

Trial Hearing
WITNESS: CAR-OTP-P-1743

(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 Tuesday, 25 June 2024
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:34] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:02] Good morning, everyone. Madam Court
14 Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:34:11] 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 PRESIDING JUDGE SAMBA: [9:34:26] Thank you very much.
20 May I ask for representation, starting with the Prosecution please.
21 MS MAKWAIA: [9:34:33] Good morning, your Honours. For the Prosecution this
22 morning, Alessia Vitiello, Marie-Jeanne Sardacht and myself, Holo Makwaia.
23 Thank you.
24 PRESIDING JUDGE SAMBA: [9:34:41] Thank you very much, Ms Makwaia.
25 Ms Pellet, for the victims please.

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1 MS PELLET: [9:34:50](Interpretation) Thank you, Madam President. The victims
2 are represented by Caroline Walter and by myself, Sarah Pellet, counsel at the office
3 for public counsel for victims.

4 PRESIDING JUDGE SAMBA: [9:35:01] Thank you very much, Ms Pellet.
5 Ms Naouri, for the Defence please.

6 MS NAOURI: [9:35:10](Interpretation) Thank you, Madam President. Good
7 morning.

8 Before me we have Maître Jacobs; by his side, Maître François-Jacquemin and by his
9 side, Léa Allix. And I am Jennifer Naouri, lead counsel for Mr Said.

10 PRESIDING JUDGE SAMBA: [9:35:29] Thank you very much, Ms Naouri.

11 And for the record, I do note that Mr Said is in court with us here.

12 Good morning, Mr Said. I hope I see you well.

13 MR SAID: [9:35:38](Interpretation) Yes, good morning, Madam President.

14 PRESIDING JUDGE SAMBA: [9:35:43] Good morning.

15 Now, Mr Witness, good morning. I hope you rested well.

16 WITNESS: CAR-OTP-P-1743 (On former oath)

17 (The witness speaks Sango)

18 THE WITNESS: [9:35:58](Interpretation) Yes, I was able to rest, Madam President.

19 PRESIDING JUDGE SAMBA: [9:36:01] Good. We are going to continue with your
20 testimony and I'm going to ask the Prosecution to put questions to you. But I wish
21 to remind you that you're still on oath to say the truth to this Court.

22 So Ms Sardachti, your witness please.

23 MS SARDACHTI: [9:36:27](Interpretation) Thank you, Madam President. Good
24 morning. Good morning to you; good morning to your Honours.

25 And good morning, Mr Witness.

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1 PRESIDING JUDGE SAMBA: [9:36:38] Just --

2 (Overlapping speakers)

3 Yes. Just for your attention, we are in open session. Thank you.

4 QUESTIONED BY MS SARDACHTI: (Interpretation)(Continuing)

5 Q. [9:36:57] So, Mr Witness, I'm going to be continuing with the

6 examination-in-chief.

7 And if you need at any stage to take a break with regard to your legs, please let us

8 know and we will request leave from Madam President.

9 A. [9:37:24] Thank you.

10 PRESIDING JUDGE SAMBA: [9:37:31] Yes, Mr Witness, can I hear you?

11 THE WITNESS: [9:37:37](Interpretation) Thank you. I have information to provide

12 with regard to my detention at the OCRB, and I would like to underscore this rapidly.

13 I don't know whether I mentioned it yesterday during the hearing.

14 MS SARDACHTI: [9:38:05](Interpretation)

15 Q. [9:38:07] Well, please go ahead, Mr Witness, because before talking about the

16 Ngaragba prison -- well, these were the last things that we talked about yesterday

17 before we parted ways. I wanted to put some follow-up questions to you on the

18 Camp de Roux and also on the OCRB, so we can start with the OCRB, if you will, and

19 please provide us with that additional information that you would like to give us.

20 But I would remind you, as did Madam President, that we are in open session, so if

21 the information that you want to provide us with is identifying in nature, then

22 I would request that we go into private session.

23 A. [9:38:52] Thank you very much.

24 Q. [9:39:01] (No interpretation)

25 THE INTERPRETER: [9:39:12] Message from the interpreter: we did not get the

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1 question.

2 THE WITNESS: [9:39:16](Interpretation) When we were at the OCRB, we were 17 in
3 number within that cell before the young child was released, and just next door to the
4 cell in which we were detained, there were toilets.

5 The odour that this -- or those toilets gave off did not enable us to live in humane
6 conditions. There was liquid running just in front of the cell in which we were
7 detained and these very disagreeable conditions pushed me to start -- incited me to
8 start to smoke. I'm not a smoker, but these very unsavoury conditions at the OCRB
9 pushed me to start smoking. This is also information that I wanted to provide you
10 with before we continue.

11 MS SARDACHTI: [9:40:39](Interpretation)

12 Q. [9:40:42] Thank you, Mr Witness. We have taken note of that additional
13 information. And I would like to put follow-up questions to you as to what
14 occurred at the OCRB.

15 Yesterday, you described to us that when you arrived at the OCRB, you were beaten.
16 You said that you were beaten up, according to your own words - that's real-time,
17 page 52 and 53 - and I would like to know how they went about beating you up.

18 A. [9:41:31] Thank you very much. When we arrived at the OCRB in that vehicle,
19 as I indicated yesterday, the OCRB compound is not what it is today. We alighted
20 from the vehicle and we were taken single file into the room. But before we entered
21 the cell, we were beaten. Each individual received eight punches. There were four
22 Seleka elements on each side, and every time we stepped forward, each one of those
23 elements would punch us.

24 When they then obliged us to lie down in the mud, they punched us once again and
25 then took us into the cell. That's what happened to us.

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1 Q. [9:42:48] Well, I wanted to know a little bit more about these punches. Were
2 they using their own hands, or how did they administer these -- these punches?

3 A. [9:43:02] Thank you.

4 All the elements at the OCRB had whips and it was whips that they used to
5 administer these blows.

6 Q. [9:43:27] And who was administering those blows?

7 A. [9:43:42] Thank you. It was those individuals standing on either side. I was
8 not able to identify them as such, but they were wearing military garb and they had
9 turbans on.

10 Q. [9:44:04] Can you describe to us the pain that you felt?

11 A. [9:44:16] You know, when you are sprinkled with water and clay and then
12 you -- when you are whipped, you feel pain, and you feel it to your bones. These are
13 wounds that we still have today -- wounds to our backs, that is.

14 Q. [9:44:58] And whilst those individuals were administering those blows, did they
15 say anything; did you hear them say anything in particular?

16 A. [9:45:12] Thank you. Indeed, they did. They said, "You there. You there.
17 You and Bozizé, you reigned for 10 years and what did you do that was good for the
18 country? You reigned alongside Bozizé for 10 years and what did you do that was
19 good in any way to dare to drive us out?" These were the insults that they used
20 whilst they were administering the blows.

21 Q. [9:46:01] Yesterday, you told us that other prisoners received blows. Did you
22 see that happening?

23 A. [9:46:17] Thank you.

24 We who were in the cells, well, each and every one of us, of whom there were 19, we
25 all received blows. And just by ourselves there were other detainees, and we would

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1 hear those detainees crying and shouting. They were in tears and it led us to believe
2 that they were also being beaten.

3 Q. [9:47:09] Still with reference to the OCRB, Mr Witness. Yesterday, during your
4 testimony - and I quote page 53, lines 22 and 23 of the real-time version - you said,
5 and I quote, "When we were in that cell, a white man and the prosecutor came to the
6 OCRB."

7 So this individual that you are referring to as white in colour, can you remember what
8 function that person had, what their profession was?

