

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 International Criminal Court  
2 Trial Chamber VI  
3 Situation: Central African Republic II  
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21  
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and Judge  
6 Sergio Gerardo Ugalde Godínez  
7 Trial Hearing - Courtroom 2  
8 Friday, 21 June 2024  
9 (The hearing starts in open session at 10.04 a.m.)  
10 THE COURT USHER: [10:04:00] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE SAMBA: [10:05:24] Good morning, everyone. Madam Court  
14 Officer, can you kindly mention the case.  
15 THE COURT OFFICER: [10:05:29] Good morning, Madam President, your Honours.  
16 The situation in the Central African Republic II, in the case of the Prosecutor versus  
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.  
18 And we are in open session.  
19 For the record, the witness is in the transmission room but cannot hear us at the  
20 moment. Thank you.  
21 PRESIDING JUDGE SAMBA: [10:05:47] Thank you very much.  
22 Can I ask for the representation, beginning with the Prosecution, please.  
23 MS MAKWAIA: [10:05:53] Good morning, Madam President, your Honours.  
24 For the Prosecution this morning, Ms Sanyu Ndagire, Mr Kamran Choudhry and  
25 myself, Ms Holo Makwaia.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [10:06:12] Thank you very much. A very good  
2 morning to you.

3 Ms Pellet, for the victims.

4 MS PELLET: [10:06:20](Interpretation) Good morning, Madam President. The  
5 victims are represented by Tars Van Litsenborgh and myself, Sarah Pellet counsel at  
6 the Office of Public Counsel for Victims.

7 PRESIDING JUDGE SAMBA: [10:06:27] Thank you very much. Ms Naouri for the  
8 Defence please.

9 MS NAOURI: [10:06:34](Interpretation) Thank you, Madam President. Good  
10 morning.

11 Next to me, Maître Jacobs; next to him Léa Allix; and, myself, I'm Jennifer Naouri,  
12 lead counsel for Mr Abdel Kani.

13 PRESIDING JUDGE SAMBA: [10:06:50] Thank you very much, Ms Naouri. And  
14 for the record I note that Mr Said is here in court with us. A very good morning to  
15 you, Mr Said. I hope I see you well.

16 MR SAID: [10:07:03](Interpretation) Yes, good morning, Madam President.

17 PRESIDING JUDGE SAMBA: [10:07:07] Good morning.

18 Now, the Prosecution is calling P-1808 as its 37th witness. The Chamber previously  
19 granted an application by the Prosecution to introduce P-1808's prior recorded  
20 testimony pursuant to Rule 68(3) of the Rules in decision numbered 507. It is the  
21 Chamber's understanding that this witness will be testifying in Sango via video link.  
22 I remind everyone of the importance of the need to speak slowly and to observe the  
23 five-seconds rule between questions and answers.

24 Now, before commencing, the Chamber notes briefly that protective measures are  
25 confirmed for this witness by virtue of decision numbered 605, and that the VWU has

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 noted that the witness should not be asked to read or write anything in the courtroom,  
2 and should be provided with reading assistance. The Chamber, therefore, asks the  
3 parties to be mindful of this during their questioning of this witness.

4 Madam Court Officer, can you please connect us to the witness.

5 THE COURT OFFICER: [10:08:50] I'm informed the sound is on now, on the  
6 witness's side, thank you.

7 PRESIDING JUDGE SAMBA: [10:08:55] Okay. Thank you very much.

8 Now, good morning, Mr Witness. Can you see me? Can you hear me?

9 Can you liaise again, with the court officer in the field office, thank you.

10 THE COURT OFFICER: [10:09:37](Interpretation) Can you confirm that you can  
11 hear us, please?

12 WITNESS: CAR-OTP-P-1808

13 (The witness speaks Sango)

14 (The witness gives evidence via video link)

15 THE WITNESS: [10:09:56](Interpretation) Yes, I can hear you.

16 PRESIDING JUDGE SAMBA: [10:10:05] Thank you very much, Mr Witness.

17 Now, Mr Witness, you are going to testify before the International Criminal Court.

18 So on behalf of the Chamber, I welcome you to this courtroom.

19 THE WITNESS: [10:10:20](Interpretation) Thank you.

20 PRESIDING JUDGE SAMBA: [10:10:22] Good.

21 You should have in front of you, Mr Witness, the solemn undertaking to tell the truth  
22 that every witness who testifies before the Court must agree to. I'm going to read it  
23 out to you now, so listen. I solemnly declare that I will speak the truth, the whole  
24 truth and nothing but the truth.

25 Mr Witness, do you understand and agree to what I have just read out to you?

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 THE WITNESS: [10:11:08](Interpretation) I have understood and I agree that I will  
2 say only the truth.

3 PRESIDING JUDGE SAMBA: [10:11:20] Good. Thank you very much.

4 Mr Witness, let me now explain to you the protective measures that the Chamber has  
5 put in place for your testimony.

6 We have in place for you voice and face distortion for the duration of your testimony.

7 Now, this means that no one outside the courtroom can see your face or hear your  
8 real voice during your testimony.

9 There will also be in use the use of pseudonym. In accordance with that, we will all  
10 refer to you only as "Mr Witness" to make sure that the public does not know your  
11 name. When you answer questions that will not give away who you are, we will do  
12 so in open session, which means that the public can hear what is said in the  
13 courtroom. When you are asked to describe anything that relates specifically to you,  
14 or you're asked to mention facts that might reveal your identity, we will do so in  
15 private session.

16 And, lastly, I have a few practical matters you should have in mind when giving your  
17 testimony. Everything we say here is written down and interpreted. It is, therefore,  
18 important to speak clearly and at a slow pace. Please speak into the microphone that  
19 you have before you and only start speaking when the person asking you the  
20 question has finished.

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

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

25 Also, we hope that there are no issues with the video link. However, if there are any

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 issues with the technology, we will do our best to ensure that it is sorted out as  
2 quickly as possible.

3 Now, have you understood all that I have said, Mr Witness?

4 THE WITNESS: [10:14:25](Interpretation) Yes, I have understood you well.

5 PRESIDING JUDGE SAMBA: [10:14:31] Good. So we are now going to start with  
6 your testimony. I'm going to invite the Prosecution to lead you in-chief.

7 Madam Prosecutor, please, your witness.

8 MR CHOUDHRY: [10:14:46] Thank you very much, your Honours. Your Honours,  
9 if I could please ask to start questioning in private session. And for members of the  
10 public, it will be approximately five minutes.

11 PRESIDING JUDGE SAMBA: [10:14:59] Madam Court Officer, can we go quickly  
12 into -- or briefly into private session. Thank you.

13 (Private session at 10.15 a.m.)

14 THE COURT OFFICER: [10:15:16] We are in private session, Madam President.

15 PRESIDING JUDGE SAMBA: [10:15:19] Yes, Mr Prosecutor, please, carry on.

16 QUESTIONED BY MR CHOUDHRY:

17 Q. [10:15:26] Good morning, Mr Witness. I will be asking you questions on behalf  
18 of the Prosecutor.

19 And I have three areas that I will be questioning you about.

20 The first area relates to your identity, and we have gone into private session so that  
21 nobody else outside of the courtroom can hear the questions or your answers.

22 The second area that I'll be asking you about is in relation to your witness statement.

23 And, finally, I will be asking you questions about your recent witness preparation  
24 session.

25 Is that clear?

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 A. [10:16:27] Yes, it is clear.

2 Q. [10:16:31] So I will begin asking you questions about yourself.

3 Can you please tell us what are your -- or what is your full name?

4 A. [10:16:53] My name is (Redacted).

5 Q. [10:17:03] What is your date of birth, please?

6 A. [10:17:16] I am not literate and I cannot give you my date of birth. When I had  
7 to be recruited at the (Redacted), I told them that I had been born in (Redacted), and  
8 that is the date of birth that I gave also in the witness statement that you have in your  
9 possession.

10 Q. [10:17:58] Can you remember the month and the day that you provided in your  
11 witness statement?

12 A. [10:18:18] I said that I was born in (Redacted). Isn't that what I said? To tell  
13 you the truth, I was not born in (Redacted), but since I was looking for a job,  
14 I indicated in the documents that I had been born in (Redacted).

15 Q. [10:18:44] Where were you born, Mr Witness?

16 A. [10:18:55] I was born in (Redacted).

17 Q. [10:19:00] What is your ethnicity?

18 A. [10:19:15] I am of the (Redacted).

19 Q. [10:19:22] And what is your religion?

20 A. [10:19:34] I attend the (Redacted).

21 Q. [10:19:49] And the (Redacted), is that related to the (Redacted)?

22 A. [10:20:10] Yes, indeed, (Redacted).

23 Q. [10:20:15] Mr Witness, I just want to make sure that I understand something in  
24 relation to your date of birth. You told us that you do not know whether you were  
25 born -- or you do not think that you were born in (Redacted).

