was calm, and we talked a lot. So that's why I said that he was my
4 man.

5 A. [12:58:21] Very well.

6 And at the OCRB, was he also a duty officer; is that right?

7 A. [12:58:32] Yes. At the OCRB, he would write things down. As I said earlier,
8 people would be brought in and he would take a statement from them and he would
9 write everything down.

10 Q. [12:58:56] Very well.

11 And what can you tell us about Freddy Pany Hilaire?

12 A. [12:59:13] Pany, Freddy, I know him. Sometimes he would drive the vehicles,
13 he was a driver. He would drive the vehicles when people went out on
14 interventions.

15 Q. [12:59:36] Thank you, Mr Witness.

16 MS NAOURI: [12:59:38](Interpretation) I'm about to move to another topic,
17 Madam President; so this might be a right moment.

18 PRESIDING JUDGE SAMBA: [12:59:49] Yes. Mr Witness, we're going to stop here
19 for now, we'll go have lunch and come back at 2.30 to continue with your testimony.
20 So I rise the Court for 2.30, please.

21 (Recess taken at 1.00 p.m.)

22 (Upon resuming in open session at 2.33 p.m.)

23 THE COURT USHER: [14:33:56] All rise.

24 Please be seated.

25 PRESIDING JUDGE SAMBA: [14:34:29] Good morning again, everyone.

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1 Mr Witness, we're going to continue with your testimony and I'm going to ask
2 Ms Naouri to continue putting questions to you. And for your attention, Ms Naouri,
3 we're in open session. You may continue putting questions to this witness,
4 Ms Naouri.

5 MS NAOURI: [14:34:59](Interpretation) Thank you, Madam President. I think for
6 the next series of questions, it would be necessary to go to private session, please.

7 PRESIDING JUDGE SAMBA: [14:35:10] Madam Court Officer, can we go into
8 private session, please.

9 (Private session at 2.35 p.m.)

10 THE COURT OFFICER: [14:35:25] We are in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [14:35:29] Carry on, Ms Naouri.

12 MS NAOURI: [14:35:37](Interpretation) Thank you, Madam President.

13 Q. [14:35:38] Mr Witness, good afternoon.

14 A. [14:35:44] Good afternoon.

15 Q. [14:35:46]] *I would like to go back briefly to your nickname. So, in the edited
16 French transcript, T-112, page 9, line 27, to page 10, line 1, you indicated that you had
17 two nicknames -- (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [14:37:09] Yes, that is correct.

24 Q. [14:37:17] And who gave you that nickname?

25 A. [14:37:26] Myself. I'm the one who took upon myself to take on that nickname.

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- 1 Q. [14:37:40] Very well. I'll read you an excerpt of your prior statement,
2 Mr Witness. And it is tab 9.1 on our list, 9 for the English version.
3 CAR-OTP-2130-4978, page 4994, from lines 6 -- 507.
4 And you're talking about your nickname, and you said:
5 (Redacted)
6 That's it? What does that mean?
7 Well, my chief told me that if you needed to do certain things to camouflage yourself
8 you need to use a nickname.
9 Okay.
10 Answer: Not your real name, and that name (Redacted).
11 Question: (Redacted)?
12 Answer: (Redacted)' in French.
13 Question: OK. Did you use it in 2013?
14 Answer: Yes, all my colleagues knew me by that nickname.
15 Question: So, did you start using it when you joined the Seleka or even before that?
16 Answer: I started using it when I joined the Seleka.
17 Question: And you have said that (Redacted) asked you to use a nickname. Which
18 commander?
19 Answer: Mr Yaya.
20 Question: Yaya Soumaine, the commander?
21 Answer: Yes.
22 OK. Do you have any other nicknames?
23 Answer: My former nickname, the one I used when I was still playing football was
24 (Redacted)." End of quote for me.
25 Now, do you confirm what you said to the investigators of the OTP, Mr Witness?

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1 A. [14:40:48] I was saying that it was not the commander who gave me that
2 nickname. I'm the one who chose it. He said that one should not use one's own
3 name. That is why I gave myself that nickname, (Redacted). My second nickname,
4 (Redacted), was related to football; whereas, (Redacted) was a name that amused
5 everyone. They referred to me all the time as "(Redacted)". So that is what
6 I decided to do. It was during a conversation, the commander said we should
7 choose a nickname, but he did not give me that nickname. I was the one who
8 decided to use the nickname from that moment on, (Redacted).

9 Q. [14:41:46] When you say your chief said that if you wanted to do certain things
10 to camouflage yourself, you had to use a nickname. That is what you said to the
11 investigators of the OTP; is that correct, what you said?

12 A. [14:42:17] What I said is that he's not the one who gave me that name. It was
13 during a conversation that I chose that nickname. That is what I'm telling you.

14 Q. [14:42:29] I have understood that he was not the one who gave you that name.
15 That is clear. You are the one who gave yourself that name. But you told the
16 investigators that it was your chief who told you to take a nickname in order to
17 camouflage yourself. Do you confirm that is what you told the investigators? And
18 you said it was your chief (Redacted)?

19 A. [14:43:03] Yes. For example, the life of the Seleka in the neighbourhoods, it is
20 not necessary for people to know your identity. They can know you at your place of
21 work, but you use the nicknames in the neighbourhoods.

22 Q. [14:43:30] Very well. Thank you for that clarification, Mr Witness. At the
23 OCRB there were also rogue elements who were not disciplined, who did not
24 necessarily obey instructions; is that correct?

25 A. [14:44:04] Yes, that is correct. But when you talk about indiscipline, you have

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1 to be precise.

2 What type of indiscipline are you talking about, counsel?

3 Q. [14:44:18] *I will quote an excerpt from a statement given by someone who met
4 with the investigators of the OTP. It must not be shown to the witness.

5 Tab 124, tab 124.2 for the English version, CAR-OTP-2092-3310, on page 3329, line
6 684 to line 688:

7 "Question: OK. There's Salet, but you ... you do not know the names of those who
8 were under him?

9 Answer: * In any case, there is a problem there: when you enter the compound of
10 the OCRB, you will see all kinds of colonels who were not obeying anyone."

11 My question is:

12 Were there people who did not obey to their superiors who were there, because you
13 stated that there were a lot of colonels who did not obey anyone?

14 A. [14:46:00] I have never been a witness to such a thing, to see soldiers that did not
15 obey, no. I wasn't a witness to such an incident.

16 Q. [14:46:24] Very well. Thank you, Mr Witness.

17 Now, the prosecutor of the republic, he used to go to the OCRB; is that correct?

18 A. [14:46:38] Yes, he came there on a single occasion.

19 MS NAOURI: [14:46:52](Interpretation) Madam President, I think we can go back to
20 open session and then come back to private whenever necessary.