9 A. [9:47:53] Thank you.

10 That white person was accompanying the prosecutor. We were of the mind that he
11 was a journalist because he started putting questions to us as to how long we had
12 been there and whether we were eating well, whether we had received any treatment.
13 We answered that it was relatives -- our relatives who were bringing us food and
14 medicine. We thought, according to these questions that they put to us -- that he put
15 to us, that he was a journalist because he asked about the youngster and whether
16 there was a possibility of releasing him. He put that question to the prosecutor and
17 the prosecutor gave instructions for the youngster to be released, and that's why we
18 thought that this person was a journalist.

19 MS SARDACHTI: [9:49:00](Interpretation) Madam President, I would like to put
20 questions about names. Could we please go into private session.

21 PRESIDING JUDGE SAMBA: [9:49:08] Certainly.

22 Madam Court Officer, could we go briefly into private session, please.

23 (Private session at 9.49 a.m.)

24 THE COURT OFFICER: [9:49:24] We are in private session, Madam President.

25 PRESIDING JUDGE SAMBA: [9:49:27] Thank you very much. Ms Sardachti,

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1 please carry on.

2 MS SARDACHTI: [9:49:36](Interpretation)

3 Q. [9:49:39] Do you remember the name of that person? The person whom you
4 thought was a journalist, do you remember his name?

5 A. [9:49:51] No, I do not remember his name.

6 Q. [9:49:59] And the person that you describe as the youngster, do you remember
7 his name?

8 A. [9:50:11] No, I do not remember his name, because when we were taken from
9 the Camp de Roux to the OCRB, we did see each other but we didn't know who each
10 other were. We got to know each other in Ngaragba, but that specific youngster,
11 I did not know his name.

12 Q. [9:50:45] And what about the prosecutor, do you remember his name?

13 A. [9:50:53] Thank you.

14 His name is Alain Tolmo, Alain Tolmo.

15 Q. [9:51:09] Did he put questions to you?

16 A. [9:51:18] Thank you. Yes, he did question us when we were at the
17 Camp de Roux. When we were taken to the camp, we were beaten; we were put in a
18 cell and, shortly thereafter, he arrived. He was accompanied by three individuals of
19 whom a lady. They were in a room and each individual came to introduce
20 themselves, and they were questioned, and Alain Tolmo did indeed put questions to
21 me.

22 Q. [9:52:05] If you recall, what were the questions that he put to you?

23 A. [9:52:21] Thank you.

24 The first question was with a view to identifying us. They wanted to know our
25 name, our location of birth, our home address and our neighbourhood, our telephone

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1 number, and, lastly, he asked where we had been arrested, and if we had been
2 arrested in a house or where exactly. (Redacted)
3 (Redacted).

4 I said I had not been arrested in a house. He asked me what time we were arrested
5 and I said 3 p.m., by the side of the road.

6 Q. [9:53:24] Now, I'm referring to page 49 of the transcript, lines 18 to 19, yesterday.
7 You said that nobody gave you the reason for your arrest but were you informed of
8 your rights at the Camp de Roux?

9 A. [9:53:46] Thank you.

10 We were told nothing. We were simply told that the president was going to come
11 and visit us, see us, and then we were placed in the cell. We were never told about
12 our rights.

13 Q. [9:54:14] If you remember, how long did that questioning session with the
14 prosecutor last?

15 A. [9:54:29] I believe that for each detainee, it lasted between five and 10 minutes.
16 There was five to 10 minutes of questioning.

17 PRESIDING JUDGE SAMBA: [9:54:48] Counsel, do you still want us to be in private
18 session? Okay. Carry on.

19 MS SARDACHTI: [9:54:55](Interpretation) ...put questions on a name.

20 Q. [9:55:03] Now, Mr Witness, you talked about a lady. Do you remember her
21 name? You said there was also a lady.

22 A. [9:55:17] Thank you. That lady is called -- well, we heard her name at the court.
23 I don't know what her first name is, but her last name is Mamia.

24 Q. [9:55:43] Did you talk to her?

25 A. [9:55:51] No, I did not speak to her.

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1 Q. [9:56:01] Before we move back into open session, I have clarification questions
2 with regards to names. I'd like to do it now before we move back into open session.
3 So, yesterday, Mr Witness, and I'll provide you with the page - page 47, lines 11 to 15,
4 real-time version - when you were at the Camp de Roux, you told us, and I quote
5 lines 11 to 15:

6 "The cell was dark. There was no light. There was just a small window and there
7 were 19 of us in that cell. We found two people who were already there. It would
8 seem that they were undisciplined Seleka elements." End of quote.

9 Do you remember the names of those two undisciplined Seleka elements?

10 A. [9:57:03] Thank you. I recall that the two individuals that we found there were
11 called Salle and (Redacted). Thank you.

12 Q. [9:57:26] Now, to clarify, so that I understand things better.

13 Could I please request Madam Courtroom Officer to bring up the document that was
14 already shown yesterday that is to be found at tab number 6 and that bears the
15 number CAR-OTP-2091-0041.

16 Can you see the document?

17 A. [9:58:21] Yes, I can. Yes. I can see it well.

18 Q. [9:58:35] Now, yesterday you saw this first page.

19 And what I could possibly ask Madam Courtroom Officer to do is to please scroll
20 down the document. Thank you.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)

16 Q. [10:02:06] Thank you, Mr Witness.

17 You can remove the document now, which was formally submitted yesterday.

18 I'd like to have a clarification of another name and then we can go into open session.

19 You told us yesterday - and this is page 37, line 20 to 25 - you said there was a

20 presence of a colonel when you were arrested. And I quote: "This enabled me to

21 say he was the leader because he was called colonel and he was carrying an automatic

22 pistol." I asked you whether you heard his name and you said no.

23 So my question is: Did you later learn what the name of this colonel was? Did you

24 learn his name afterwards, later?

25 A. [10:03:20] Thank you. The one who was present during our arrest and who

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1 was called colonel, when we were led to Camp de Roux we didn't have another
2 possibility of seeing him again. Afterwards, we didn't really find out what his name
3 was, because we were taken to the prison, so we never saw him again.

4 Q. [10:03:58] Thank you for that clarification.

5 Madam President, we can now go into open session, with your leave.

6 PRESIDING JUDGE SAMBA: [10:04:06] Madam Court Officer, can we go into open
7 session, please.

8 (Open session at 10.04 a.m.)

9 THE COURT OFFICER: [10:04:24] We are back to open session, Madam President.

10 PRESIDING JUDGE SAMBA: [10:04:29] Counsel, continue please.

11 MS SARDACHTI: [10:04:37](Interpretation)

12 Q. [10:04:39] Mr Witness, yesterday when we left, you told us, and that is page 54,
13 line 23, 25: "Once in the vehicle, we were told that we were taken to the Ngaragba
14 prison."

15 * How did the journey go?

16 A. [10:05:10] Thank you.

17 We were taken in their vehicle to Ngaragba. They were constantly threatening us.

18 They said that we would go there and never come back, that they were going to kill

19 us. They said how did we rule the country with Bozizé. They continued to

20 threaten us. These were threats of death. We were traumatised by these threats

21 and they said clearly they were going to take us Ngaragba. When we arrived in

22 Ngaragba, they pushed us out of the vehicle. There was no means to get out of the

23 vehicle normally. We were simply shoved out of the vehicle.

24 During the trip, as I said, we were constantly threatened. We had death threats until

25 we arrived at Ngaragba.

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1 Q. [10:06:46] Do you remember the date, Mr Witness, to the best of your
2 recollection?

3 A. [10:06:59] No, I can't remember the exact date, but I know that we spent
4 seven days in Camp de Roux, seven days in the OCRB, but I don't remember the
5 dates. I had no -- I had lost any notion of time. I think maybe it was 18 days, but
6 I can't remember the precise date anymore.