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Do you know the year that you were born in?

2 Did you hear my last question, Mr Witness?

3 A. [10:21:20] Yes, I heard you. I was born in (Redacted). That is the real year of  
4 my birth. And as I have already indicated, when I was looking for work in the  
5 security company, I said I was born in (Redacted) but my real year of birth is  
6 (Redacted).

7 MR CHOUDHRY: [10:22:00] Madam President, your Honours, with that we can  
8 move into public session.

9 PRESIDING JUDGE SAMBA: [10:22:05] Yes. Madam Court Officer, can we go  
10 back into open session, please.  
11 (Open session at 10.22 a.m.)

12 THE COURT OFFICER: [10:22:23] We are back to open session, Madam President.

13 PRESIDING JUDGE SAMBA: [10:22:26] Thank you. Mr Choudhry, please continue.

14 MR CHOUDHRY: [10:22:31]

15 Q. [10:22:32] Mr Witness, we are now in public session which means that anything  
16 you say can be heard by members of the public. Okay?

17 A. [10:22:48] Yes, I understand.

18 Q. [10:22:53] I'd now like to ask you just some questions about your witness  
19 statement, and I'll begin by asking you: Do you recall being interviewed by  
20 investigators from the Office of the Prosecutor in February 2022?

21 A. [10:23:24] Yes, I do recall.

22 Q. [10:23:29] Do you remember providing a witness statement to the Office of the  
23 Prosecutor?

24 A. [10:23:51] Yes, I remember. They came and we had a discussion.

25 Q. [10:24:04] Do you recall if you signed that witness statement?

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 A. [10:24:26] Yes, I remember having signed the statement.

2 MR CHOUDHRY: [10:24:32] And with that, your Honours, if I could just kindly ask  
3 the court officer to display tab 1 for the witness but not to members of the public.  
4 And the ERN is CAR-OTP-2135-2185. And I would ask that the court officer display  
5 the bottom of that particular page, please.

6 Q. [10:25:05] Mr Witness, you should have in front of you part of a witness  
7 statement with some signatures; do you see that?

8 A. [10:25:26] Yes, I can see it. I can also see my signature.

9 Q. [10:25:33] Thank you for that.

10 And if I could ask the court officer to please display the final page, I believe the ERN  
11 is 2192, and again it's at the bottom of that page. Sorry, slightly -- if you could just  
12 move up. It's there. Thank you very much.

13 Mr Witness, same question, there is a signature on that page. Do you recognise that  
14 signature?

15 A. [10:26:13] It is my signature.

16 Q. [10:26:20] Now, Mr Witness, before coming to give testimony today, do you  
17 recall having a witness preparation session?

18 A. [10:26:54] What preparation are you talking about? That's not very clear to me.

19 Q. [10:27:04] Have you had a recent opportunity to have your statement read to  
20 you in a language that you understand?

21 A. [10:27:31] Yes, I had that opportunity. Someone read out my statement to me.

22 Q. [10:27:42] And when that individual read out your statement to you, did you  
23 have an opportunity to make any corrections or clarifications to your witness  
24 statement?

25 A. [10:28:13] It is my statement that that person read out to me, and I confirmed



Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 that it is indeed the statement that I gave.

2 MR CHOUDHRY: [10:28:35] If I could kindly ask the court officer, please, to just

3 display tab 3, and the ERN for that is CAR-OTP-00036252. Thank you.

4 If I could ask for the court officer to display the bottom of page 2, please.

5 Thank you.

6 Mr Witness, when your statement was reread to you, do you remember making any

7 comments about your statement?

8 A. [10:30:04] The observation that I made relates to the person that I indicated as

9 being in my neighbourhood, the aide-de-camp. I also said that if that person wanted,

10 I would be able to go and show them the location where he could be found. Apart

11 from that I did not make any other comments.

12 Q. [10:30:48] And after making those comments, do you recall signing a document?

13 A. [10:31:09] Can you kindly repeat the question, please?

14 Q. [10:31:14] I'll try another way, Mr Witness. Do you remember having a witness

15 preparation session where I was present?

16 A. [10:31:51] I can hear the voice of a woman, but, yes, I know that I was present at

17 a preparatory meeting and that is -- that was at the time -- in relation to my statement

18 and I am here today before you to testify.

19 Q. [10:32:15] Mr Witness, you should have in front of you a document with, again,

20 a signature at the bottom. Do you see that?

21 Whose signature is that, please?

22 A. [10:32:40] That is my signature.

23 Q. [10:32:45] And my final question for you, Mr Witness, is do you consent to the

24 judges using your witness statement and annexes to decide matters in this case?

25 A. [10:33:19] Yes, I had been informed that I may be invited to testify before this

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

1 Court, and that is why I am here.

2 Q. [10:33:32] Thank you, Mr Witness. I have no further questions for you at this  
3 stage.

4 MR CHOUDHRY: [10:33:39] Your Honours, with that the Prosecution submits that  
5 the conditions under Rule 68(3) have been met and requests submission of his  
6 statement and annexes.

7 PRESIDING JUDGE SAMBA: [10:33:49] Yes, but the last question -- the last answer  
8 given there, Mr Choudhry, he agreed to testify, but he has not really, you know,  
9 agreed to the submission of his prior recorded testimony and the annex A.

10 MR CHOUDHRY: [10:34:05] Your Honour, in --

11 PRESIDING JUDGE SAMBA: [10:34:06] If you could put that again to him for his  
12 understanding so that we meet the requirements of Rule 68(3).

13 MR CHOUDHRY: [10:34:14] Yes, your Honours.

14 Q. [10:34:17] Mr Witness, you've told us today that you provided a witness  
15 statement and that you've also signed a document which included comments you  
16 made about your witness statement. The judges in this case can use your witness  
17 statement. Do you consent to the judges using your witness statement as well as any  
18 comments you made about it?

19 A. [10:34:59] Yes, I agree.

20 MR CHOUDHRY: [10:35:04] Your Honours, I hope that that satisfies your Honours  
21 for the purpose of Rule 68(3).

22 PRESIDING JUDGE SAMBA: [10:35:10] Thank you very much. So this witness  
23 having agreed to the submission of his prior recorded testimony and the associated  
24 materials, the Prosecution having led him in-chief, the Defence and the Chamber  
25 having the opportunity to question this witness during the proceedings, this witness's

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Open Session)

ICC-01/14-01/21

- 1 prior recorded testimony and the associated material thereto are allowed in evidence.
- 2 Thank you very much.
- 3 Sorry.
- 4 (Discussion between the Chamber and the court officer)
- 5 PRESIDING JUDGE SAMBA: [10:51:34] I think it was tab number 1. Can you give
- 6 us the tab numbers for the -- I think the prior recorded testimony was tab 1 and the
- 7 annex, was it tab 3? Can you put that on the record, Mr Choudhry.
- 8 MR CHOUDHRY: [10:36:09] Yes, your Honour. Tab 1 is the witness's statement
- 9 and tab 3 is the annex containing corrections and clarifications.
- 10 PRESIDING JUDGE SAMBA: [10:36:19] Thank you very much.
- 11 Thank you, Mr Choudhry.
- 12 Ms Naouri for the Defence in cross-examination, please.
- 13 MS NAOURI: [10:36:32](Interpretation) Thank you, Madam President.
- 14 It's Mr Jacobs who will lead in cross-examination. Thank you.
- 15 PRESIDING JUDGE SAMBA: [10:36:40] Thank you very much, Ms Naouri.
- 16 Mr Jacobs, in cross, please.
- 17 MR JACOBS: [10:37:06](Interpretation) Thank you, Madam President.
- 18 QUESTIONED BY MR JACOBS: (Interpretation)
- 19 Q. [10:37:11] Good morning, Mr Witness.
- 20 A. [10:37:15] Good morning.
- 21 PRESIDING JUDGE SAMBA: [10:37:18] And we're in open session, Mr Jacobs.
- 22 MR JACOBS: [10:37:28](Interpretation) Thank you, Madam President.
- 23 Q. [10:37:31] Now, Mr Witness, my name is Dov Jacobs. Today I will be putting
- 24 some questions to you on behalf of Mr Said's Defence team. The idea is simply to
- 25 seek clarification from you on some of the points that you discussed with the

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 investigators from the OTP.

2 I will try to speak slowly because, as you have been told, everything that we say will  
3 be recorded on the case file, and is also interpreted into French and English for the  
4 attention of the judges. So it is important for you to speak slowly, to answer -- I will  
5 speak slowly and wait, and when I put a question to you, please wait a few seconds  
6 and understand the question, then answer so that we are sure that everything has  
7 been recorded on the case file.