21 PRESIDING JUDGE SAMBA: [14:47:03] Whenever necessary.

22 And, Mr Witness, if you think we should go into private session, please also let us
23 know.

24 We'll be guided by counsel's indication to us, of course.

25 Madam Court Officer, can we go into open session, please.

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1 (Open session at 2.47 p.m.)

2 THE COURT OFFICER: [14:47:29] We are back to open session, Madam President,
3 your Honours.

4 MS NAOURI: [14:47:38](Interpretation)

5 Q. [14:47:38] Mr Witness, you have just told us that you saw the prosecutor of the
6 republic at the OCRB only once. I will read an excerpt, because you met with the
7 OTP investigators.

8 The statement should not be shown to the witness or the public. It is 125 and 125.2
9 for the English. CAR-OTP-200[5]-5407, page 5419, paragraph 98.

10 And I'll read it in a way that is non-identifying. The person says:

11 "You're asking me who was at the head of the OCRB.

12 Answer --

13 It is difficult to say because it was changing all the time. *In any case it was under the
14 Minister of Justice and Security, Adam, in particular. Tolmo was constantly there to
15 release people. Nouradine Adam would call them to go and review the files and
16 release detained people without judicial process."

17 Mr Witness, did you see the prosecutor of the republic coming to review the files?

18 Did you see him there to release people?

19 THE INTERPRETER: [14:49:46] Your Honours, it's a bit difficult for the interpreters
20 because texts are being read that are not displayed and really fast.

21 THE WITNESS: [14:49:45](Interpretation) Let me repeat: The OCRB had already
22 been operational before my arrival and when I arrived, the OCRB, I saw the
23 prosecutor a single time. The statement of the other witness is only binding on him
24 or her. As for me, I saw the prosecutor of the republic only once.

25 PRESIDING JUDGE SAMBA: [14:50:18] A message from the booth, Ms Naouri.

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1 Because the excerpt was not, you know, shown on the screen, they want for you to
2 read slowly when you're reading anything that is not shown on the screen. For the
3 interpreters, going forward.

4 MS NAOURI: [14:50:48](Interpretation) Duly noted, Madam President.

5 Q. [14:50:50] Mr Witness, for how long did you stay at the OCRB, according to
6 you?

7 A. [14:51:09] I worked at the OCRB and, some time later, I left there to go to
8 {ICR: (Redacted)}.

9 Q. [14:51:20] For how long? A few days? A few weeks?

10 A. [14:51:30] Oh, about one month. I would say one month.

11 Q. [14:51:45] Very well. So your testimony is that during one month you saw the
12 prosecutor of the republic at the OCRB only once; is that correct?

13 A. [14:51:59] Yes, I saw him only once. That's what I said.

14 Q. [14:52:15] To your knowledge, when that prosecutor came on that famous
15 occasion that you are mentioning, did he meet with any victims or detained persons?

16 A. [14:52:34] Yes, during his visit all the prisoners were taken out of the cells. He
17 started calling them one by one in groups of two, and he would examine their cases
18 by asking questions on the reasons for their arrest. That is what I saw.

19 Q. [14:53:08] Very well. What you are saying is that the prosecutor of the republic
20 could interrogate people; did I understand you correctly?

21 A. [14:53:23] I did not say "people". He would review the events and then he
22 looks at the reasons for the arrest of the prisoners, then he would call the prisoner and
23 then he would ask the chief of post, "What is the reason for the arrest of that person?
24 You have to release him because it is a minor affair." So, on the spot, he would ask
25 for those prisoners to be brought out, to be let out. That's what he said.

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1 Q. [14:54:21] *Mr Witness, I will read out an excerpt of what Jean-Claude Sophil, an
2 official from the judicial police, said in public -- in public session. French transcript
3 T-038, public version, page 54, line 26, to page 55, line 3:

4 "Question: When Alain Tolmo went to the OCRB in 2013, did you see him
5 interrogating detained persons?

6 Answer: Yes, indeed. Alain Tolmo was the prosecutor of the republic at that time,
7 and he would make visits to the OCRB. And for certain people to whom he could
8 have access, he would interrogate them. That's it."

9 So my question, Mr Witness, is: Do you have something to add to what Jean-Claude
10 Sophil said regarding the interrogation of certain people by Alain Tolmo at the
11 OCRB?

12 A. [14:55:56] No, I don't have anything to add to that issue.

13 Q. [14:56:07] And in your testimony, you're saying that during the few weeks that
14 you spent at the OCRB, the prosecutor came only once. Now, during that visit, did
15 he go into the cells?

16 A. [14:56:33] Let me repeat: What I observed personally, as I explained to you, the
17 prosecutor arrived when I was present. He asked that all the detained persons
18 should be brought outside. Once he saw someone, he would ask the question:
19 Why is this person not released? So that is what he said when he came. That is
20 what I saw, and that is what I'm telling you.

21 Q. [14:57:19] Very well.

22 I will read a prior statement formally submitted -- not to be shown to the witness or
23 the public. *Tab 126, 126.3 for the English version. CAR-OTP-2110-0745, pages 0759
24 and 0760, paragraph 60.

25 I'll read it in a non-identifying manner.

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1 He said: The prosecutor organised with ... his assistant and others assistants visits to
2 the OCRB to verify the cells. *Sometimes Mamia would come and sometimes Tolmo
3 and Mamia would come together. Other times, it could be assistants to the
4 prosecutor, but I do not remember all their names. They would ask -- they would
5 come every week, they would take notes, the identities of the detainees and they
6 would ask them the reasons for their arrest. So the prosecutor used to come with
7 Mamia Nicole."

8 Now, that witness told us that the prosecutor came every week or that prosecutors
9 came every week. But it is your testimony that you saw the prosecutor on only one
10 occasion, Mr Witness?

11 A. [14:59:28] But that is what I saw. I cannot tell you what a different person saw.
12 I'm telling you what I saw myself.

13 Q. [14:59:42] Very well. Thank you, Mr Witness. We will go to something else.

14 MS NAOURI: [14:59:45](Interpretation) And, Madam President, for that next subject
15 we would need to go into private session, please.

16 PRESIDING JUDGE SAMBA: [14:59:56] Certainly.

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

18 (Private session at 3.00 p.m.)

19 THE COURT OFFICER: [15:00:12] We are in private session, Madam President.

20 PRESIDING JUDGE SAMBA: [15:00:15] Thank you very much.

21 Ms Naouri, please continue.

22 MS NAOURI: [15:00:21](Interpretation) Thank you, Madam President.

23 Q. [15:00:23] *Mr Witness, you spoke to us about the Yalo brothers during a
24 hearing. I am referring to the edited French transcript, T-113. Page 41, line 12, to page
25 43, line 1. I have some follow-up questions about this. It was you who arrested the

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1 Yalo brothers; isn't that so?