7 Q. [10:07:42] Once you arrived in the prison, can you tell us what happened, how
8 were you received?

9 A. [10:07:54] Thank you.

10 Once we had arrived in Ngaragba, as I have already said, we were pushed down onto
11 the ground. They told us to line up, then they led us directly to the inside of the
12 prison. I remember that, generally speaking, they should take us to the cells, but
13 unfortunately they went via the main courtyard to take us to the prison. The prison
14 where we were taken, or the part we were taken to was called *porte rouge*, red door.
15 They took our names down, they did some sort of roll call, and once they called out
16 the name of a person, they beat us, they hit us.

17 The cells in Ngaragba are very small, and when you were called to go into the cell,
18 you were given beats, two blows here, two blows there. When they called out my
19 name, they gave me blows. They also saw that the person who gave me the blows
20 administered these blows with his military belt. When I tried to stop and protect
21 myself I received a wound on my arm. Despite the fact that I was bleeding, this
22 element continued to beat me and pushed me into the cell by force.

23 They made us go into the cells which were made for two or three prisoners. There
24 were in total four cells. We were four of us in each of these cells.

25 These cells were for political prisoners. There was a wall or a small gap which

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1 allowed air to circulate. In this cell, there was a snake. When we were put into the
2 cell, in my cell and in another cell, there were four. The cell was so small and there
3 was also water in that particular cell. We asked the one outside to give us some
4 cigarettes because the stench was nauseating inside. And there was no way of
5 sitting on the ground because there was water in our cell. We were forced to stand.
6 Sometimes we could squat, but our prisoners in the cell, this is how we spent our time,
7 the two days, in our cell.
8 On the first day, when we asked for some cigarettes, we were given some. But, after
9 that, they simply refused to give us any cigarettes. We asked for cigarettes in order
10 to try and forget the conditions under which we were living.
11 We spent two days, and then we were allowed to leave that cell and taken to a
12 slightly larger cell. The door of this cell had a protective grid.
13 When we were taken to this cell, we had more space to -- for ourselves. When we
14 were in this cell, we were not given any mats. We were completely abandoned to
15 our fate. We had to sleep as we wanted to. Our clothes act -- acted as our mats.
16 I saw that -- around me the elements and I asked them whether we could have
17 something which we could use as a mat and they said we should just be patient.
18 After three days, on the fourth day, they gave each one of us a mat, and it is that
19 particular mat allowed us to sleep on the ground. We didn't have any sheets nor any
20 blankets. Those who know the town of Bangui, the prison of Ngaragba is roughly
21 close to the Oubangui River, and both day and night it was cold. We had the habit
22 of continuing to smoke. We smoked all the time because of the cold, both night and
23 day.
24 In this cell, after two days, members of our family started to give us something to eat.
25 Some elements who were in the Ngaragba prison refused to hand the food over to us.

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1 After five or six days, whilst we were still in that -- in that detention cell, a team
2 arrived, a team led by Nouredine Adam. He was accompanied by some other
3 individuals. The cell was opened and he entered.
4 Next to our cell there were two Seleka detainees who had been unruly. In our cell
5 we were in total 19 -- or 17 -- correction 17.
6 THE INTERPRETER: [10:15:55] The interpreter corrects: There were 16.
7 THE WITNESS: [10:15:58](Interpretation) He was accompanied by a significant
8 number of people and in his hand he had an automatic pistol, but he didn't use it at
9 that time. But he did have in his hand an automatic pistol. I looked at that and
10 then he looked around and then he left with his team. He was at the door and he
11 asked, "Who are these people? Who are these 16 people in this cell? Who are
12 they?" Someone who accompanied him said, "These are individuals who are being
13 accused of drafting the flyers", and it is at that particular day I learnt why I was
14 arrested, it was because of a flyer. And he was told, "These are the ones who drafted
15 the flyer." He shook his head and left with his entire team.
16 In the prison we were given permission to leave the cell once a day so that we could
17 get a bit of light. At 10 o'clock, between 9, 10, 11 o'clock, 12 o'clock, 1 o'clock, we
18 were led again back to the cell. So we had four hours when we were allowed to
19 leave and go to the main courtyard.
20 After the rest time, we were taken back to the cell in Ngaragba. There we were given
21 the possibility of having a shower. We were able to have at least two showers.
22 Because it was so cold we preferred to have a shower only once. It was very difficult
23 to stop smoking. Once we were told that we were going to be taken to the tribunal,
24 we should get dressed, and we were taken to the tribunal.
25 MS SARDACHTI: [10:18:20](Interpretation)

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1 Q. [10:18:21] Thank you for that information.

2 So, before talking about what happened in the tribunal, I'd like to stay at the

3 Ngaragba prison. And when you arrived there, were you informed of your rights?

4 A. [10:18:50] Thank you.

5 No, never; at no moment no one ever told us about any rights.

6 Q. [10:19:04] Did you -- were you informed that you could have the right to have a

7 lawyer, for example?

8 PRESIDING JUDGE SAMBA: [10:19:13] Sustained. Can you frame your question

9 otherwise, please.

10 MS SARDACHTI: [10:19:27](Interpretation)

11 Q. [10:19:29] At any point in time was there a question of you possibly having a

12 lawyer to assist us?

13 PRESIDING JUDGE SAMBA: [10:19:40] Counsel, it's leading. Thank you.

14 MS SARDACHTI: [10:19:58](Interpretation)

15 Q. [10:20:00] Mr Witness, you spoke about your family. Could you tell us a bit

16 more about them? Could they come and visit you? What happened?

17 We are in open session, so please don't mention any names.

18 A. [10:20:21] Thank you.

19 When we were taken to Ngaragba, it is thanks to our relatives that we had something

20 to eat regularly. Every evening we got something to eat, and these meals were given

21 to us in the evening and we shared the food with the co-detainees. We had contact

22 with our relatives and we had the possibility of talking with them.

23 We left, we got out, and we talked with them in what -- in the room they called the

24 reception room. For about 20 minutes, we were able to talk.

25 Q. [10:21:32] Thank you. Just a clarification. You spoke about the visit of a team

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1 with Mr Adam. Can you remember the names of any other persons who

2 accompanied Nouredine Adam?

3 A. [10:21:51] Thank you.

4 Since we are in open session I cannot mention any names, but I do believe that I know

5 some names. He was accompanied by the minister of justice of the time, who was

6 part of the team. There were also other persons. I don't know their names. We

7 don't know who they were. It was a team of more than 10 individuals. But the

8 minister of justice, I know him and I do know his name as well. Thank you.

9 Q. [10:22:30] You can also give us his name in open session, Mr Witness.

10 A. [10:22:38] His name -- his name is Arsene Seinde, Arsene Seinde, that was his

11 name.

12 Q. [10:22:55] So other than the visits of your family, of that team, were there any

13 other visits that you had?

14 A. [10:23:06] Thank you. When we were detained, we had also a visit from a Red

15 Cross team. There were two or three teams and it's thanks to those teams of the Red

16 Cross that there was also a doctor who was responsible to look after us. I showed

17 them the wounds that I had on my hand and the various wounds that the other

18 co-detainees had and, therefore, that doctor gave us some antibiotics and

19 anti-inflammatories.

20 After the visit of the Red Cross, I must say that it's thanks to the Red Cross that we

21 got some mats as well. They saw our living conditions and shortly thereafter we did

22 receive those mats. Thank you.

23 Q. [10:24:32] You just described a certain type of medical assistance. Did you also

24 have any legal assistance?