8 Do you understand that, Mr Witness?

9 A. [10:38:30] Yes, I have understood you.

10 MR JACOBS: [10:38:37](Interpretation) Madam President, my first series of  
11 questions should be taken in private session. Please could we do that? Thank you.

12 PRESIDING JUDGE SAMBA: [10:38:45] Yes. Madam Court Officer, could we go  
13 into private session please.

14 (Private session at 10.39 a.m.)

15 THE COURT OFFICER: [10:39:02] We are in private session, Madam President.

16 PRESIDING JUDGE SAMBA: [10:39:05] Mr Jacobs, please continue.

17 MR JACOBS: [10:39:15](Interpretation) Thank you.

18 Q. [10:39:19] Now, Mr Witness, can you tell us what your father's name was,  
19 please?

20 A. [10:39:31] My father's name was (Redacted).

21 Q. [10:39:52] Thank you. In your prior statement, which you recognised a few  
22 minutes ago - and this would be in tab 1 for the French version and 1.4 for the English  
23 version - it says there that your father's name would be (Redacted). But you said just  
24 now (Redacted) (phon).

25 I want to cross-check whether the family name of your father is correct. Can you

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

- 1 please confirm that?
- 2 A. [10:40:39] I said (Redacted).
- 3 THE INTERPRETER: [10:40:45] The witness repeats: (Redacted).
- 4 MR JACOBS: [10:40:53](Interpretation)
- 5 Q. [10:40:53] Thank you, Mr Witness.
- 6 What was your father's occupation, Mr Witness?
- 7 A. [10:41:10] My father was a (Redacted).
- 8 Q. [10:41:22] Thank you. What was your mother's name?
- 9 A. [10:41:36] (Redacted).
- 10 Q. [10:41:41] And what was her occupation, Mr Witness?
- 11 A. [10:41:53] She was (Redacted).
- 12 Q. [10:42:01] Mr Witness, are you married; is that correct?
- 13 A. [10:42:10] No, I am not officially married, but I have a woman and children.
- 14 But I'm not officially married.
- 15 Q. [10:42:24] Very well. How many children do you have?
- 16 A. [10:42:37] I have four children, and I also take care of four children who belong
- 17 to my deceased elder brother -- four of them as well.
- 18 Q. [10:42:58] In 2013, were you living with your children and the mother of your
- 19 children in (Redacted); is that correct?
- 20 THE INTERPRETER: [10:43:16] (Redacted)
- 21 arrondissement, corrects the interpreter.
- 22 MR JACOBS: [10:43:20](Interpretation)
- 23 Q. [10:43:20] Is that correct?
- 24 A. [10:43:23] Yes, that is correct.
- 25 Q. [10:43:29] Very well. So just to be -- just to have this on the record, what is

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 your level of education? At what age did you drop out of school, Mr Witness?

2 A. [10:43:48] I am illiterate.

3 Q. [10:44:02] Very well. So in 2013, you were working in the (Redacted)

4 (Redacted); is that correct?

5 A. [10:44:15] Yes, that is correct.

6 Q. [10:44:25] Can you tell us the year in which you started working as a (Redacted)

7 at the (Redacted), Mr Witness?

8 A. [10:44:51] I was a street child when I was 8 years old, but when I turned 20 or

9 thereabouts, I started (Redacted). But, please, madam, your Honours, please,

10 I would like to tell you that when it comes to anything relating to dates, I have no

11 clear recollection. In any event, when I was 8 years old I was a street child. It is

12 only later on that I started (Redacted), and so when I was at (Redacted), I was still

13 very young and when the (Redacted), he recruited me as a

14 (Redacted)

15 Q. [10:46:01] Very well, Mr Witness. I understand. So go ahead and tell us what

16 you remember. There's no problem with that. All I'm trying to do is ask you

17 questions that can help us understand a number of things.

18 You do not remember dates, but you started working at (Redacted) when François

19 Bozizé was president, more or less. Was it before, was it after? Mr Witness, can

20 you tell us whether it was before or after?

21 A. [10:46:38] When Bozizé was in power, I wasn't working yet, I was just

22 (Redacted). So that was in relation to his first term.

23 Now, it is during the second term when the Seleka were about to come in that

24 I became a (Redacted). But I didn't stay in that position for long because shortly

25 thereafter I was dismissed.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Q. [10:47:22] Just to hop back to what you have said, Mr Witness, you said when  
2 the Seleka were coming in, "I was a (Redacted)". Was that before the arrival of the  
3 Seleka or after the arrival of the Seleka that -- was it before or after that you are  
4 appointed (Redacted)?

5 A. [10:47:52] They had not yet taken power, and at that time I was a (Redacted), but,  
6 thereafter, when -- when they arrived in Bangui, the (Redacted) called me and asked  
7 me to come because there was no one left to (Redacted).  
8 And, thereafter, I -- I didn't work as a (Redacted) but I remained at (Redacted) to  
9 (Redacted).

10 Q. [10:48:44] Very well. So when you say the chief, can you tell us what the name  
11 of that chief is?

12 A. [10:48:59] Which chief are you talking about? Which chief are you talking  
13 about?

14 Q. [10:49:08] You said the (Redacted)- that's in French - so I want to know what the  
15 name of the (Redacted) is?

16 A. [10:49:26] (Redacted).

17 Q. [10:49:34] Would that be the (Redacted)?

18 A. [10:49:41] Yes, that's his name. (Redacted).

19 Q. [10:49:50] How did he know you? How did you know that gentleman for him  
20 to be able to call you?

21 A. [10:50:01] I think I already told you that I had been there and I was (Redacted)  
22 even before he was recruited. At the time of his recruitment, I was already a  
23 (Redacted) there and at the time of his recruitment, he was (Redacted)  
24 but it is only later on that he became the (Redacted)  
25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Q. [10:50:31] Very well. You say that he was first recruited as (Redacted), in  
2 French. Does that -- can you tell us what that means?

3 A. [10:50:46] Well, (Redacted), the (Redacted) in the administration is the person  
4 who manages financial matters, but I cannot tell you exactly what that acronym  
5 means. It is only later on that he was appointed (Redacted).

6 Q. [10:51:15] Thank you very much. This is very useful information.

7 Now, if I understand you correctly, you used to (Redacted), and at some point before  
8 the arrival of Djotodia, the (Redacted), asked you to become a (Redacted). Why did  
9 he ask you to do that?

10 Had you already been a (Redacted)? Had you already received some training?

11 Had you already done this kind of work?

12 A. [10:51:53] Before then I had been a (Redacted).

13 But that was well before -- in fact, before joining that (Redacted), I had previously  
14 worked as a (Redacted) and then I joined the (Redacted), and then he told me to come  
15 back to the (Redacted). So, you see, the -- to come back to the (Redacted) because  
16 there had been cases of (Redacted).

17 You see, this man was a very general -- generous man. He realised that I was  
18 working with (Redacted), but he asked me to come back, and so when my contract  
19 expired, I -- I remained at (Redacted) and then went back to work as a (Redacted).  
20 You see, some white people went and met him and he is the one who asked those  
21 white people to look for me and to find me.

22 Q. [10:53:36] Thank you, Mr Witness, for all that information. We will be  
23 revisiting it.

24 Now, at the very end you've said that the white people went and met the director, if  
25 I understood properly, and then they -- he asked the white people to look for me and



Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 to find me.

2 The first question is: Who are the white people you are referring to here?

3 A. [10:54:03] The whites did not go to meet the director. I think it is the  
4 investigators who were looking for information about what had happened. So they  
5 asked the DG who told them that there was someone who may be able to provide  
6 them with information on who had transported the corpses, who had killed, and  
7 information on the various bodies that had been dumped in the river.

8 Q. [10:54:43] Very well. I understand. And you say that the investigators of the  
9 Prosecutor, of the OTP talked to the DG and asked him to locate you; is that correct,  
10 Mr Witness?

11 A. [10:54:56] Yes, that is correct. It is the director general who gave them my  
12 number, and, so, when they called me the first time, I refused to meet with them  
13 because I was scared. Then they later mentioned the name of the DG as having been  
14 the one who gave them my number and, so, I didn't have to fear. And that is how  
15 I came to meet with them.

16 Q. [10:55:34] Mr Witness, thank you. We will hop back to that a bit later on, but  
17 I want to focus on 2013, okay, so that we are clear about the time frames.

18 In 2013, you were a (Redacted) and then at some point you stopped being a (Redacted)  
19 and started (Redacted), if I understand properly. Do you know at what time you  
20 became a (Redacted)? Was it before or after the Djotodia presidency, if you  
21 remember?