2 A. [15:01:00] No. I was not the one who arrested them, no.

3 Q. [15:01:16] *Okay. I'll quote an extract from your previous statement, tab 5.1,

4 CAR-OTP-2130-4890, page 4898, and I'm starting on line 222:

5 "When we were over there, during the arrest of Colonel Dazoumi and Sani Yalo, we

6 stopped them, arrested them and we took them ... we received the order from the

7 highest level to stop them and to arrest them. When we did stop them, we took

8 them to the spot and since they were two important individuals, Colonel Said didn't

9 want us to take them directly to prison [...] They were under our guard, we could let

10 them ... we could bring them out to have some fresh air. They were not like the

11 other prisoners." End of quote.

12 So there you say "we", Mr Witness. So I ask you again: Who is this we when you

13 say "we" arrested them? Who is this we?

14 A. [15:03:00] I said they were arrested -- Colonel Dazoumi and Yalo. We worked

15 at the OCRB, and it was during the time when I was at OCRB that we took them there.

16 There was a moment where they were outside. Sometimes the Colonel Mahamat

17 Said said they could stay in the courtyard, and that's why I said one day the general --

18 THE INTERPRETER: [15:03:29] The interpreter did not quite follow the name.

19 THE WITNESS: [15:03:32](Interpretation) But they were outside, and that we had to

20 keep guard on them. Now, we who worked in the OCRB had to stand guard over

21 them.

22 MS NAOURI: [15:03:46](Interpretation)

23 Q. [15:03:46] So the first thing, we didn't quite understand the name of the colonel

24 or the general -- sorry, the general. Could you be so kind to repeat the name, please?

25 A. [15:04:03] I said General Nouradine Adam. He came one day and saw them

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1 outside. He reproached Said and said, "Why are they outside?" That's what I said.

2 Q. [15:04:29] Thank you. Thank you for that clarification. And the brothers Yalo
3 escaped from the OCRB; is that correct?

4 A. [15:04:47] That is correct.

5 Q. [15:04:59] Who was behind this escape?

6 A. [15:05:08] It was Commander Yaya who went to the *parquet* and came back
7 without them. After they -- he was accused that he was behind their escape and he
8 was imprisoned in the OCRB. Yaya Soumaine.

9 Q. [15:05:36] So I understand Yaya might have been responsible, but perhaps
10 somebody else was also regarded as responsible for that escape?

11 A. [15:05:58] They worked under the command of Mahamat Said. They worked
12 together. It was Yaya who was imprisoned and that is what I saw with my own eyes.
13 He was in prison in the OCRB because of their escape.

14 Q. [15:06:18] And as far as you know was somebody else put into prison because of
15 that escape?

16 A. [15:06:31] No, I don't know. Perhaps somebody else was put into prison
17 outside the OCRB. But at the OCRB there was Commander Yaya who was put into
18 prison. Nouradine Adam gave the order that they could be put into prison. That's
19 what I saw. Perhaps somebody was put into prison outside the OCRB, but the
20 person that I know about was Yaya Soumaine.

21 Q. [15:07:07] Fine. And the prosecutor of the republic was informed of the
22 situation; is that not so?

23 A. [15:07:21] Well, I don't know about the information that he got, I don't know
24 whether he got the information or not. I didn't try and find out or check that.

25 These certain people no doubt must have been informed about what was going on.

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1 Q. [15:07:44] Fine. You said probably he was aware. I'm going to show you a
2 document. It is 135 in our list of materials, CAR-OTP- -- it is 135. It has not yet
3 been submitted, but the witness can see it. It's 2034-3563.
4 This is from June 2013, 11 June 2013, addressed to the head of police in Bangui, the
5 director general of the police.
6 Can you see the document, Mr Witness?
7 Perfect.
8 So it's important for me that you see the document. You can see the origin, the
9 prosecutor of the Central African Republic. You see the stamp saying it has arrived
10 on 15 June and the following thing has been noted:
11 "Urgent -- an urgency has been pointed out stop we prescribe or order immediate
12 opening of an investigation and arrest against Yaya Mahamat a commander of the
13 Central African office for the repression of banditry for being complicit in an escape
14 plan stop the 6 June 2013 application was made for the arrest for the -- Danzoumi
15 Yalo and Sani Yalo and they were taken by myself stop the 7 June 2013 the examining
16 magistrate gave the revocation for the judicial control and the immediate arrest of
17 those mentioned above stop on Monday 10 June 2013 Danzoumi Yalo and Sani Yalo
18 were discretely invited to go to the examining magistrates cabinet in order to sign
19 the registry stop arriving at the *tribunal de grand instance* notification of the
20 renouncement of the judicial control was made they were immediately arrested stop
21 Commander Yaya Mahamat who since the opening of this proceeding was
22 responsible to guard these individuals in question was asked to make sure that they
23 would -- that he would look after and escort the two to the OCRB stop unfortunately
24 without a way of behaviour he was not in a -- he was not able to explain the
25 presence -- the physical presence of Danzoumi Yalo and Sani Yalo at the OCRB".

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- 1 And now I would like you to move on to the next page.
- 2 Because the next page is on another document -- 136, CAR-OTP-2034-3564, you
- 3 have -- we haven't got it in front of us at the moment.
- 4 So here you can see the end. Thank you.
- 5 "Information in our possession showed the escape of the charged from the democratic
- 6 republic to the Congo stop this is a fact of escape complicity of escape and -- and the
- 7 possibility of application of the provisions of articles 395 to 403 of the penal code stop
- 8 we rest on your swiftness and alertness as regards the completion of this investigation
- 9 stop" and "the end".
- 10 And you can see that this was in Bangui on 11 June 2013.
- 11 So my question to you, Mr Witness: Here you can see that the prosecution informed
- 12 the DG of police about the situation as regards Yaya. So the member present in the
- 13 OCRB like yourself, did you participate in this investigation as was requested by the
- 14 prosecutor of the republic?
- 15 A. [15:14:18] I don't know. I have no information about this.
- 16 Q. [15:14:26] Fine.
- 17 I would like to submit 135 and 136. I formally request submission of these
- 18 documents. So now we're going to follow the rest of your background.
- 19 When you left OCRB, what did you do? What was your next assignment?
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. [15:16:04] *Okay. So how long after you got to the OCRB did you go (Redacted)
2 (Redacted)?

3 A. [15:16:24] *I worked for some time at the OCRB. There came a time when a
4 request was made for certain elements to provide security (Redacted). Disciplined
5 and polite elements had to be chosen. So that is how it came to be that General Yaya
6 called upon me and deployed me to the (Redacted). He picked us up in his vehicle
7 and drove us to (Redacted), which was in the Sica neighborhood.