25 A. [10:24:46] Thank you.

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1 We did not get any visits from somebody who would be called a lawyer. We were
2 told we would go to a tribunal and when we were taken from the prison, one person
3 came forward and said he was a lawyer.
4 Despite all the threats he received, he visited us once and he did give us some advice.
5 He said what the procedure was, but it only happened on one occasion. Other than
6 that, we did not receive any legal assistance.

7 Q. [10:25:46] Mr Witness, you spoke about the tribunal. Can you tell us what
8 happened at the tribunal?

9 A. [10:26:01] Thank you.

10 We were taken to the tribunal; there were 16 of us. When we were taken there, we
11 had threats. Because the 16 of us from the prison of Ngaragba, {ICR: (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)}

17 At the tribunal during the first hearing, it was said that the hearing was postponed
18 since the lawyers had to attend a general assembly for the national assembly. When
19 we were taken back to the prison, because in that vehicle we were 16 in number,
20 amongst us we also had soldiers.

21 And when the vehicle left the tribunal, four of my co-detainees fell. The driver
22 stopped and then they were made to stand up again, the other co-detainees. The
23 transport, the journey, happened very fast. We sped along and all the time I had a
24 gun at my head. It doesn't matter what day it was, they told me I would die. And
25 when we returned, I had a gun shot -- pointing at my head.

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1 And the first hearing was postponed. Three days later, there was going to be
2 another hearing and that, too, was cancelled, because there was a magistrate who had
3 passed away, and on that day all the hearings were cancelled. So once again we
4 were re-conducted to the prison.
5 I remember it well. We went there at least five times to the court and each time the
6 hearing was cancelled. On the sixth occasion, during our third departure, we were
7 questioned. Each detainee was questioned and the prosecutor at that time, who was
8 a magistrate -- and, if you like, I can provide you with the name of that person. But
9 that magistrate was in charge of dealing with the case and we were told, "You drew,
10 or made, a flyer. Do you recognise that? Do you admit that?" And the detainees
11 said, "No, we don't know anything about this particular document."
12 I said that I only learnt about the flyer at the tribunal, I only found out about it at the
13 tribunal.
14 The president of the court read my statement and accused us of having drafted a flyer,
15 a leaflet which told the population to observe a dead town, a *ville morte*. Since there
16 were mercenaries who came from Sudan, we should observe a *ville morte*, a dead
17 town, until our country was freed.
18 The president of the tribunal read the content of the leaflet and there for the first time,
19 I learnt about it.
20 So, for me, this was the first time. I never had an opportunity before that to have
21 any contact with this leaflet before.
22 When we were questioned once after another, we were then taken back to the cell.
23 And some lawyers appointed themselves with a view to defending us. In the midst
24 of those lawyers, I can, if you wish, I can provide a name. I believe that he worked
25 with the court, this individual, and when he saw another lawyer, one of his colleagues,

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1 he requested a robe. And he introduced himself and he started to defend our rights.

2 I believe that there were five counsel in all.

3 And, finally, we were convicted to a suspended prison sentence of 10 months of

4 duration. {ICR: (Redacted)}

5 (Redacted)} We were sentenced to a

6 suspended -- or suspended prison sentences. So it was on 30 August that we were

7 released.

8 And if you have any further questions to put to me, I will answer them. Thank you.

9 Q. [10:33:31] So I'm going to be asking you the name of the lawyer whom you
10 spoke to us about in private session. But could you please tell us how you paid this
11 lawyer? You talked about a number of lawyers, and how were they paid?

12 A. [10:34:01] When we were at the prison, we received a good deal of advice, and
13 some of the individuals providing us with this advice asked us to {ICR: (Redacted)}
14 (Redacted)

15 (Redacted)

16 (Redacted)}

17 That's what we did when we were in detention.

18 MS SARDACHTI: [10:34:52](Interpretation) Madam President, could we please
19 move into private session.

20 PRESIDING JUDGE SAMBA: [10:34:57] Madam Court Officer, could we go briefly
21 into private session, please.

22 (Private session at 10.35 a.m.)

23 THE COURT OFFICER: [10:35:15] We're in private session, Madam President.

24 PRESIDING JUDGE SAMBA: [10:35:19] Counsel, please continue.

25 MS SARDACHTI: [10:35:33](Interpretation)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SAMBA: [10:36:38] Mr Witness, can you speak slowly so that
11 the interpreters can get what you are saying. Speak a bit slow, Mr Witness. Thank
12 you very much.

13 THE WITNESS: [10:37:02](Interpretation) Thank you.

14 MS SARDACHTI: [10:37:06](Interpretation) So, Madam Courtroom Officer, could
15 we please bring up a document which is to be found at tab number 2, which bears the
16 number CAR-OTP-2130-8377. It is a document that is confidential in nature and has
17 not yet been submitted.

18 Q. [10:37:41] Can you see the document?

19 A. [10:37:45] Yes, I can.

20 Q. [10:37:53] Do you recognise it?

21 A. [10:37:58] Yes, I do recognise it.

22 Q. [10:38:07] Can you please tell us who drafted this document?

23 A. [10:38:15] Thank you.

24 It was I who drafted this document. (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. [10:39:52] And do you recall when you drew up this list?

10 A. [10:40:05] We did not mention the date on this document. I no longer recall the
11 precise date, but I do believe that there was another document where I wrote the date.
12 I believe that the second document was written two days after the document that we
13 have up on the screen now.

14 Q. [10:40:43] I'm going to ask Madam Courtroom Officer to bring up the second
15 page of the document, please.

16 Can you see a date on that document?

17 A. [10:41:21] If you scroll down the document a little bit, I will be able to see the
18 date that's written at the top of the document. If you could please scroll up the
19 document. I'm talking about the heading of the document.

20 MS SARDACHTI: [10:41:44] Well, there was an issue when this document was
21 scanned and the document -- the witness said, page 24, line 10 to 12, that -- he says
22 he -- he did not mention the date on this document and he no longer remembers the
23 precise date.

24 Do I have your authorisation to refresh the witness's memory and read out the part of
25 the statement that refers to the -- the date of this document?

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1 PRESIDING JUDGE SAMBA: [10:42:13] This document, it was disclosed to the
2 Defence, was it, with the date on it? Do you have the document with you on, like
3 the...

4 MS SARDACHTI: [10:42:27](Interpretation) We checked with the investigators as
5 well, and when the statement was taken, it was scanned in this way. But in the
6 statement, we can see that this document does indeed contain the dates, and that's
7 what I -- why I wanted to request your leave to refresh the witness's memory and
8 read out the part of the statement that refers to the dates that are unfortunately
9 missing from this document.

10 PRESIDING JUDGE SAMBA: [10:42:56] So, the document disclosed to the Defence
11 was also in this form without the date, is that what you're saying?

12 MS SARDACHTI: [10:43:09](Interpretation) Yes. The document was disclosed in
13 this manner.

14 PRESIDING JUDGE SAMBA: [10:43:18] Mr François-Jacquemin, do you have
15 anything to say in respect of this document and the information that is being solicited
16 before I grant counsel the go-ahead to refresh the witness's memory, just on this
17 document?

18 MR FRANÇOIS-JACQUEMIN: [10:43:51](Interpretation) Yes, thank you, Madam
19 President. Well, apart from the fact that we regret that the document was badly
20 scanned, we have no other observations to provide.

21 PRESIDING JUDGE SAMBA: [10:44:02] Thank you very much. Because I do see a
22 date on the left top-hand column of that document although it is not visible.
23 So, counsel, please go ahead and refresh the witness's memory, if you may.

24 MS SARDACHTI: [10:44:22](Interpretation) Thank you, Madam President.

25 Q. [10:44:24] So, Mr Witness, I'm going to be reading to you a part of paragraph 54

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1 of the translation of your statement to be found at tab 1.3, bearing the number
2 CAR-OTP-2135-1819.