22 A. [10:56:25] I was (Redacted) and then became a (Redacted). But then after  
23 working as a (Redacted) my contract expired and then I went back to (Redacted). At  
24 the time when Djotodia came to power I was a (Redacted). So I was in a position to  
25 experience all those things that happened at the location where I worked.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Q. [10:57:12] Very well. Did you become a (Redacted) thereafter, say, in 2014,  
2 2015?

3 A. [10:57:32] No. No. I only continued to work as a (Redacted) before becoming  
4 a (Redacted).

5 Q. [10:57:59] Thank you, Mr Witness.

6 Madam Court Officer, could you please display tab 7 of our list of materials,

7 CAR-OTP-2057-0539. And this can be shown to the witness.

8 Mr Witness, can you see that document?

9 A. [10:59:00] Yes, I can see it. I see it clearly.

10 Q. [10:59:05] Very well. I will help you read it. You can see Central African  
11 Republic, Centrafrique (Redacted). And, thereafter, you see the flag and (Redacted)  
12 which do not show very clearly because there is a reflection. There is (Redacted) and  
13 then there's another letter which cannot be seen. Then there's your name, then  
14 there's a date and place of birth, and then at the very bottom you see the place and  
15 date of issuance, (Redacted), from what I can read.

16 Now, what I understand from this document -- first of all, do you recognise this  
17 document? Maybe we should start there.

18 A. [10:59:56] Yes, I recognise the document.

19 Yes, that was the identity card that was issued to me when I worked at  
20 (Redacted).

21 Q. [11:00:16] I have a question for you, Mr Witness. You say that you didn't work  
22 as a (Redacted) later on. But we see a (Redacted) that is issued years after, in 2017,  
23 under Djotodia. So I understand that you were a (Redacted) in 2017; is that correct,  
24 Mr Witness?

25 A. [11:00:41] When I stopped working (Redacted), I continued to work as a

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 (Redacted) and that is when the investigators came to meet with me. I think this is  
2 the explanation that I provided.

3 Q. [11:01:13] Thank you, Mr Witness.

4 MR JACOBS: [11:01:14] (Interpretation) Madam President, I am looking at the time.

5 I can follow up with some questions on this document after the break. Thank you.

6 PRESIDING JUDGE SAMBA: [11:01:22] Okay. So, Mr Witness, we are going to  
7 take a short break and come back at 11:30.

8 I rise the Court for 11:30, please. Thanks.

9 THE COURT USHER: [11:01:32] All rise.

10 (Recess taken at 11.01 a.m.)

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

12 THE COURT USHER: [11:33:44] All rise.

13 Please be seated.

14 PRESIDING JUDGE SAMBA: [11:34:11] Good morning again, everyone.

15 Mr Witness, we are going to continue with your cross-examination by Mr Jacobs,  
16 counsel for Mr Said.

17 Mr Jacobs, your witness, and we're in open session, just so you know.

18 MR JACOBS: [11:34:32](Interpretation) Thank you, Madam President.

19 If we can go back to private session for the next few questions. Thank you.

20 PRESIDING JUDGE SAMBA: [11:34:46] Certainly. Certainly.

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

22 (Private session at 11.35 a.m.)

23 THE COURT OFFICER: [11:35:05] We are back to private session, Madam President.

24 PRESIDING JUDGE SAMBA: [11:35:09] Thank you very much.

25 Mr Jacobs, your witness, please.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [11:35:19](Interpretation) Thank you, Madam President.

2 Q. [11:35:26] Good morning once again, Mr Witness.

3 A. [11:35:31] Good morning.

4 Q. [11:35:34] Court officer, if we can display once again the document that we were  
5 looking at before the break, that is tab 7, CAR-OTP-2057-0539.

6 Can you see the document, Mr Witness?

7 A. [11:36:24] Yes, I can see it.

8 Q. [11:36:33] I have one other question on that document.

9 On page 22, line 2, before the break you said that you resumed your activities as  
10 a (Redacted).

11 But here I see (Redacted), there is no (Redacted) written anywhere here. So which is  
12 the specific company in which you worked (Redacted),  
13 Mr Witness?

14 A. [11:37:28] Thank you. The document that you are looking at, I have said that  
15 this is when I was (Redacted), that is when I had that document. And why did I  
16 have that document? Because the (Redacted) that was working at (Redacted), I had  
17 asked for that document from the controller, so they issued that document and I had  
18 it with me in case of police controls so that I should not be harassed.  
19 I was at (Redacted) during that period, so when I was working (Redacted), I had that  
20 document. Those who were asking me questions asked me whether I had any  
21 documents. I said I did not have an ID card, I had only this one, which I showed to  
22 them, and that is why they took a photograph of that -- the document.

23 Q. [11:38:45] Very well. As we said a short while ago, this document was issued  
24 in 2017. Now, before 2017 did you have any -- did you have any other (Redacted)  
25 Did you have one in 2013, for example?

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 A. [11:39:13] Apart from this document, I do not have any other documents.

2 The other card, one of the cards that you will show later -- I was living opposite

3 the (Redacted) and we used to cross to go and purchase items and the soldiers on

4 the other side of the river harassed us. That is why we had a -- the card, so as not to

5 be harassed.

6 Now, the card that you saw was the one that I had when I was working at the

7 (Redacted), so that I should not be disturbed during police controls or checks.

8 Q. [11:40:07] Thank you, Mr Witness.

9 I am done with this document, so I would like to ask for it to be formally submitted.

10 And, once again, it is tab 7 in our list of evidence.

11 Now, we are going to talk about another document and we will display it. It is tab 8,

12 CAR-OTP-2057-0540.

13 And that document can be shown to the witness.

14 Can you see that document, Mr Witness?

15 A. [11:41:09] Yes, I can see it.

16 Q. [11:41:18] Do you recognise the document, Mr Witness?

17 A. [11:41:25] Yes, I recognise it.

18 Q. [11:41:39] It is written here "Democratic Republic of Congo voters' card". Then

19 you have your name and first name, date of birth, (Redacted)

20 (Redacted)

21 Now, in the security document that we saw a short while ago, it was written place of

22 birth (Redacted). So, were you born in (Redacted), Mr Witness?

23 A. [11:42:28] Thank you. The document that you are seeing there -- as I said, we

24 used to cross the river to go to Zongo to buy oil, groundnuts and other items. Now,

25 if you did not have that card, you would be checked by the soldiers and you would

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 have problems. When I had the opportunity to have that document, I crossed over  
2 to have it issued. It was not for me to go and vote, but simply to show it during  
3 police checks to show that I was from that country. So the document was simply  
4 acquired for security reasons during my trading activities, so that I should not have  
5 problems. That is why I had that document.

6 Q. [11:43:33] Thank you, Mr Witness. Now, let me put my question to you again:  
7 Where were you born, Mr Witness? Were you born in (Redacted)?  
8 That was my question.

9 A. [11:43:56] I was not born (Redacted), I was born in (Redacted). I have told you  
10 that to go across the river to the other side, the soldiers checked us. When elections  
11 took place, I had this document issued to me. I was not the only one, all those who  
12 were living by the shores of the river, we had those documents issued so as not be  
13 worried. I was not born there, I do not even know where (Redacted) is. So these  
14 documents were simply fabricated by myself so that I should be able to go there  
15 without being disturbed.

16 Q. [11:44:53] Very well, Mr Witness.  
17 Who issued this document to you? Is it an official voters' card? Were you asked for  
18 a certificate of nationality, an identity card or other documents for them to be able to  
19 issue you this document?  
20 Did you have any other identity documents, Mr Witness?

21 A. [11:45:22] You see, the (Redacted) is on the other side of the river. Those who  
22 come from the DRC, we transport their fuel so as to take their items. Some of them,  
23 some of the traders come and they give us money, we buy their items and then we  
24 send them to them.

25 So I explained to someone speaking Lingala, with a view to having this document, we

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 made them understand that I lost my birth certificate. And we provided them  
2 information to have this card issued, and the objective was to avoid police controls.  
3 And on the day that the investigators came to interview me, I showed them that  
4 document. I did not know that they were coming to show this document to  
5 the Court.

6 Q. [11:46:41] In 2012/2013, were you already carrying out those activities of  
7 crossing from Bangui to Zongo to buy goods? Were you already doing that, those  
8 commercial activities? When did you start them?

9 A. [11:47:16] I did not have any occupation. When I was by the river shore, at that  
10 time, I did not have any training. I was (Redacted). I did all sorts of odd jobs,  
11 (Redacted) and so on, so I was just managing. It was one of the partners with whom  
12 I was doing odd jobs who helped me to obtain this document so as to facilitate our  
13 crossings to the other side of the river.