8 Q. [15:17:08] Fine. So I understand what you're saying, but the deployment
9 (Redacted) was part of the work within OCRB's remit?

10 A. [15:17:27] Yes, the instruction for my deployment was given by the head of the
11 OCRB. It was within that framework.

12 Q. [15:17:43] Fine. So you stayed about one month at the OCRB and, in fact, you
13 left -- when were you in OCRB, you (Redacted)?

14 A. [15:18:03] Yes, that is correct.

15 Q. [15:18:11] Fine. So how long? Was it one or two weeks after you were in the
16 OCRB that you (Redacted)?

17 A. [15:18:28] I didn't count the days I was at the OCRB. I didn't count the number
18 of days. Nevertheless, I could give an estimate -- a month -- a month, two months.
19 You know, I was very busy when I was working there so I didn't have time to count
20 the days. We were really busy. We worked at the OCRB and then I was chosen to
21 go to (Redacted).

22 Q. [15:19:15]* I will read out part of your previous statement. Tab 1.2, tab 1 for the
23 English version, CAR-OTP-2130-5338, page 5359 : "Okay. I just remembered
24 something. Before going (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). "Could you confirm that is what you told the investigators of
4 the OTP?

5 A. [15:20:25] (Redacted)

6 (Redacted).

7 The minister of the interior was General Nouradine Adam at that moment, and then
8 he was replaced by Pastor Binoua. Wanze was the Director General of the police,
9 and then, of the gendarmerie. That's what I said. But to say that Linguissara was a
10 minister under Djotodia, no. He was never a minister. He never had a ministerial
11 position."

12 Q. [15:21:13] *I think there's a problem of interpretation because what I read out to
13 you, you said in fact that (Redacted)
14 (Redacted), and that apparently Wanze was the minister of the interior when you
15 responded to the questions put to you by the investigators of the OTP. So, we didn't
16 say it was the moment of Djotodia. When you told the investigators was that he was
17 DG of the police. My question to you --

18 PRESIDING JUDGE SAMBA: [15:22:05] Yes, Madam Prosecutor.

19 MS MAKWAIA: [15:22:09] (Microphone not activated) Apologies. The transcript at
20 718 says, "*C'est Wanzé, actuellement ministre de l'Intérieur*".

21 THE INTERPRETER: [15:22:32] Currently minister of the interior.

22 MS MAKWAIA: [15:22:35] So is it during the point the interview was being
23 conducted, and that's a completely different year, or is it before?

24 PRESIDING JUDGE SAMBA: [15:22:35] Well, Ms Naouri is (Overlapping speakers)

25 MS MAKWAIA: [15:22:37] It's the time frame I think.

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1 PRESIDING JUDGE SAMBA: [15:22:40] Yes. But Ms Naouri's question to the
2 witness is to the effect that she wants to know whether this is what the witness said to
3 the investigators, could only have been at that time when he spoke to the
4 investigators -- my understanding.

5 MS NAOURI: [15:23:04](Interpretation) So, indeed. What the witness said to the
6 investigators of the OTP was that Wanze is the minister of the interior in 2019 when
7 they had the investigation. But that's not what I'm interested in. It is a
8 misrepresentation that was said.
9 I'm going to reassure the witness.

10 Q. [15:23:23] I'm going to tell you what you said to make sure there's no
11 misunderstanding.

12 You said, and you are saying this to the investigators of the OTP:

13 "I just remembered something. (Redacted)

14 (Redacted)." And you say, as regards to the DG of
15 police:

16 "He is minister of the interior at this point of time."

17 So in the year 2019 when you were speaking to them.

18 And then you follow on by saying:

19 (Redacted)

20 (Redacted)

21 And what I'd like to know, is that what you said to the OTP investigators? Could
22 you confirm that?

23 A. [15:24:41] Yes, that's what I said. I said when (Redacted)

24 (Redacted). That's what I said.

25 Q. [15:24:56] Very well. Thank you for that clarification on that given situation.

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1 Linguissara who asked Nouradine men for his security, for his safety; is that correct?

2 A. [15:25:28] That was an instruction that came from the authorities. That is what
3 Commander Yaya had told me. *He explained to me that the authorities had said
4 that (Redacted). Therefore,
5 because some Seleka elements had gone to a house and stolen his vehicle, that's the
6 reason why (Redacted). It was important
7 for me to be disciplined once (Redacted). That's what was done.

8 Q. [15:26:15] *I'm going to read out an excerpt from your statement, Mr Witness --
9 tab 9.1, tab 9 for the English version. CAR-OTP-2130-4978, page 4995, from line 548
10 onwards:

11 "Question: So you stated that after the OCRB you worked (Redacted). Is that
12 correct? Could you tell us -- could you explain to us how this change in your post
13 came about?

14 Answer: His excellency Wanze worked before with Bozizé.

15 [...] And so, when we took over control of the country, the President Djotodia called
16 him and appointed him into that position.

17 [...] So when he was appointed to that position, in one way or another he became DG
18 of the police.

19 [...] So when he was in PK11 and, as I already said, some Seleka were uncontrollable,
20 they went to his compound to loot.

21 [...] When they went there, they failed. They didn't find him but they looted his
22 house. He was accused of being a former collaborator of Bozizé, to having worked
23 alongside Bozizé in the past and that he was not a good man.

24 [...] Mm-hmm.

25 [...] And then he left there. He went to Sica where he had his second wife.

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1 [...] Mm-hmm.

2 [...] And so (Redacted)

3 (Redacted) there because the police that he had weren't sure

4 what might happen at any point in time. That's why that some men were posted

5 there.

6 [...] Well, when we went there he returned there. He called the General Nouradine

7 and General Nouradine said that there was no problem. Then General Nouradine

8 called Colonel Mahamat Saleh.

9 [...] Then, the same day, he came to the OCRB and Colonel Mahamat Saleh was

10 present as well, and they gathered the men together.

11 Question: He came -- sorry? He came with Nouradine?

12 Answer: Nouradine wasn't there. It was rather Mahamat Saleh who came and

13 gave the order to certain men to go there.

14 [...] Before going there he phoned and said that his excellency Nouradine asked that

15 some individuals be redeployed for the DG in order to stand guard there and that

16 they must be individuals who were calm and knew how to behave.

17 [...] (Redacted)

18 (Redacted)

19 [...] How did you know that Wanze phoned Nouradine?

20 Answer: He worked -- he worked with Nouradine because Nouradine worked with

21 the minister of the interior and he was DG of police. (Redacted)

22 (Redacted). They said the DG had phoned Nouradine, the *Kota-zo* asked (Redacted)

23 (Redacted)

24 Do you confirm what you have told the investigators of the OTP, Mr Witness?

25 A. [15:31:45] What I'm saying is that Seleka elements had ransacked his residence

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1 at the PK11. The DG had explained the matter to his excellency and then he
2 answered that there was no problem, that elements would be deployed to provide
3 security at his home.