3 And I am going to read the two penultimate sentences:

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:47:43] Because we are in private session, I'm going to be putting questions to
25 you about names before we move back into open session.

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1 At an earlier stage, at page 19, line 16 to 17, you said, an individual introduced
2 themselves who -- as being a lawyer and --

3 THE INTERPRETER: [10:48:11] Counsel is going far too fast. She needs to slow
4 down, please.

5 PRESIDING JUDGE SAMBA: [10:48:16] Counsel, can you slow down. The
6 interpreters are not able to say all that you're saying. So please go at a slow pace.
7 Thank you.

8 MS SARDACHTI: [10:48:31](Interpretation)

9 Q. [10:48:31] Well, I'm going to repeat the passage I've just quoted from. Page 19,
10 lines 16 to 17 -- it's lines 15 to 17:

11 "A person introduced themselves as being a lawyer and despite all the threats that
12 they received, they visited us on at least one occasion and provided us with advice."
13 End of quote.

14 Mr Witness, do you remember the name of that lawyer?

15 A. [10:49:03] Thank you. (Redacted).

16 Q. [10:49:22] And you talked about five lawyers at the tribunal, do you remember
17 their names?

18 A. [10:49:34] Thank you. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 me and if it does, I'll tell you.

24 Q. [10:50:31] Thank you, Mr Witness.

25 MS SARDACHTI: [10:50:34](Interpretation) Madam President, we can move into

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1 open session, please.

2 PRESIDING JUDGE SAMBA: [10:50:39] Maybe before we go back into open

3 session -- sorry, yes, Mr François-Jacquemin.

4 MR FRANÇOIS-JACQUEMIN: [10:50:49](Interpretation) Thank you, Madam

5 President. Maybe we were going to say the same thing. I just wanted to say that

6 the names are not on the transcript. They have just been given, these names of the

7 lawyers. Maybe we could take the time to have them put properly on the record

8 now so that we don't have to come back to it later.

9 PRESIDING JUDGE SAMBA: [10:51:09] Thank you very much,

10 Mr François-Jacquemin.

11 Can we ask the witness to name the names again so that we have it on record. Then

12 I'll ask him the question I wanted to ask him.

13 Mr Witness, can you state the names of the five -- or the four of the five lawyers that

14 you remember who represented you at the tribunal so that we have it on the record.

15 Slowly, please.

16 THE WITNESS: [10:51:49](Interpretation) Thank you.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 THE WITNESS: [10:53:42](Interpretation) Thank you. At Ngaragba prison, they
3 did not want there to be a lawyer present. (Redacted) waited for visiting hours in
4 order to come. And when he arrived at the entrance, the Seleka who were guarding
5 the entrance to the detention facility refused to allow him access. They asked him
6 why he was coming to speak to us and taking notes. They asked him why he is
7 taking down my statement in writing. He was then stopped from having any
8 permanent contact with us. And his name was (Redacted). Thank you.

9 PRESIDING JUDGE SAMBA: [10:55:03] Thank you very much. Counsel, continue
10 please.

11 MS SARDACHTI: [10:55:15](Interpretation) We can move into open session.

12 PRESIDING JUDGE SAMBA: [10:55:18] Madam Court Officer, can we go into open
13 session, please.

14 (Open session at 10.55 a.m.)

15 THE COURT OFFICER: [10:55:33] We are in open session, Madam President.

16 PRESIDING JUDGE SAMBA: [10:55:35] Thank you.

17 Carry on, counsel.

18 Yes, Mr Witness, do you want to say something?

19 THE WITNESS: [10:55:58](Interpretation) I would like to take a break to relieve
20 myself, please.

21 PRESIDING JUDGE SAMBA: [10:56:08] Certainly, Mr Witness, and at which request
22 I'm going to stand the Court down and ask that we come back for 11:30. Thank you
23 very much.

24 THE COURT USHER: [10:56:22] All rise.

25 (Recess taken at 10.56 a.m.)

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- 1 (Upon resuming in open session at 11.33 a.m.)
- 2 THE COURT USHER: [11:33:16] All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE SAMBA: [11:33:26] Good morning again, everyone.
- 5 We are going to continue with the examination-in-chief of this witness.
- 6 Madam Prosecutor, your witness, please.
- 7 MS SARDACHTI: [11:33:49](Interpretation) Thank you, your Honour. First, I'd
- 8 like to submit tab 2 formally, which is CAR-OTP- -- I forgot to mention it earlier, but it
- 9 is CAR-OTP-2130-8377.
- 10 PRESIDING JUDGE SAMBA: [11:34:18] Thank you very much. Just to let you
- 11 know that we are in open session, counsel.
- 12 Okay, carry on, please.
- 13 MS SARDACHTI: [11:34:24](Interpretation)
- 14 Q. [11:34:34] Mr Witness, do you remember the date of the hearing?
- 15 PRESIDING JUDGE SAMBA: [11:34:41] Of which hearing, please?
- 16 MS SARDACHTI: [11:34:44](Interpretation)
- 17 Q. [11:34:46] The hearing which you've just mentioned before the break at the
- 18 tribunal. You spoke of several occasions when you went to the tribunal, but when
- 19 was the actual date of your hearing at the tribunal?
- 20 A. [11:35:04] Thank you. I think it was 30 August 2023 at 12 o'clock.
- 21 Q. [11:35:29] You said 2023? Or do you mean 2013? I see * in the transcript
- 22 "2023". Could you clarify that, please.
- 23 A. [11:35:42] Oh, I do apologise. I apologise. It's a mistake.
- 24 Q. [11:35:53] Thank you, Mr Witness. So you've told us that during that hearing
- 25 of 30 August 2013, the president looked at the leaflet, which is in the transcript,

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1 page 21, lines 10 to 11 in real time. Was any other evidence submitted?

2 A. [11:36:18] Thank you. The content of the flyer, which was given to me when I

3 was on the street, this was read out by the president of the court and we were given to

4 understand that we were creating disorder and trouble in the country. We were told

5 that we wanted to endanger the safety of the country.

6 The content of the leaflet was such that we were made to understand that we were the

7 ones who drafted that document; that we wanted to have a *ville morte*, a dead city,

8 and that we wanted the mercenaries to come from Sudan and Chad, who

9 accompanied the president, and who were creating terror and spreading terror

10 throughout the country.

11 After reading it out, he told us why we had been arrested.

12 Once he'd given us the reasons, the prosecutor said that -- we were taken to a house

13 where we all had agreed, and, during that time, we were arrested by the soldiers.

14 But that wasn't true. That wasn't what happened, because we were arrested under

15 different circumstances and in different localities.

16 {ICR: (Redacted)}; others were at the Miskine market

17 and other markets, the one in Fouh, for example. There was also somebody in

18 Boy Rabe, in Bimbo market, and others in the city centre.

19 This is to tell you that we were arrested in different locations under different

20 circumstances. Everyone provided their own version. Some said, "I was in my

21 workshop". Others said, "I was going to my workplace". Others said that "I was

22 making photocopies". {ICR: (Redacted).} And

23 others were talking that they were going about their business. So there were

24 different answers given by the various detainees.

25 After having noted down the answers, the president decided that we should be

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1 released on 30 August 2013, and we were given bail. We were given a suspended
2 prison sentence.

3 Q. [11:39:51] Thank you. Just now, and here I'm referring to transcript 21, lines 15,
4 16; and 22, lines 20 to 21 -- line 19 to 20, you said: "Some lawyers made up and came
5 to defend us. One came who started to defend us."