14 Q. [11:48:03] Very well, Mr Witness.  
15 Just to situate us in time, did you have this document under Bozizé? Did you have it  
16 under Djotodia? Just to clarify, Mr Witness, when Bozizé was in power, did you  
17 have such a document to facilitate your crossings?

18 A. [11:48:37] I have told you that each time that we crossed over to the DRC we  
19 were routinely checked by the policemen. This is how come this person who was on  
20 the other side made it possible for me to obtain that document. I did not know that  
21 it was one of the documents presented to the Court.

22 After having crossed the river the other day, the investigators met with me and asked  
23 me for my identity. That is how I showed that card to them. At that time I did not  
24 have any identity card. I have already explained to you the reasons and objectives  
25 for which I obtained that document.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Q. [11:49:37] Thank you, Mr Witness.

2 We have understood very well what you explained. I understood how you obtained  
3 the card, but my question was simple: When François Bozizé was president, that is  
4 before 2013, did you have a card to help you cross the river, yes or no? That is my  
5 question.

6 A. [11:50:13] No, I did not have a card.

7 Q. [11:50:19] Thank you, Mr Witness.

8 I am done with this document and I would like to ask for it to be formally submitted.  
9 Once again, it is tab 8 on our list of evidence.

10 Mr Witness, one last question, to be complete. When you met with the investigators  
11 of the OTP in 2022 you told them that you were a (Redacted); is that still the case  
12 today?

13 A. [11:51:21] Yes, currently (Redacted) is what I do for a living. Obviously, I no  
14 longer have (Redacted)  
15 (Redacted)

16 Q. [11:51:51] Thank you, Mr Witness.

17 I will move on to another topic now, which is the (Redacted) arrondissement. Is this  
18 the place where you were living in 2013, Mr Witness?

19 A. [11:52:26] Yes, (Redacted).

20 Q. [11:52:34] Very well. And the (Redacted) arrondissement is made up of  
21 sub-neighbourhoods. Can you help us to identify the names of those  
22 sub-neighbourhoods, Mr Witness?

23 A. [11:53:05] (Redacted). Those are the neighbourhoods that make up  
24 the (Redacted) arrondissement.

25 Q. [11:53:31] Very well. And your own sub-neighbourhood, your own specific



Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 neighbourhood is (Redacted); is that correct?

2 A. [11:53:53] \*Yes, the neighbourhood (Redacted).

3 Q. [11:54:15] Very well. Can you tell us who was your quarter head or  
4 neighbourhood chief in 2013?

5 A. [11:54:37] \*(Redacted), and since the chief of (Redacted) had travelled,  
6 (Redacted)

7 Q. [11:55:10] Does the name Ono Dimanche mean anything to you?

8 A. [11:55:20] Which name is that?

9 Q. [11:55:26] Ono Dimanche. If you don't know him, it's not a problem,  
10 Mr Witness, I was simply asking in case you knew.

11 A. [11:55:49] No, I don't understand. I don't know that name.

12 Q. [11:55:58] No problem, Mr Witness.

13 In your prior statement, Mr Witness, paragraph 37, that is tab 1 for the French, 1.4  
14 English, you said that the house of Mr Djotodia in Ngaragba was looted when  
15 the Anti-Balaka attacked.

16 Can you tell us where Mr Djotodia's house was located specifically in that  
17 neighbourhood, in the 7th arrondissement?

18 A. [11:57:07] Djotodia's residence was located ...

19 Q. [11:57:27] It's not a problem if you do not remember.

20 A. [11:57:36] The neighbourhood chief is deceased, I no longer remember his name.  
21 That is the neighbourhood chief where Djotodia was living, I no longer remember. If  
22 I remember it, I will tell you.

23 Q. [11:57:56] And, Madam Catherine Samba-Panza's house was also located in  
24 the 7th arrondissement; is that correct?

25 A. [11:58:05] Yes, that is correct.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Q. [11:58:15] Thank you, Mr Witness.

2 I will move on to something else. (Redacted) in 2013.

3 In your prior statement you talked about Captain (Redacted) during the presidency of  
4 Mr Djotodia; do you remember that, Mr Witness?

5 A. [11:58:47] Yes, I remember.

6 Q. [11:58:54] Mr (Redacted) was living (Redacted) during that period, wasn't he?

7 A. [11:59:06] Yes, that is correct. After returning as a diasporan in the country he  
8 was appointed -- or, rather promoted to the rank of captain and he was living at  
9 (Redacted).

10 Q. [11:59:40] Thank you. (Redacted)

11 (Redacted)

12 is that correct?

13 A. [12:00:06] Yes, that is correct.

14 Q. [12:00:10] And Captain (Redacted), he was working at the presidency of  
15 the republic; is that correct?

16 A. [12:00:26] Yes, he was a member of Djotodia's (Redacted).

17 Q. [12:00:43] Very well.

18 Court officer, I would like to have tab 13 displayed. And that can be shown to  
19 the witness. It is CAR-OTP-2059-0585. In any case, we are in private session, and it  
20 can be shown to the witness.

21 Mr Witness, I am waiting for that item to be displayed. It is a mission order dated  
22 (Redacted) and it is written that Captain (Redacted) is hereby instructed to travel to  
23 Zongo (Democratic Republic of the Congo), that is (Redacted) at the presidency of  
24 the republic.

25 Now, my question is this: This document reveals to us that (Redacted) full name is

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 (Redacted); can you confirm that, Mr Witness?

2 A. [12:02:11] Yes, that is his full name.

3 Q. [12:02:19] Thank you, Mr Witness.

4 I am done with this document and I request its formal submission. Tab 13 on our list  
5 of materials.

6 Mr Witness, when (Redacted) was at (Redacted) did you ever see him speak with  
7 French soldiers at that time?

8 A. [12:03:05] When the French soldiers came, they would have had discussions, but  
9 I don't know what they talked about.

10 Q. [12:03:17] Very well. So you can confirm that French soldiers used to come to  
11 (Redacted) during Djotodia's time; is that correct?

12 A. [12:03:37] When Djotodia was president, they came, they would have  
13 discussions, but I have already told you that I don't know what they were talking  
14 about.

15 Q. [12:03:58] Do you remember that there were any French mercenaries residing at  
16 (Redacted), Mr Witness?

17 A. [12:04:18] A mercenary? Well, maybe I have forgotten. Maybe you know  
18 the name of that mercenary.

19 Q. [12:04:38] Let me put a name to you, Jérôme Gomboc, does that ring a bell?

20 THE INTERPRETER: [12:05:13] The interpreters didn't get the first part of counsel's  
21 remark, but counsel said "We can proceed."

22 MR JACOBS: [12:05:24](Interpretation)

23 Q. [12:05:25] Now, still on (Redacted), he used to give money to people (Redacted)  
24 (Redacted) whenever he came (Redacted); is that correct?

25 A. [12:05:41] Yes, that is correct. Then there was also a captain, a captain who did

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 not want to see us suffering, so he gave us some money so that we could live on it.

2 Q. [12:06:04] Did (Redacted) ask you for any services or to provide him with any  
3 services in exchange for the money you received?

4 A. [12:06:22] No, whenever you (Redacted) he would give you something. Money,  
5 or something like that. And if you took ill, for example, and you went up to him and  
6 explained your condition to him, he would give you some money. But if he didn't  
7 have money, he would also say he didn't have money. And that is how things  
8 happened.

9 Q. [12:06:51] Thank you, Mr Witness.

10 Now I will put a few questions to you, Mr Witness, relating to the day on which you  
11 say you found some bodies and also in relation to an incident at PK9.

12 We have your prior statement already, but I simply want to seek clarification from  
13 you and I would ask you, please, to answer my questions very specifically so that we  
14 can all be sure that we have fully understood everything; is that clear, Mr Witness?

15 A. [12:07:38] I'm sorry, can you explain what you have just said. I didn't  
16 understand your question.

17 Q. [12:07:48] Very well, Witness. I was simply saying that I'm going to put some  
18 very specific questions to you about the bodies found in the river and I want you to  
19 give me very specific answers because we already have what you gave as information  
20 to the investigators. So I'm going to put some specific questions to you.

21 In paragraph 25 of your prior statement, you talk about these things, or from  
22 paragraph 25.

23 Now, at paragraph 26 you say that you found four bodies in the morning.

24 My question is: Do you remember the date?

25 A. [12:08:35] Yes, I remember. When I left my house to go to the banks of river

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Oubangui I founds those bodies at the bank of the river and I talked about it. So we  
2 took those bodies and deposited them at the place where the fishermen were  
3 undertaking their activities.

4 Q. [12:09:04] So we will get back to that, Mr Witness. But I asked you about  
5 the date, but you haven't provided an answer. Am I to understand that you don't  
6 know the date, even if it's only the month and the day?