4 On the day he arrived at the OCRB, there was an assembly. He was there with
5 Mahamat Saleh and, therefore, elements were requested. (Redacted)
6 (Redacted) and
7 then given instructions. That is what I said.

8 Q. [15:32:54] Very well. So you confirm that it was indeed Nouradine who gave
9 the instruction at the request -- at the request of Linguissara and that it was
10 implemented by Mahamat Saleh; is that correct?

11 A. [15:33:23] Yes, they had arrived there together. And since he was the one with
12 the elements, he's the one who asked Commander Yaya to take two elements. There
13 were two of us who were deployed. That is what I said.

14 PRESIDING JUDGE SAMBA: [15:33:49] Yes, Mr Witness. Can we hear you.

15 Yes, Mr Witness, I saw your hand up. I saw your hand up, do you want to say
16 something to us?

17 THE WITNESS: [15:34:13](Interpretation) Madam President, I would like to ask for a
18 break for the restroom, please.

19 A. [15:34:23] Certainly, Mr Witness. I'll stand the Court down for two minutes
20 please.

21 (Recess taken at 3.34 p.m.)

22 (Upon resuming in private session at 3.38 p.m.)

23 THE COURT USHER: [15:38:43] All rise.

24 Please be seated.

25 PRESIDING JUDGE SAMBA: [15:39:06] Okay, Mr Witness. We're going to

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1 continue with your testimony.

2 Ms Naouri, we're in private session.

3 MS NAOURI: [15:39:16](Interpretation) Thank you, Madam President.

4 Q. [15:39:21] I will continue, Mr Witness. (Redacted)

5 (Redacted), he was the one giving you the instructions; is that correct?

6 A. [15:39:32] Yes, that is correct.

7 Q. [15:39:42] Very well. Now I'll move on to your deployment to the

8 Camp de Roux. Transcript, real-time, T-114, page 17, lines 23 to 27.

9 You said that you were part of the presidential escort.

10 Mr Witness, when there was the departure ceremony organised by President Djotodia

11 and Binoua at the OCRB, you were already part of that presidential escort; is that

12 correct?

13 A. [15:40:37] The ceremony of which departure, counsel?

14 Q. [15:40:42] The ceremony for the departure of certain elements of the OCRB,

15 organised by President Djotodia in the presence of minister Binoua.

16 A. [15:41:02] I do recall.

17 Q. [15:41:05] Very well.

18 At that time you were already a member of the presidential escort; correct?

19 A. [15:41:15] Yes, that's right.

20 Q. [15:41:20] Thank you.

21 Do you remember for how long you had already been a member of the presidential

22 escort at that point?

23 A. [15:41:42] I spent for -- I worked for a short while and then I had gone to

24 training, so -- so I was not always in the escort. There was a refresher course and we

25 were in training, but I do not remember everything.

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1 Q. [15:42:10] I know that you do not remember all the dates, but when this
2 ceremony took place with President Djotodia and Binoua, was it -- had you been
3 working at the presidential escort for one, two, three weeks?

4 A. [15:42:48] Well, I do not really remember the days, because there is a risk that
5 I may be lying. But the ceremony for the departure of certain elements of the OCRB,
6 I remember the ceremony, but I do not remember the dates. It's difficult, counsel, so
7 I cannot tell you a lie. It is difficult for me. I remembered that departure ceremony.

8 Q. [15:43:25] I understand, Mr Witness. But just clarification -- it is a prestigious
9 thing to be a member of the escort of the president of the republic, it is an important
10 experience. Do you not remember whether it was a few days or several weeks after
11 you had been assigned there?

12 A. [15:43:58] I had worked for some time -- I had worked for some time there, then
13 there was the ceremony of the departure of the elements from the OCRB.

14 Q. [15:44:11] Very well, Mr Witness.

15 And when you were a part of that presidential escort, when you went out as part of
16 that escort, you were accompanied by FOMAC; is that correct?

17 A. [15:44:35] Yes. Yes. We were working together with FOMAC elements.

18 Q. [15:44:56] Very well. Thank you, Mr Witness.

19 Mr Witness, when you were a member of the presidential escort, there was an
20 accident in Bossangoa. Do you remember that incident?

21 A. [15:45:51] I think that was at the beginning of the activities of the Anti-Balaka.
22 That is what marked that incident.

23 Q. [15:46:10] Thank you. You anticipated my next question.

24 Do you remember when that happened? Was it in September 2013?

25 A. [15:46:24] It was in the course of the year 2013. I do not remember the precise

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1 month, but I know that it was in 2013.

2 Q. [15:46:38] Fine. Thank you, Mr Witness.

3 Mr Witness, if I'm not mistaken, when you were in the presidential escort you were
4 residing at the Camp de Roux; is that correct?

5 A. [15:47:03] Yes. Yes, that is correct. That is true. Sometimes I would spend
6 the night at the -- at my home. But most of the time I was at the Camp de Roux.

7 Q. [15:47:23] Very well. To your knowledge, Kader's men were not at the
8 Camp de Roux; is that correct?

9 A. [15:47:34] Colonel Kader? I saw him more often alone in a vehicle -- Patrol
10 model. So it was always alone when I saw him in the Camp de Roux.

11 Q. [15:48:01] Very well. So you confirm that he did not have any men based at the
12 Camp de Roux when were you there? Is that what you're saying?

13 A. [15:48:12] No, he did not have elements around him based there.

14 Q. [15:48:34] Very well.

15 And when you were at the Camp de Roux, the president was working well, but the
16 men didn't always listen to him; is that true?

17 A. [15:48:51] Yes, that is correct.

18 Q. [15:48:57] And the president would gather you in the compound and to tell you
19 not to misbehave; is that correct?

20 A. [15:49:09] Yes, that is what happened.

21 Q. [15:49:15] And certain generals who were present at the Camp de Roux
22 attempted to implement what the president was saying, but not all of them; is that
23 correct?

24 A. [15:49:30] Yes, that is correct.

25 Q. [15:49:36] There were men who did not listen to the president; correct?

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1 A. [15:49:44] Yes, that is true. They received instructions from him, but behind his
2 back they would carry out activities that were not aligned to what he was saying.

3 Q. [15:50:31] Very well.

4 Thank you, Mr Witness. I don't have any more questions relating to the
5 Camp de Roux. Now, I will move on to your assignment at the Camp Kassai.

6 Do you confirm that you went to Camp Kassai after Camp de Roux, Mr Witness?

7 A. [15:50:54] Yes, I do so confirm.

8 Q. [15:51:01] How long did you spend at Kassai, Mr Witness?

9 A. [15:51:11] I believe one month -- one month of training. I think one month.
10 Unless I'm mistaken, it was one month. Then after that, the Anti-Balaka arrived.