6 During this hearing, did you have the opportunity to have a meeting with those
7 lawyers?

8 A. [11:40:33] During the hearing, we were able to meet the lawyers and we could
9 exchange views with the lawyers. Those lawyers asked us many questions to see
10 whether the financial contribution was enough. And they also told us that we must
11 all speak the truth, and also told us that we should explain how we were arrested,
12 because that meant we could be properly defended.

13 I want to take one step backwards, if you don't mind, your Honour. Those lawyers, I
14 said there were five of them and that I'd forgotten the name of one of them. {ICR:
15 (Redacted)
16 (Redacted)}

17 Thank you, your Honour.

18 Q. [11:42:06] Mr Witness, you've said you were -- had a suspended sentence. Do
19 you know why? What was your -- what was that for? What was your offence?

20 A. [11:42:26] Thank you. I still don't know why we were arrested. I don't know
21 what charges were brought against me. {ICR: (Redacted)
22 (Redacted)} So to date, I don't know what offence I
23 committed that led to my arrest. Thank you.

24 Q. [11:43:07] I just want to correct the transcript, but in fact it's correct now.
25 Did you receive a copy of the judgment, of the ruling?

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1 A. [11:43:45] Thank you. I did not receive any document at all. The -- everybody
2 who was released on that day didn't receive any documents. We requested this and
3 he was always busy and we never received any copy at all.

4 Q. [11:44:20] You said you were released on 30 August 2013. Do you have any
5 back-up supporting that -- any written evidence of that date?

6 A. [11:44:45] Thank you. During the investigation, those who were investigating
7 us, I handed over two documents. The first document was the order to have us
8 released, and the second document was the certificate of release. Those two
9 documents was handed over by the prison and I handed those two documents to the
10 OTP. Thank you.

11 Q. [11:45:40] You have just said there was an order for your release. I would like
12 to show you a document.

13 And I would like the court officer to display document 6, page 3. Tab 6 has a
14 reference number CAR-OTP-2091-0041. It's a document that cannot be shown to the
15 public, and I have already shown the first two pages of this document. I now wish
16 to display the third page.

17 Can you see the document?

18 A. [11:46:45] Yes, I can see it.

19 Q. [11:46:50] Can you tell us what it is? What's it about?

20 A. [11:46:58] Thank you. This is a document drafted by the director of the prison
21 after the decision allowing us to be released from the prison. The magistrate is on
22 the bottom of the page and the substitute -- the specialised substitute of the republic is
23 also the name which you can see at the bottom, Nicole Mamia. Thank you.

24 Q. [11:47:43] We are in open session, so you don't have to say your name, but do
25 you recognise your name?

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1 A. [11:47:49] Thank you. Yes, that is indeed my name on that document.

2 Q. [11:48:14] And the date corresponds to the date when you were released; is that
3 correct?

4 A. [11:48:20] That is correct. That's the date, that's the date.

5 MS SARDACHTI: [11:48:28](Interpretation) Court officer, I would ask you to
6 display another document. This is tab 3, which has the reference
7 CAR-OTP-2130-8379. This is a document which cannot be displayed to the public
8 and which has not yet been submitted.

9 Q. [11:49:12] Can you see this document, Mr Witness?

10 A. [11:49:17] Yes, I can see it.

11 Q. [11:49:23] Do you recognise it?

12 A. [11:49:27] Yes, I do recognise this document.

13 Q. [11:49:34] Can you tell us something about it?

14 A. [11:49:40] Thank you. This is one of the first documents which has the
15 instructions provided by the substitute of the director, and requested my release.
16 Afterwards, the director of the prison drafted the second document, bearing in mind
17 my release and with those dates. Thank you.

18 Q. [11:50:32] Thank you, Mr Witness.

19 I would now like to formally submit this document.

20 After your release, Mr Witness, how did you feel? Both physically and emotionally,
21 how did you feel?

22 A. [11:51:19] Thank you. After our release, after having smoked so heavily in
23 prison, after all the blows that I received in prison and the blows which I received
24 with the butts of the guns, I had pain in my chest, I had wounds on my back, I had
25 pain in my back, my back was inflamed and swollen. I had a wound on my arm.

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1 My eye was in pain. As soon as I looked into light, if there was any strong light, I
2 started to have tears in my eye. My arm was wounded. And now, when I do
3 certain movements, I feel pain. That is what I felt physically.
4 As regards my psychological state, when I see somebody dressed as a soldier with a
5 turban, in particular a *kadamoul*, it all floods back to me. I remember my
6 executioners.
7 Thank you.

8 Q. [11:53:01] Thank you very much for your patience.

9 MS SARDACHTI: [11:53:07](Interpretation) I have no further questions, your
10 Honour, your Honours. This concludes the questioning from the Prosecution.

11 PRESIDING JUDGE SAMBA: [11:53:18] Thank you very much, Ms Sardachti.
12 Now, Mr Witness, I'm going to allow counsel for victims to put some questions to
13 you.

14 Legal representative for victims, please, carry on. And we are in open session.

15 QUESTIONED BY MS PELLET: (Interpretation)

16 MS PELLET: [11:54:01](Interpretation) Thank you, Madam President.

17 * In accordance with my request of 20 June, which was granted yesterday, and in
18 accordance with your decision on the conduct of proceedings, my questions will be
19 limited to the harm the victim suffered during the 2013 events, and the impact of
20 those events on the witness and his family.

21 Q. [11:54:37] Good day, Mr Witness.

22 A. [11:54:39] Good day.

23 Q. [11:54:40] * We know each other, but for the purposes of the transcript I am your
24 legal representative, since you were authorised to participate in the procedure on
25 27 May 2022, and, once again, on 8 November 2023, on the basis of a form which we

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1 filled in together on 9 March 2022, via a video link.

2 MS PELLET: [11:55:05](Interpretation) As far as this is concerned, Madam President,
3 * where it concerns the modalities associated with filling in the form, I also refer to
4 paragraphs 30 and 31 of our filing No. ICC-01/14-01/21-518.

5 Q. [11:55:] So, before I put my questions to you, Mr Witness, as Madam President
6 has said, and also the Prosecution has said, I would like to make one thing quite clear.
7 If some of my questions might reveal your identity, even indirectly, then we will
8 move into private session, and then you'll be free to answer in a full way without any
9 fear.

10 It is very important that if you feel that any of your answers could reveal your
11 identity, do let me know before you start answering so that we can move into private
12 session.

13 Is that clear for you? Is that all right?

14 A. [11:56:21] Yes, that's clear. Thank you. There are some subjects that affect me
15 personally, because it affects me deeply. So then I would like to move into private
16 session.

17 Q. [11:56:46] Do you want to go into private session for all my questions or only
18 some of the questions which could reveal your identity?

19 A. [11:56:56] Yes, I would like to go into private session so that I can speak frankly
20 about all the things that happened to me.

21 PRESIDING JUDGE SAMBA: [11:57:23] Madam Court Officer, can we go into
22 private session, please.

23 (Private session at 11.57 a.m.)

24 THE COURT OFFICER: [11:57:35] We are in private session, Madam President.

25 PRESIDING JUDGE SAMBA: [11:57:51] Thank you very much.

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1 Counsel, please continue.

2 MS PELLET: [11:57:55](Interpretation)

3 Q. [11:57:56] Mr Witness, during your testimony, you explained that given the
4 conditions of your transfer to Camp de Roux and the blows you received there, and
5 when you arrived at the OCRB and * your subsequent detention in conditions that
6 you described this morning as inhumane, you said you were between life and death,
7 and that's the reason why you drew up the list of your co-detainees.