7 A. [12:09:26] No, I don't remember the date.

8 Q. [12:09:33] Very well. You go on to tell us that you are the one who found  
9 the bodies as you came from your home. Can you tell us the way you took to come  
10 from your house to (Redacted), which road did you take?

11 A. [12:10:01] When I leave my house I go on foot, that is from (Redacted), on foot.  
12 By the time I got there, there were already people there looking at the bodies, seeing  
13 what was happening. So when I got to (Redacted) there were many people who had  
14 already seen all those things and so I told them that these were dead bodies that were  
15 floating. So I explained this to them, but they could not go and collect the bodies.  
16 You see, when somebody dies they need to be buried. So I was going to help to  
17 recover those bodies so that their families can give them a decent burial. That's what  
18 I was doing.

19 Q. [12:10:51] Very well. Now, Mr Witness, I want to proceed in an orderly  
20 manner. Now, what time -- at what time did you see the bodies in the river in  
21 the morning? Do you remember whether it was before you went to work or not?

22 A. [12:11:17] It is when I was going to my place of work, around 6 a.m., that I saw  
23 a group of people, that is after I had left my home around 6 a.m.

24 Q. [12:11:32] Very well. In your prior statement you say that (Redacted) was  
25 present and that he did not have enough fuel for the FACA naval force boat to go

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 out - that's at paragraph 26 - meaning that (Redacted) was there at the time the bodies  
2 were found. Was he at (Redacted)? How did it happen? Are you the one who  
3 went to fetch him? I just want to understand how things happened. You see  
4 the bodies at 6 a.m., did go and notify (Redacted) at that time?

5 A. [12:12:18] It was during the explanations that Captain (Redacted) came to  
6 the view that the naval forces were on the hill and then that there were some dead  
7 bodies, but the soldiers of the FACA naval force told them that they did not have  
8 enough fuel for their boat.

9 Q. [12:12:51] Mr Witness, I want to be as clear as possible in my question, so please  
10 give me specific answers.

11 Who notified (Redacted)? You went to -- you got to (Redacted) at 6 a.m., you see  
12 the bodies with -- along with other persons, but who told (Redacted) that there were  
13 bodies in the river?

14 A. [12:13:31] When I was going to (Redacted), you see, when the captain woke up,  
15 he would come downstairs and then we explained to him that there were some dead  
16 bodies in Ngoundourou, four dead bodies in Ngoundourou. And after giving him  
17 that information, he said the soldiers of the naval force must be asked to recover  
18 the bodies. And then when that happened, they -- they were -- the soldiers said that  
19 there was no fuel for the boat.

20 Q. [12:14:08] Very well. So who recovered the bodies, Mr Witness, if not the naval  
21 force?

22 A. [12:14:25] After Captain (Redacted) talked with those people, they found  
23 a solution. They took me in their boat and we went to the location at which the dead  
24 bodies were located, all of them together. And I recovered those bodies. I had no  
25 gloves, nothing. I recovered those bodies. They are stiff and heavy like stones, they

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 had wounds, some were tied up with the arbatachar technique and we had to tie -- to  
2 cut the ropes. So, by the time we were bringing them out, they were tied up in  
3 the arbatachar style. So we took them out and Captain (Redacted) took photographs  
4 of the dead bodies which we had placed at the bank of the river. And, thereafter ...

5 Q. [12:15:36] Can you -- can you -- can you conclude your -- what you were saying,  
6 but let's -- let's do this in an orderly manner. When you said "we" -- well you said  
7 "they took me in the boat" which boat are you talking about? Was it a boat that was  
8 there at the banks of the river?

9 A. [12:16:04] Yes, the naval base has an outboard which they use and it is that  
10 outboard that we used to recover the dead bodies.

11 Q. [12:16:18] Very well, Mr Witness.

12 I did not understand, because you said there was an outboard and then you said that  
13 the boat of the naval force did not have fuel, so are we looking at another boat here, or  
14 what was it?

15 A. [12:16:44] When -- what I was saying was that when the captain insisted. Now,  
16 after it was said that there was no fuel, the captain insisted. And as I said earlier,  
17 the naval force found a solution to the problem. So the captain brought a camera to  
18 take photographs of the dead bodies, so the solution they found was that they found  
19 some fuel and we were able to go to the river.

20 Q. [12:17:18] Mr Witness, when you say that "we were able to go fetch the bodies",  
21 who was on that boat? Was it just you and (Redacted) or was there someone else?

22 A. [12:17:41] There was an *adjutant* who was the pilot of the outboard, I forget his  
23 name. Then there was Captain (Redacted), and some other person from the naval  
24 forces.

25 THE INTERPRETER: [12:18:02] Whose name the interpreter, the Sango booth

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 interpreter did not get.

2 MR JACOBS: [12:18:10](Interpretation)

3 Q. [12:18:10] Mr Witness, the interpreter tells me that he did not hear the last name  
4 you mentioned. Can you please kindly repeat that name, slowly.

5 A. [12:18:32] There was Captain (Redacted) and an *adjutant* who was the pilot of  
6 the outboard and whose name I don't remember. He was a soldier -- he was  
7 a retired soldier who was co-opted as pilot of the outboard for the naval forces. So it  
8 is those two, that we went to recover the dead bodies.

9 Q. [12:19:06] Very well. I understand that you saw the dead bodies at 6 a.m.  
10 Now, how much time did it take for you to recover the corpses from the river with  
11 the boat and so on and so forth?

12 A. [12:19:32] Well, I really don't remember, but as far as I can remember we didn't  
13 take that much time to go and recover the bodies from the river.

14 Q. [12:19:53] Very well. But do you have an idea? Maybe one hour, 30 minutes,  
15 or thereabouts? Just give us an idea.

16 A. [12:20:24] The distance between (Redacted) and the location of the corpses was  
17 not very great. However, I did not time the operation, so when they finished their  
18 discussions, the captain called on me, I went to see him and he took the photographs  
19 and then we went to the place where the bodies were. I didn't have time to time  
20 the entire operation.

21 Q. [12:20:54] Very well. I was just asking, in case.

22 Now, once you brought the corpses or the bodies to the banks of the river, you went  
23 to fetch Cardinal Nzapalainga; is that the case, witness?

24 A. [12:21:25] After we put the bodies on the banks there was no one to take  
25 the bodies for any other kind of services. The sun was shining hard and I saw



Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Cardinal Nzapalainga going by in front of the church. You know, during that time  
2 the cardinal was the one supervising activities, so when I saw him I notified him of  
3 everything and that is how come he took all the necessary measures.

4 Q. [12:22:13] Very well. So if I understand, you are at the bank of the river and  
5 from the bank of the river you could see the cardinal going by. Was he on the road?  
6 Was he in front of (Redacted)? Or where was he exactly when you saw him going by?

7 A. [12:22:48] We recovered the bodies on the other side of (Redacted) and we  
8 brought them to the banks opposite Rock Club. So I was on the other side near  
9 the petrol station and I was smoking. At that time I saw the archbishop's car coming  
10 from downtown towards the 7th arrondissement.

11 The archbishop was respected by the Seleka during the events, so when I saw his  
12 vehicle I flagged him down and told him about what was happening. After  
13 presenting the situation to the archbishop, he then took the necessary measures to  
14 move the bodies.

15 Q. [12:23:44] Very well. I have understood what you have been saying. So when  
16 you find the bodies you move up from the bank to the petrol station which was a bit  
17 higher up, and if I understand properly, and at the time you were smoking a cigarette  
18 you saw the cardinal drive by at that time; is that your testimony?

19 A. [12:24:11] That is correct.

20 Q. What was the colour of the cardinal's car?

21 A. [12:24:33] It is the white vehicle that he is using even to this day, his service car.

22 Q. [12:24:48] Very well. Did he have a driver or was he driving himself,  
23 Mr Witness?

24 A. [12:25:01] He was driving himself at that time. He had a journalist in the cabin  
25 of the car with him who used to work with him and he would drive around with him.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [12:25:23] Mr Witness, are you okay?

2 THE WITNESS: [12:25:40](Interpretation) I have some stomach problems, but I think  
3 it will be fine.

4 PRESIDING JUDGE SAMBA: [12:25:45] Okay. Thank you very much.

5 Well, let's continue then, Mr Jacobs. We have a bit more time, like 35 minutes. Let's  
6 continue.

7 MR JACOBS: [12:26:07](Interpretation) Thank you, Madam President.

8 Q. [12:26:09] Can you give us the name of the journalist, Mr Witness? You said  
9 there was a journalist who drove around regularly with the cardinal, do you  
10 remember that journalist's name?