11 Q. [15:51:32] Thank you. *I'll -- I'll read what you said to the investigators of the
12 OTP. Tab 14.1, 14 in English. CAR-OTP-2130-5080, page 591, lines 378 and the rest:
13 "Question: So your colonel sent you to Camp Kassai to be trained. Did you stay
14 there for a long time? Answer: I stayed there two and a half months."

15 Does that refresh your memory in relation to the time that you spent at Camp Kassai,
16 Mr Witness, because there you see two and a half months?

17 PRESIDING JUDGE SAMBA: [15:52:29] Which page number of that tab please?
18 5091? Which line?

19 THE COURT OFFICER: [15:52:39] Line 321, your Honours. There was an error in
20 the transcript, indeed.

21 PRESIDING JUDGE SAMBA: [15:52:46] Thank you. Thank you.

22 MS NAOURI: [15:52:56](Interpretation)

23 Q. [15:52:56] Mr Witness, I'm listening to you. Did this refresh your memory
24 relating what you told the OTP investigators in 2019 because you say you stayed
25 there for two and a half months?

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1 A. [15:53:19] *If I remember correctly, the training had not ended. It did not take
2 two months. It was just one month after the beginning of the training. I have already
3 told you that I don't remember the dates very well. If I remember correctly, we spent
4 a month and a few days there, and then the Anti-Balaka arrived. So the training
5 didn't even.... it was not completed successfully. I believe it was on 5 December that
6 the Anti-Balaka arrived. I always say that I do not remember the precise date of
7 each event very well. I can explain the events, the facts, but the details, the dates and
8 months, that's a bit difficult for me. But unless I'm mistaken, the training had not yet
9 been completed when the Anti-Balaka arrived.

10 Q. [15:54:22] Thank you, Mr Witness. Just tell us what you remember.
11 It was the president who signed decrees organising military training; is that correct?

12 A. [15:54:36] Yes, that is correct.

13 Q. [15:54:41] Very well. And in relation to you, yourself, it was the president who
14 ordered your transfer for training at Camp Kassai; correct?

15 A. [15:54:56] No, it was my chief who had designated me to be part of the training
16 at the Camp Kassai. The chiefs were asked to send elements under their authority to
17 undergo the training, so that is how come my chief selected me to be one of those to
18 be trained.

19 Q. [15:55:23] Thank you for that clarification. But, indeed, it was the president
20 who ordered your transfer, it was the chief who gave the names but it was, in the final
21 analysis, the president who ordered the transfer for training; is that correct?

22 A. [15:55:40] Yes.

23 Q. [15:55:45] And you were disarmed before going for that training; correct?

24 A. [15:55:51] Yes, that's correct.

25 Q. [15:55:58] And you were in Camp Kassai on 5 December 2013; correct?

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1 A. [15:56:07] Fifth December 2013, that was the date on which we were attacked.

2 It was around 4 a.m. when we were attacked.

3 Q. [15:56:28] Very well. And on that day you returned to the Camp de Roux;

4 correct?

5 A. [15:56:33] Yes, that is correct.

6 Q. [15:57:20] Thank you, Mr Witness.

7 I was trying to look for follow-up questions, but I think you have answered my

8 questions.

9 MS NAOURI: [15:57:41](Interpretation) Madam President, I'm looking at the time.

10 I think I need about 10 to 15 minutes. I do not know, maybe the judges have

11 questions themselves. I do not want to interfere with the organisation of the

12 schedule, but I think I would need 10 to 15 minutes to finish. I don't know about the

13 witness, otherwise I can ask just a few questions and then we return

14 tomorrow -- tomorrow. So I'm in your hands.

15 PRESIDING JUDGE SAMBA: [15:58:19] You mean 10 to 15 minutes

16 cross-examination finished or 10 to 15 minutes for today? Can you be clear.

17 MS NAOURI: [15:58:35](Interpretation) Yes, of course, Madam President. To

18 complete, to complete everything. Otherwise, I wouldn't have asked for more time

19 today, just a quarter of an hour to finish completely.

20 PRESIDING JUDGE SAMBA: [15:58:51] First of all, very thoughtful of you to think

21 about us whether or not we want to ask questions. The Prosecution also may want

22 to ask questions in re-examination, probably.

23 But anyway, yes, if you can -- I'm sure the Registry will accommodate us for like, if

24 you can give like 10, 12 minutes and then you leave maybe the few minutes to share

25 between ourselves and the Prosecution. Carry on.

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1 MS NAOURI: [15:59:22](Interpretation) I will try my best. I think that should
2 work.

3 Q. [15:59:27] Mr Witness, you were part of a DDR operation; correct?

4 A. [15:59:33] Yes, correct.

5 Q. [15:59:36] Very well. I will show you a document, tab 40 in our list,

6 CAR-OTP-2114-0324. The document will be displayed.

7 So, can you see that document, Mr Witness?

8 A. [16:00:09] Yes, I can see it.

9 Q. [16:00:11] Very well. Can you confirm to us that it is your certificate of
10 registration and laying down of weapons?

11 A. [16:00:23] Yes, that is correct.

12 Q. [16:00:29] And which weapon did you hand over during that DDR process?

13 A. [16:00:46] When we were billeted at Camp Béal, there was an armoury within
14 that compound, we -- which contained heavy weaponry and ammunition. And
15 when the time came to come and retrieve those ammunition and the weapons, those
16 of us, the elements living there, we agreed and we were identified individually, the
17 elements who were in the BSS and Camp Béal camps. It was after having identified
18 us that all the weapons that were at the armoury in the Camp Béal were taken away.
19 That is what happened.

20 Q. [16:01:41] Thank you for that clarification.

21 And I will ask for the formal submission of this document, tab 40.

22 Mr Witness -- were confirmed in order to be integrated in the army under Djotodia;
23 isn't that not correct?

24 A. [16:02:14] Yes. Yes, we all were registered. Unfortunately, at that time, at was
25 not register -- did not give my registration at such -- is that -- I did not use my

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1 registration.

2 Q. [16:02:35] (Redacted);

3 is that not so?

4 A. [16:02:45] Yes, that's correct. That was -- there was a decision taken in that
5 direction.

6 Q. [16:03:03] And this decision, was that ever implemented?

7 A. [16:03:16] All elements who were part of the cooperation in 2013 were not taken
8 into consideration. The decision remained without a follow-up. It was not
9 implemented.

10 Q. [16:03:38] But, Mr Witness, you complained or proceeded with -- so
11 that -- before the tribunal so that you could be incorporated; isn't that correct? You
12 did this against the government.