8 Could you explain to the Court what you meant, "between life and death"?

9 A. [11:58:46] Thank you. When we were arrested, people - who were in the
10 (Redacted), who saw me when I was taken away - told me I was going to die, because
11 as soon as they arrested someone, that person was going to die shortly thereafter.

12 But, thanks to god, * they took us to the Camp de Roux.

13 When they took us there, there was a French military vehicle that was going through
14 the 8th arrondissement. They saw how we were lying down in the vehicle and they
15 had their feet on us. The vehicle of those whites turned around and followed us, and
16 when we tried to see what was happening, they trampled on us. We had our face
17 down.

18 And the vehicle who followed us, they knew there was a vehicle with French soldiers,
19 and if they would have killed us, they would be denounced. And that is the very
20 reason that they took us directly to the Camp de Roux.

21 Before throwing us into prison, as I said before, we received blows. We were beaten.

22 * We were beaten on this 10-step staircase. Each time you went up a step, you would
23 be hit from side to side, so that was 10 blows times two, making a total of 20 blows.

24 The worst of it was that I, when I arrived at that open door so that we could enter into
25 the cell, they beat me. They took everything from me. They took my money.

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1 They took everything from me.

2 Q. [12:01:17] Sorry that I interrupt you. * The time allocated to me is limited and
3 you did already explain all these things to the Court and to the judges in the last
4 couple of days.

5 I want to ask you specific questions so that you can add further clarification to these
6 questions. Is that all right?

7 A. [12:01:42] That's fine. Let us continue like that.

8 Q. [12:01:55] Thank you, Mr Witness. When you talk about "they", who are you
9 referring to? Who arrested you and treated you so badly?

10 A. [12:02:04] It was the Seleka soldiers.

11 Q. [12:02:11] Mr Witness, yesterday, and then once again earlier on today, you
12 explained that you still have today the scars of these beatings and your time at the
13 OCRB. Now, with regard to the scars to your back that you refer to, can you explain
14 to us exactly what they are?

15 PRESIDING JUDGE SAMBA: [12:02:43] Sorry, Mr Witness.

16 Yes, Mr François-Jacquemin, why are you up?

17 MR FRANÇOIS-JACQUEMIN: [12:02:48](Interpretation) Thank you,
18 Madam President.

19 Could we please have more specific references with regard to the questions currently
20 being put by my learned colleague.

21 PRESIDING JUDGE SAMBA: [12:03:03] Ms Pellet, please, reference points as to
22 transcript number, page number and timing.

23 MS PELLET: [12:03:18](Interpretation) Yes, indeed, I do for those of yesterday, and
24 for the reference to my question pertaining to the pain in the witness's back, we are
25 talking about page 38, lines 11 and 12.

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1 As for the rest, if my colleague wants me to give all the references with regard to my
2 previous questions, I can do so but it might be quite a fastidious exercise.

3 PRESIDING JUDGE SAMBA: [12:03:57] Maybe can you, going forward, make
4 reference -- give reference points.

5 Well, actually, counsel, if there is nothing really that is in contradiction, or if you
6 recall, I mean, there's really no need for us to prolong or delay the trial, except if you
7 think that she's saying something to the witness which you know very well is not in
8 the transcript.

9 But going forward, if you can make reference points, that should help. Thank you
10 very much.

11 MS PELLET: [12:04:40](Interpretation) Thank you, Madam President.

12 Q. [12:04:41] Now, Mr Witness, could you answer my question, please, about the
13 scars to your back subsequent to the beatings that you sustained, or endured?

14 A. [12:04:54] Thank you. I -- well, this really had an enormous effect upon my
15 entire family and marked me. When we were lying down on the ground in the
16 OCRB compound, they had made some mud and they had put it on our backs, and
17 they whipped me in the presence of my wife and children.

18 There were members of my family looking on as they beat me, which means that I no
19 longer have any authority in my household. I am no longer respected. I no longer
20 have any power in my own home.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) * So all of this

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1 has really marked me to the core. It has had a huge effect on me.

2 Thank you very much.

3 Q. [12:07:22] Thank you, Mr Witness. You said that yesterday your daughter

4 cried when she saw your state at the Camp de Roux. * So that's T-086, page 47.

5 And you also explained that when you were beaten at the OCRB, your wife was

6 present when you were beaten and you've just repeated that fact. I'm also referring

7 here to transcript 86, page 53, lines 5 to 7.

8 * And you've just explained the consequences it had on you within your family.

9 How did your wife react when she was present while you were being beaten?

10 * A. [12:08:21] As I said to you, she was crying. She and the children were crying

11 their eyes out.

12 Q. [12:08:37] Thank you, Mr Witness.

13 During your testimony yesterday, and once again this morning, you indicated that

14 your family brought you food at the OCRB, because you said that the Seleka elements

15 did not provide you with any. * T-86, page 54, lines 9 and 10.

16 Did the wardens at the OCRB give you any water to drink?

17 A. [12:09:11] No, they did not. They did not give us any water.

18 Q. [12:09:17] So how did you drink?

19 A. [12:09:28] The conditions of our detention at the OCRB and at the Camp de

20 Roux, well, there was a nauseating stench. We were breathing in very unhealthy air.

21 We didn't feel like drinking any water. And when the evening came, * when our

22 wives and families brought us food, they would also bring us some juice, which we

23 would drink after having eaten.

24 But as for drinking in the prison cell itself, well, we didn't. No. What we would do

25 was smoke.

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1 Q. [12:10:21] Thank you, Mr Witness. This nauseating air, did it have an impact
2 on your health and do you still suffer the consequences today?

3 A. [12:10:38] Thank you. You know, what has had an effect on my life is that I
4 was not a smoker before. (Redacted).
5 I smoked, despite myself, with a view to surviving. It was not of my own volition.
6 You know, I don't know how to eradicate those effects upon my body and I will live
7 with that until the end of my life. Thank you.

8 Q. [12:11:34] Mr Witness, now, in response to one of my previous questions, you
9 explained how you felt, or how you feel when you think back to the events that
10 unfolded in 2013.

11 Now, I don't have any specific references. This was one of the previous responses.
12 Now, since you were released from the OCRB, Mr Witness, have you had access to
13 any psychological treatment?

14 A. [12:12:08] Not at all. Not at all.

15 Q. [12:12:27] Mr Witness, I have a last question that I would like to put to you in
16 private session, and for my last two questions I will then request from
17 Madam President that we move back into open session, because there will not be
18 anything of an identifying nature. Do you agree?

19 A. [12:12:47] Very well. No problem, let's go ahead.

20 Q. [12:13:00] Thank you, Mr Witness.

21 Now, what consequences did your arrest and detention have upon your professional
22 career, Mr Witness?

23 A. [12:13:14] Thank you for that question.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 This has all had an enormous impact on my life, not only upon the life of my family,
7 but upon all those who respected me before I was arrested. Today, they no longer
8 grant me any value whatsoever because I was humiliated.

9 Thank you.

10 Q. [12:14:57] Thank you, Mr Witness.

11 Are you all right? Can we carry on?

12 A. [12:15:01] Yes, let's go ahead. Thank you.

13 Q. [12:15:19] Thank you.

14 Madam President, for my last two questions I would like us to go into open session,
15 please.

16 PRESIDING JUDGE SAMBA: [12:15:25] Okay.

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

18 (Open session at 12.15 p.m.)

19 THE COURT OFFICER: [12:15:32] We are back to open session, Madam President.

20 PRESIDING JUDGE SAMBA: [12:15:47] Thank you very much.

21 Ms Pellet, please continue.

22 MS PELLET: [12:15:49](Interpretation) Thank you, Madam President.

23 Q. [12:15:59] Mr Witness, we are now in open session and I would like to remind
24 you with regard to the guidelines that you have been given on a number of occasions,
25 namely, that you should not provide us with any information that would be

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1 identifying, but my questions do not elicit such information. All right?