11 A. [12:26:34] I think he was a media journalist whose name was Koyakassi who  
12 was in charge of the media of the church. He is always present whenever  
13 the cardinal is on mission.

14 Q. [12:27:09] Thank you, Mr Witness. The state prosecutor was also present on  
15 that day; isn't it so?

16 A. [12:27:50] The prosecutor was present. He had come to see the dead bodies.  
17 All of them, they were all there. They saw the bodies. The prosecutor was there, he  
18 saw the bodies. They saw how the victims had been tied using the arbatachar  
19 technique and they established all those facts. Now, the problem was to find a way  
20 to bring back the dead bodies. That was the difficulty and that was solved or  
21 resolved by the cardinal.

22 PRESIDING JUDGE SAMBA: [12:28:32] Yes, Mr Witness, I see your hand up.

23 THE WITNESS: [12:28:45](Interpretation) My stomach really hurts. I am in pain.  
24 I am suffering. Please, give me some time.

25 PRESIDING JUDGE SAMBA: [12:28:53] Okay. Do you want to walk around in

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 your location where you are at for some five minutes? Do you need water? Do you  
2 need medication?

3 THE WITNESS: [12:29:21](Interpretation) Well, I need some time. I don't want to  
4 continue to suffer before you. I just want to walk about a little bit and come back.

5 PRESIDING JUDGE SAMBA: [12:29:32] Okay.

6 Mr Witness, you can walk around a little bit and come back. We will wait for you.

7 And the field officer will help you out there.

8 (The witness exits the video-link room)

9 (Pause in proceedings)

10 (The witness enters the video-link room)

11 PRESIDING JUDGE SAMBA: [12:32:50] Welcome back, Mr Witness.

12 Do you feel better?

13 THE WITNESS: [12:33:05](Interpretation) Yes, I am feeling a bit better now,  
14 Madam President.

15 PRESIDING JUDGE SAMBA: [12:33:09] Okay. I'm sorry about your pain.

16 Mr Jacobs, can you continue with questions to this witness, please.

17 MR JACOBS: [12:33:28](Interpretation) Thank you, Madam President.

18 Q. [12:33:31] Mr Witness, before that short break, you told us that the prosecutor of  
19 the Republic was there. Was that Prosecutor Alain Tolmo?

20 A. [12:33:54] I did not remember the name. I cannot lie to you.

21 Q. [12:34:10] Very well. Were there any policemen accompanying the state  
22 prosecutor, Mr Witness?

23 A. [12:34:43] Everyone was standing by the side, but there were soldiers. But if  
24 I am not mistaken, I think there were one or two other people around.

25 Q. [12:35:16] Thank you, Mr Witness. Did you see Captain (Redacted) at that time

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 call the police or the gendarmerie to notify them, or any other authorities?

2 A. [12:35:38] Everyone was aware. Even those who were from the diaspora and  
3 who were living in the hotel, the general, I have forgotten the name. For those  
4 people, the captain would call them so as to find a way to remove the body. Even  
5 the Seleka captain had called so that the bodies should be taken to the mortuary in  
6 order for the families of those people to come and retrieve the bodies.

7 Q. [12:36:17] Thank you, Mr Witness. My question was more specific, relating to  
8 who (Redacted) called. There's someone who met with the OTP investigators.  
9 And I am referring to tab 9, CAR-OTP-2130-1767.

10 So that person said that on that day (Redacted) called Prosecutor Tolmo,  
11 the Red Cross, the director general of the police and the director general of  
12 the gendarmerie. That is paragraph 52.

13 I do not know whether you have anything to add to that, Mr Witness?

14 A. [12:37:19] I do not have any information in relation to that.

15 Q. [12:37:29] Very well. You said that a solution was found for the bodies. So if I  
16 understood you well, once you persuaded the cardinal to come to the riverbank, what  
17 happened thereafter? Who took the bodies to the hospital?

18 A. [12:37:58] The cardinal came, he waited in vain and then he left. It was  
19 the Seleka who removed the bodies. They called and they said they were going to  
20 come, but they did not come, so -- I am talking about these four dead people.  
21 Afterwards, it was the Seleka who came and removed the bodies.

22 Q. [12:38:24] And where did they come from, those Seleka people, Mr Witness?

23 A. [12:38:36] They were coming from the town centre.

24 Q. [12:38:48] And who accompanied the Seleka to the hospital with the bodies?  
25 Did the Seleka go to the hospital by themselves or did anyone accompany them?

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 A. [12:39:08] There were many ranks. I do not know whether it was the general or  
2 the captain who alighted and then they asked us to carry the bodies into the vehicle.  
3 Myself, two other people and some fishermen, we carried the bodies and then they  
4 transported them to the mortuary. Then they returned, they came back and dropped  
5 us off and returned to the city centre.

6 Q. [12:39:48] Very well. I understand that you went right to the hospital with  
7 the dead bodies. Why did you do that, Mr Witness, accompanying the Seleka right  
8 to the hospital?

9 A. [12:40:14] Thank you. When I was a child, I had a heart. If everything was  
10 rotten, people would flee, but I would not flee. Even today I have a good heart.  
11 Even if there are things that people would spit on, I usually approach those things,  
12 because I don't know when I will die myself, maybe in the forest, maybe in the stream,  
13 maybe I would drown. If I die, maybe people will run away if my body is  
14 decomposed. That is why I was acting that way, for humanitarian reasons, in favour  
15 of other humans.

16 Q. [12:41:25] At what time did the soldiers drop you off (Redacted)? If you have  
17 an idea. They did drop you off. Was it around midday? What time was it  
18 approximately?

19 A. [12:41:43] If I remember correctly, it was around 11 a.m. or 12 midday. It was  
20 a long time ago, so I cannot remember very accurately.

21 Q. [12:41:59] Very well. And at that time everyone had left, the cardinal had left,  
22 the prosecutor had left?

23 A. [12:42:09] Yes, that is correct.

24 Q. [12:42:20] Very well. In your prior statement, still paragraph 26, you say that  
25 two bodies were found in the afternoon. I would like to know how that happened,

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 because you do not talk about it at all in your prior statement.

2 At what time were the two bodies found, subsequently?

3 A. [12:42:56] Please kindly repeat your question, I did not quite understand it.

4 Q. [12:43:08] I will do that, Mr Witness.

5 You have told us how four bodies were found in the morning with the arrival of  
6 the cardinal, the prosecutor, the departure to the mortuary and the return. But in  
7 your statement you say:

8 "On that day I believe that six bodies were found in the river near the hotel, four in  
9 the morning" - and you have talked about that - "and then two in the afternoon."

10 So I would like to know what happened with the two that were found in  
11 the afternoon, because all you have described to us relate to the four bodies in  
12 the morning.

13 A. [12:44:16] To talk about a time, 2 o'clock, well, I cannot be sure. But in  
14 the afternoon there were two bodies in the river. I took a canoe and I retrieved those  
15 bodies and deposited them on the bank of the Oubangui river.

16 Q. [12:44:50] Very well. Now, do -- did you call people? (Redacted), the cardinal?  
17 What happened at that particular time?

18 A. [12:45:17] Well, these people were authorities. When they were speaking, I was  
19 not near them. I could not hear what they were saying. Maybe there is something  
20 that I might have omitted, so please, you can refresh my memory. These incidents  
21 took place such a long time ago that I cannot remember all the details.

22 Q. [12:45:47] I would like to help you, Mr Witness, but the reason why I'm asking  
23 you that question is that -- is because there is nothing in your prior statement on these  
24 two other bodies. I don't know whether you did not speak about them to  
25 the investigators or they did not note them down. But you have dwelled a long time

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 on the four other bodies.

2 My question, because you have said that you found those two other bodies, my

3 question is: What happened? Who assisted you? Who took charge of the bodies?

4 I would like to have more details on that particular aspect.

5 PRESIDING JUDGE SAMBA: [12:46:43] Yes, Mr Choudhry, can I hear you.

6 MR CHOUDHRY: [12:46:46] Your Honours, just to clarify.

7 My learned friend has put to the witness -- he has stated or suggested that there's

8 nothing in the statement about the two bodies. Your Honour, that's not accurate.

9 In paragraph 26, I think, if perhaps my learned friend would like to be just accurate in

10 relation to what the witness has said about those two bodies in his statement, it might

11 help clear up any confusion that the witness may, may have.

12 PRESIDING JUDGE SAMBA: [12:47:25] I think Mr Jacobs read out paragraph 26 for

13 the witness, making reference to six bodies, and refreshing the witness's mind that,

14 you know, four of these bodies were, according to him, retrieved from the river in

15 the morning. And as it is stated in paragraph 26, he talks about two more bodies

16 that were retrieved in the afternoon.