13 A. [16:03:59] It wasn't done on an individual basis; it was a group of peers.
14 Were -- we lodged a complaint with the tribunal so that we could point out that the
15 lack of the decision being implemented in our integration and, unfortunately, our
16 action did not reap any benefits.

17 Q. [16:04:43] I'm going to show a document to finish. It's tab 99 on our list of
18 materials, CAR-OTP-2100-0825.

19 *Mr Witness, as you can see, it's a decision relating to enrolment of young recruits
20 into the Central African forces. I'm going -- going to go to page (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [16:06:25] Yes, that's -- that's me. (Redacted). Yes, that's me.

25 That's me.

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1 Q. [16:06:38] Very well. There was a judgment of 5 December 2018. I'm going to
2 show it to you. It is tab 100 on our list of materials. I haven't asked for it to be
3 formally submitted because it already has been submitted. And it's the same for this
4 document, tab 100, CAR-OTP-2111-0213.

5 If we go to page 0215.

6 Perfect.

7 And here can you see -- go down a bit.

8 *And here you can see it's a decision dated 5 September 2018 that orders the inclusion
9 of all these privates in the FACA in accordance with the decision dated 10 October
10 2013.

11 So if you follow this decision through, you could have been incorporated into the
12 army. Were you aware of that?

13 A. [16:08:17] *Yes, because of the documents, my peers hired a lawyer to defend
14 them, but their actions went nowhere. They weren't successful. That's why I lost hope
15 and I completely gave up. But my peers, the elements who we had been with... we
16 had been part of the Seleka. They really tried to win. They hired a lawyer, they started
17 a legal battle. But they did not reach their goal.

18 Q. [16:09:07] Look at this decision. You would say that they did obtain the
19 objective that people like you who were -- were based under the decision of
20 10 October 2013 were -- won and that you could have gone into the army. Is my
21 understanding correct?

22 A. [16:09:38] They started the procedures but nothing happened. We weren't
23 integrated into FACA. I also know that it was taken into consideration.

24 Q. [16:09:57] *Fine. We have a witness who told us -- it is in the edited French
25 transcript, T-64, page 10, lines 18 to 22, in response to this question, "And the soldiers

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1 won their case. Do we agree on that point? They were enrolled in the FACA thanks to
2 this decision, isn't that so?" Answer: "Not all of them were enrolled. Some of them
3 were, others were not and they are still not even today."

4 So this witness continues by saying this.

5 So did you at least try, given this decision to be included in the army? Did you try at
6 least or not?

7 A. [16:11:02] No, I didn't try. I tried once -- once, to see if it would work, but after
8 that, that was the end. After all the steps that the others had undertaken, no, no, no.
9 And I wasn't part of this. I didn't try.

10 Q. [16:11:28] Fine. *The last document I'm going to put to you is tab 45. It is
11 (Redacted).

12 (Redacted); in fact, it's yours.

13 Can you confirm that is the case?

14 A. [16:12:05] Yes, of course. That's me.

15 Q. [16:12:15] Fine.

16 I'd like to submit this document, with your permission.

17 And can you tell us what you're doing today to -- for -- for -- to live?

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 Q. [16:14:34] Fine. The last question: Would you be prepared to show the Court
10 this document if requested to do so?

11 A. [16:14:52] Absolutely. Even though coming here I received permission from
12 the army to come here, signed by the minister of defence, in order to gain permission
13 to come here. I have all the documents necessary.

14 Q. [16:15:15] Perfect. Thank you.

15 That was my final question.

16 MS NAOURI: [16:15:21](Interpretation) Your Honour, I have no further questions as
17 regards the Defence.

18 PRESIDING JUDGE SAMBA: [16:15:26] Thank you very much. Ms Naouri.

19 Madam Prosecutor, do you have any question in re-examination. We're still in
20 private session.

21 MS MAKWAIA: [16:15:39] Just one, your Honours.

22 PRESIDING JUDGE SAMBA: [16:15:43] Please put your question.

23 QUESTIONED BY MS MAKWAIA:

24 Q. [16:15:49] Mr Witness, it was suggested to you today that there was no special
25 treatment to the Seleka -- to Seleka members held at the OCRB. And your answer to

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1 that question was: They did have special treatment.

2 Now can you please tell the Court what was this special treatment, please?

3 MS NAOURI: [16:16:23](Interpretation) Madam President.

4 PRESIDING JUDGE SAMBA: [16:16:27] Yes, Ms Naouri.

5 MS NAOURI: [16:16:29](Interpretation) Two things: Firstly, it was something that
6 could be anticipated because the way -- one moment please.

7 I had the interpretation in my ear, sorry.

8 The first thing is the way in which the Seleka were treated, in particular in the OCRB,
9 also is based from the questions put by the OTP, firstly.

10 And, secondly, we also read out an extract to the witness of what he said. So if we
11 use this citation, you have to use that when he said there was no difference in
12 treatment, which he later on confirmed, because we asked him, it has been suggested,
13 we put to him, therefore we put the question to him directly, we confronted him with
14 his previous statement and he confirmed his previous statement.

15 So you have to quote everything and not only extract bits and pieces to ask a
16 particular question, which seems to be a follow-up question but is not one in reality.
17 It's not new and, secondly, you have to read everything before asking a question
18 which is a bit at random.

19 PRESIDING JUDGE SAMBA: [16:17:53] When that question was put -- first of all,
20 we note that this witness is a *viva voce* witness. When that question was put, it was,
21 as far as I remember, it was the first time. I don't recall the Prosecution asking this
22 witness in this courtroom about difference in treatment of Seleka members and all the
23 persons who were detained at the OCRB. And because it's a new question that you
24 asked, I'm going to ask for the Prosecution to put the question in re-examination.

25 Madam Prosecutor, please carry on.

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1 MS MAKWAIA: [16:18:34] Thank you, Madam President. For the purposes of the
2 record, page 27, line 1 to 5.

3 Q. [16:18:41] Mr Witness, I will repeat the question again. It was suggested to you
4 this morning -- or this afternoon, rather, that the Seleka members held at the OCRB
5 did not have any special treatment. And your answer was: They had special
6 treatment.

7 Now can you tell the Court what was this special treatment, please?

8 A. [16:19:27] Badly disciplined soldiers had various punishments. For example, if
9 the colonel and his elements robbed a supermarket, those who committed the -- those
10 who committed those actions were beaten. They were hit and they were put
11 underground for two days. And after heads came from Camp de Roux and they
12 carried out negotiations and then they were released. That is what I saw with my
13 own eyes. That's how I saw they treated these elements in the OCRB.
14 As regards the others, they were put in the prison and after having passed a certain
15 amount of time there, they were released, they released that person and the person
16 resumed their activities. Those who robbed - I saw the example of the colonel and
17 his elements - they were put underground.