17 I do understand from the remainder of the paragraphs, I mean between 25 and 32, it

18 is not my understanding that he is talking about specific bodies, like, specifically four

19 bodies.

20 Maybe the witness has not understood the question very well, so I'm going to allow

21 Mr Jacobs to kind of streamline the question and get an answer from this witness.

22 His testimony is to the effect that six bodies were retrieved in total, four were

23 retrieved in the morning and two in the afternoon. And he has given, you know,

24 certain testimony in respect of some of these bodies, not specifically four bodies or

25 two bodies. So let him streamline the question so that we understand his testimony,

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 Mr Choudhry. Thank you.

2 Yes, Mr Jacobs, please.

3 MR JACOBS: [12:49:01](Interpretation) Thank you, Madam President. Just to  
4 be -- just to clarify, during my questions the witness said four bodies. He did not say  
5 six. We are going to look for the reference in the French transcript. He talked about  
6 four bodies in the morning. He himself talked about the four bodies, the four dead  
7 bodies. We are going to locate the reference.

8 PRESIDING JUDGE SAMBA: [12:49:29] Yes. I mean, without that -- I mean,  
9 it's -- he's a 68(3) witness. It is stated in paragraph 26, he spoke about six in total.  
10 And the four bodies that you are talking about were retrieved in the morning. If you  
11 look at paragraph 26 of his prior recorded testimony.

12 JUDGE UGALDE: [12:49:51] And two in the afternoon.

13 PRESIDING JUDGE SAMBA: [12:49:54] And two were retrieved in the afternoon.  
14 Check, I think it's tab 1 of his testimony, and paragraph 26 thereunder.

15 Sorry, I'm sorry, Mr Jacobs.

16 Yes, Mr Choudhry.

17 MR CHOUDHRY: [12:50:11] Your Honour, just to clarify that the Prosecution is not  
18 taking issue with the number of witnesses, it's merely my learned friend's assertion,  
19 and that can be gleaned from, at page 47, lines 12 to 14. It's really -- my learned  
20 friend said this: "I would like to help you, Mr Witness, but the reason why I am  
21 asking you that question is that -- is because there is nothing in your prior statement  
22 on two -- two other bodies."

23 That's the inaccuracy, your Honour, that I seek to correct, which might cause  
24 confusion.

25 PRESIDING JUDGE SAMBA: [12:50:47] Yes, there's nothing in the statement which



Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 also talks about, specifically, that I'm addressing these four bodies. If you look at the  
2 paragraphs 27 through 32.

3 MR CHOUDHRY: [12:50:58] Your Honour, at paragraph 26, the witness's statement  
4 states: "I think that six bodies were found in the river near the hotel in the morning  
5 and two in the afternoon."

6 But it's really my learned friend's assertion that the witness didn't talk about two  
7 bodies, that's the -- that is all the Prosecution seeks to clarify.

8 PRESIDING JUDGE SAMBA: [12:51:20] No, but I have already brought out the fact  
9 that, you know, him being a 68(3) witness, what I have before me in the statement in  
10 paragraph 26, which I have drawn Mr Jacob's attention to, is that he is talking about  
11 six bodies, four retrieved in the morning and two in the afternoon. The two in  
12 the afternoon that were retrieved is what his question is about. That's what he wants  
13 to know.

14 Thank you very much, Mr Choudhry.

15 Yes, Mr Jacobs.

16 MR JACOBS: [12:51:55](Interpretation) Thank you, Madam President.

17 Just to be clear before we proceed, I read paragraph 26, as you have done,

18 Madam President, talking about four bodies in the morning and two in the afternoon.

19 My problem is that all the time the witness has been talking about the morning, going  
20 to look for the cardinal, of the morning, going to the hospital, the morning. So it  
21 seems obvious to me that he is talking about the four bodies, because he is talking  
22 only about the morning period, so everything he has told us about the cardinal,  
23 the hospital, and so on. So he has told us about the four bodies in the morning, so  
24 my question to him now relates to the two bodies found in the afternoon, because so  
25 far he has not talked about the afternoon. And in the prior statement there is

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 nothing about that afternoon, everything is about the morning. What the witness  
2 has told us so far relates to the morning, right up to his being dropped off at the hotel  
3 by the soldiers. It is in the morning.

4 Q. [12:53:37] So, Mr Witness, if we understood your prior statement well, two other  
5 bodies were found in the afternoon and a short while ago you told us that you were  
6 the one who found those bodies. Can you confirm that, Mr Witness?

7 A. [12:54:06] Four bodies were found in the morning and two in the afternoon.  
8 I was not the only one who was bringing the bodies back to the riverbank. It is just  
9 information that I was giving, that on that day there were six bodies that were  
10 retrieved.

11 During my statement, that's not what I really said. If you read my statement very  
12 well and read all the details, you have all those clarifications.

13 Q. [12:54:52] Mr Witness, we are not going to reread your statement at this stage.  
14 We have read the relevant part, stating that four bodies were found in the morning  
15 and two in the afternoon. But here you are testifying in court and so you can only  
16 tell us what you remember. And if you have nothing to add in relation to the two  
17 bodies found in the afternoon, then we will have to move to something else.

18 One last question on that incident. Do you remember whether there were any  
19 people from the Red Cross present at that location?

20 A. [12:55:56] Yes, the two bodies were removed by staff from the Red Cross, were  
21 taken away by the Red Cross.

22 Q. [12:56:19] Very well, Mr Witness. I will go to one last topic with you.  
23 You were contacted by the investigators of the OTP for the first time in (Redacted).  
24 Do you remember that, Mr Witness?

25 A. [12:56:51] I have problems remembering dates. If you try to explain the facts to

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

1 me, that will make it possible for me to remember what exactly happened, but I find it  
2 difficult relating them to dates.

3 Q. [12:57:12] Absolutely, Mr Witness.

4 So if we can display tab 2, CAR-OTP-2057-0527, for the Chamber, but not for  
5 the witness.

6 Mr Witness, this is a report written by the investigators of the Office of the Prosecutor.

7 And on page 27 it is written that the investigators met with you personally (Redacted)

8 Does that refresh your memory, Mr Witness?

9 Mr Witness, I don't know whether you heard my question. Does the date of  
10 (Redacted), as written in this document, does that jog your memory?

11 A. [12:59:05] I have told you that we met on that date, but the specific day I do not  
12 remember. Maybe if you refresh my memory with the topics discussed I may  
13 remember.

14 Q. [12:59:33] Thank you, Mr Witness. We are trying to look at the chronology of  
15 the dates.

16 I am done with that document, tab 2, so I'm asking for formal submission.

17 Now, after that first meeting you had no further contact with the Prosecution for  
18 practically five years. They contacted you again in January 2022, that is  
19 the information that we have.

20 Do you confirm that you had the next contact with the OTP only in January 2022?

21 A. [13:00:16] Yes, that is correct.

22 Q. [13:00:31] Very well. I imagine that you don't remember the date, so I'm going  
23 to display tab 4 on our list of material.

24 CAR-OTP-0025618. It can be displayed in the courtroom but not to the witness,  
25 please. Thank you.

Trial Hearing  
WITNESS: CAR-OTP-P-1808

(Private Session)

ICC-01/14-01/21

- 1 This is an investigators' report which says that on (Redacted) you were contacted in  
2 relation to your participation in this trial. Does that date ring a bell, Witness? If  
3 you don't remember, no problem. But does it ring a bell?  
4 Madam President, I'm looking at the time, but I think I'll need about 10 more minutes  
5 to finish. With your indulgence, I would ask for 10 minutes, 15 minutes max, and  
6 wrap up with this witness today.  
7 PRESIDING JUDGE SAMBA: [13:02:43] Okay. Unfortunately, we have other  
8 engagements, Mr Jacobs, so we'll have to leave it here for today.  
9 Can we be -- go back to open session, please.  
10 (Open session at 1.03 p.m.)  
11 THE COURT OFFICER: [13:03:21] We are back to open session, Madam President,  
12 your Honours.  
13 PRESIDING JUDGE SAMBA: [13:03:24] Yes.  
14 Unfortunately, we'll have to leave it here today. We do appreciate your effort,  
15 Mr Jacobs.  
16 But, Mr Witness, we'll have to end with your testimony here today because -- and  
17 come back on Monday at 9.30. But before we do that, I'd wish to remind you that  
18 you are still on oath, so you do not explain your testimony to this Court when you  
19 leave your location, even for your own security. Do not discuss it with anybody,  
20 until we meet here again on Monday morning at 9.30.  
21 So I rise the Court for 9.30 on Monday. Thank you very much.  
22 THE COURT USHER: [13:04:13] All rise.  
23 (The hearing ends in open session at 1.04 p.m.)