18 MS MAKWAIA: [16:21:00] (Overlapping speakers) Thank you, witness.

19 I have no further questions, your Honours.

20 PRESIDING JUDGE SAMBA: [16:21:05] Thank you very much, Madam Prosecutor.
21 Now, Mr Witness, we're going to put a few questions to you from the bench. So
22 listen well.

23 I'll ask my colleague, Judge Socorro-Flores to put her question to you.

24 JUDGE FLORES LIERA: [16:21:25] Thank you very much, Madam President.

25 Mr Witness, I have only one question for you. During your testimony before this

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1 Chamber you indicated that after the Seleka took over power the policemen deserted
2 and abandoned the premises. You added later that they fled for their own safety.

3 And this is in transcript 113, pages 10 and 11.

4 Can you please tell us more in detail why the police fled for their own safety?

5 THE WITNESS: [16:22:11](Interpretation) Thank you. When the Seleka took over
6 power, chaos reigned in the country. There was great disorder. The majority of the
7 Seleka did not want to see -- didn't want to see anyone bearing a uniform. There
8 were many victims and that's why they fled. The Seleka entered the various
9 neighbourhoods and asked questions, to ask whether there was any soldiers around,
10 and some of our brothers who had grouped with the Seleka pointed out the homes of
11 some soldiers, and that's why they were afraid. You talked about police and soldiers,
12 and also there were appeals so that they could come back and resume their jobs. The
13 Seleka were very violent. It was an extremely violent movement and that's why the
14 soldiers were scared. They were frightened. There were some that gave up their
15 work definitively. And that is why I said what I did.

16 JUDGE FLORES LIERA: [16:23:40] Thank you very much, Mr Witness. That is very
17 clear. Thank you for your response.

18 PRESIDING JUDGE SAMBA: [16:23:46] Thank you very much. Judge Ugalde,
19 your question, please.

20 JUDGE UGALDE: [16:23:51] Thank you, Madam President.

21 Mr Witness, could you please tell the Court what was Mahamat Saleh's role during
22 the time when you were at the OCRB? This is when you were at the OCRB, what
23 was Colonel Mahamat Saleh's role or what was he in charge of? Thank you.

24 THE WITNESS: [16:24:33](Interpretation) Thank you.

25 Mahamat Saleh's -- his work, I'm not too familiar with that. He worked with the PM,

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1 but anything more, the majority of the time he was in contact with Mahamat Said and
2 the General Nouradine. He took people, he brought people, and sometimes he put
3 them into the cell, sometimes he gave them to Said, sometimes he even released
4 detainees of the OCRB. But he didn't spend a lot of time in the offices. So I don't
5 really know what his role, his position, his office -- I don't have that sort of
6 information.

7 JUDGE UGALDE: [16:25:10] Thank you, Mr Witness.

8 I don't have any further questions, Presiding Judge.

9 PRESIDING JUDGE SAMBA: [16:25:24] Yes, Mr Witness, when you said he
10 worked -- that is, colonel, or is it general, Saleh. When you say he worked with the
11 PM, what do you mean by "PM"?

12 THE WITNESS: [16:25:40](Interpretation) PM, I'm talking about the military police.

13 PRESIDING JUDGE SAMBA: [16:25:44] Okay. Thank you very much for clarifying
14 that.

15 I have one -- well, one or two questions just for -- to fix some timing for my
16 understanding. You were shown a document, I think it was tab 135 and 136, dealing
17 with a document which was informing the prosecutor about the escape of the Yalo
18 brothers. The lawyer on your right for Mr Said asked you that question. She put
19 those documents to you about the escape of the Yalo brothers from the OCRB, I think
20 when they went out with somebody -- colonel or commander -- somebody by the
21 name of Yaya. You say they escaped; am I correct?

22 THE WITNESS: [16:26:56](Interpretation) It's Commander Yaya who was arrested in
23 the OCRB. General Nouradine took him and said he should be arrested and put in
24 prison and that one shouldn't give him water, nothing to drink, because he was an
25 accomplice to the escape of the Yalo brothers. He was put into prison over there.

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1 PRESIDING JUDGE SAMBA: [16:27:27] Okay. Okay. Okay. Thank you for that
2 information. Thank you for that information, but what I want -- what I want to
3 know is whether or not you, you were still at the OCRB, one, when they were arrested.
4 I see from your testimony that you were already at the OCRB when they were
5 arrested. Am I correct?

6 THE WITNESS: [16:28:01](Interpretation) Yes, I'd already started to work at the
7 OCRB.

8 PRESIDING JUDGE SAMBA: [16:28:06] Thank you. Thank you very much.
9 And were you still at the OCRB when they escaped?

10 THE WITNESS: [16:28:17](Interpretation) Yes, I was still working there, and then
11 they escaped.

12 PRESIDING JUDGE SAMBA: [16:28:24] That's understood. Thank you very much.
13 That will be our questions from the bench. Ms Naouri, do you have any further
14 questions after our questions?

15 MS NAOURI: [16:28:37](Interpretation) No further questions, Madam President.

16 PRESIDING JUDGE SAMBA: [16:28:44] Okay. Thank you very much, Mr Witness.
17 On behalf of this Chamber we thank you very much for your cooperation and for all
18 the testimonies that you -- you've given these past days as to what you know and
19 experienced in the Central African Republic.

20 Madam Court Officer, can we go into open session, please.

21 (Open session at 4.29 p.m.)

22 THE COURT OFFICER: [16:29:29] We are back to open session, Madam President.

23 PRESIDING JUDGE SAMBA: [16:29:33] Okay. Mr Witness, as I was saying, on
24 behalf of the Chamber, I thank you very much for your cooperation and for your
25 testimonies all these past days as to what you know and experienced as happened in

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1 the Central African Republic. We are very much appreciative of you coming to
2 testify before us as a Chamber and we wish you well in your future endeavours. We
3 do wish you safe travelling mercies as you leave here for your location.

4 (The witness is excused)

5 PRESIDING JUDGE SAMBA: [16:30:00] With that I want to ask the Prosecution as to
6 all the updates for P-1563 who is supposed to be our next witness. What's the status,
7 quickly?

8 MS MAKWAIA: [16:30:16] Madam President, we just received information he had
9 consultation this afternoon and he's likely to appear by Thursday. He has to go back
10 and see his surgeon again on Wednesday, but he's progressing well so he can do AVL
11 on Thursday.

12 PRESIDING JUDGE SAMBA: [16:30:34] Thank you very much. Please keep us
13 informed. We're eager to have him on the, you know, as a witness on Thursday
14 actually.

15 So I rise the Court for 9:30 on Thursday. Thank you very much.

16 THE COURT USHER: [16:30:47] All rise.

17 (The hearing ends in open session at 4.30 p.m.)