2 A. [12:16:24] Very well. All right, I will do so.

3 Q. [12:16:30] Perfect. Now, Mr Witness, what do you expect of the trial against
4 Mr Said?

5 A. [12:16:45] Thank you. I have experienced a good deal of prejudice,
6 without -- and harm, without knowing the reasons for that. I've been humiliated in
7 front of the members of my family. I have lost all. In fact, my career has been
8 impacted, and that applies to my whole life. Thank you.

9 Q. [12:17:25] Mr Witness, why did you decide to testify and to participate in the
10 proceedings as a victim?

11 A. [12:17:35] Thank you. I accepted to come and testify before this Court with a
12 view to testifying to what happened to me, and also to my fellow co-detainees. We
13 were arrested and tortured for no reason whatsoever. We were attacked, humiliated,
14 tied up, and treated like animals for no reason whatsoever.
15 We are requesting reparations. * We are calling for reparations, reparation of the
16 harm we have suffered. And we wonder to ourself why it is that we had to endure
17 all of that. Thank you.

18 Q. [12:18:47] Thank you, Mr Witness.

19 And, Madam President, that marks the end of my examination of the witness.

20 PRESIDING JUDGE SAMBA: [12:18:53] All right. Thank you very much,
21 Ms Pellet.

22 Now, Mr Witness, I'm going to ask counsel for Mr Said to put questions to you. I'm
23 going to ask for your cooperation, much as you cooperated with the Prosecution and
24 Legal Representative for the Victims, I'm going to ask for your cooperation with the
25 Defence.

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- 1 Counsel for the Defence, I suppose it's Mr François-Jacquemin who would be
2 cross-examine -- I mean, putting questions to this witness in cross-examination.
3 So, your witness, please.
4 And we are in open session, please.
5 MR FRANÇOIS-JACQUEMIN: [12:20:07] Thank you very much indeed,
6 Madam President.
7 QUESTIONED BY MR FRANÇOIS-JACQUEMIN: (Interpretation)
8 Q. [12:20:10] And good afternoon, Mr Witness. My name is --
9 A. [12:20:14] Good morning, or good afternoon.
10 Q. [12:20:17] My first name is Florian and my family name is François-Jacquemin.
11 I'm going to be putting a number of questions to you on behalf of the Defence for
12 Mr Said.
13 I shall be speaking French. I don't know whether you are listening to me in French
14 or through the translation, but I do believe that you can understand what I'm saying
15 and I would call upon you to go slowly, please.
16 When you speak, you can see that I'm making the effort myself to speak slowly, and I
17 would also request that you wait for five seconds between my questions and your
18 answers in order to leave the team of interpreters the time to interpret what we are
19 saying. Is that clear for you, Mr Witness?
20 A. [12:21:23] Yes, I have understood.
21 Q. [12:21:29] Thank you very much.
22 Madam President, could we start in private session, please.
23 PRESIDING JUDGE SAMBA: [12:21:33] Certainly.
24 Madam Court Officer, can we go briefly into private session, please.
25 (Private session at 12.21 p.m.)

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- 1 THE COURT OFFICER: [12:21:43] We are in private session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [12:21:56] Thank you very much.
- 3 Counsel, please continue.
- 4 MR FRANÇOIS-JACQUEMIN: [12:22:05](Interpretation) Thank you very much,
- 5 Madam President. Thank you, courtroom officer.
- 6 Q. [12:22:07] Now, Mr Witness, I'm going to start by putting a number of questions
- 7 to you pertaining to your family, your background and your life.
- 8 (Redacted); is that correct?
- 9 A. [12:22:31] Yes, indeed.
- 10 Q. [12:22:35] Thank you, Mr Witness. And what was his occupation?
- 11 A. [12:22:42] (Redacted).
- 12 Q. [12:22:55] Thank you very much. And where was that?
- 13 A. [12:23:00] (Redacted).
- 14 Q. [12:23:20] Thank you, Mr Witness.
- 15 (Redacted); is that correct?
- 16 A. [12:23:32] Yes, that is correct.
- 17 Q. [12:23:36] Thank you. And did she have an occupation and, if so, which?
- 18 A. [12:23:41] (Redacted).
- 19 Q. [12:23:52] Thank you, Mr Witness.
- 20 How many brothers and sisters do you have?
- 21 A. [12:24:00] Thank you. (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. [12:24:37] (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted), but when the Seleka

7 stopped me, arrested me, everything was in shambles. Thank you.

8 Q. [12:40:11] Thank you. I understand it's unusual. I would like to ask some questions
9 about your phone.

10 MR FRANÇOIS-JACQUEMIN: [12:40:26](Interpretation) Court officer --

11 PRESIDING JUDGE SAMBA: [12:40:27] Yes, Ms Sardachti.

12 MS SARDACHTI: [12:40:30](Interpretation) * The witness has given his answer.

13 Words should not be put in the mouth of the witness. I see that my learned friend

14 said, "I understand it's rare." The witness gave his answer and he did not say this - he

15 gave a narrative, he provided some elements of an answer but he did not say that.

16 Words should not be put in his mouth and comments should be avoided.

17 PRESIDING JUDGE SAMBA: [12:40:55] But what's your understanding of the witness's

18 response? Is it -- I mean, unusual to be so educated, based on his response? What's your take,

19 counsel? (Redacted)

20 (Redacted); what's your take on that?

21 MS SARDACHTI: [12:41:31](Interpretation) * Yes, what I interpreted was that it was based

22 upon his determination. And this kind of.. maybe I should have objected before, but this type

23 of question... The witness is not an expert witness, we are not here to ask for his opinion - we

24 are here to ask him what he experienced, what he saw, about personal elements regarding his

25 credibility, if needed.

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1 PRESIDING JUDGE SAMBA: [12:41:58] Mr François-Jacquemin, do you have any
2 answer, please, any response?

3 MR FRANÇOIS-JACQUEMIN: [12:42:05](Interpretation) No, Madam President.
4 If you don't mind, I'll simply continue.

5 PRESIDING JUDGE SAMBA: [12:42:13] Yes. Please go ahead with your questions.

6 MR FRANÇOIS-JACQUEMIN: [12:42:20](Interpretation) Thank you, your Honour.

7 Q. [12:42:22] (Redacted)

8 (Redacted)

9 telephones that you owned.

10 MR FRANÇOIS-JACQUEMIN: [12:42:35](Interpretation) Madam Court Officer,

11 could you display 8, it's CAR-OTP-00000 -- this should not be displayed to the

12 witness. It is 00000540.

13 Q. [12:43:11] Mr Witness, I'm going to use a report from the OTP, which gave you

14 some telephone numbers. According to the Prosecution, these are your numbers

15 and I want to check whether this is indeed the case.

16 THE COURT OFFICER: [12:43:40](Interpretation) Can you only show this part -- my

17 colleague will change the setting so he doesn't see it, as you requested, so that he

18 doesn't see the document. I believe this is what you required.

19 MR FRANÇOIS-JACQUEMIN: [12:44:01](Interpretation) Perhaps I wasn't very clear.

20 I don't even think that's necessary, to show the parties. Everybody has their

21 references already.

22 Q. [12:44:11] Mr Witness, the first number is 6 -- (Redacted). Do you recognise

23 this as your number?

24 A. [12:44:32] Could you repeat the number, because I didn't get it completely.

25 Q. [12:44:44] The number is (Redacted).

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1 A. [12:44:59] That number, it's not my number because my number is (Redacted).

2 That is my number. I have two numbers in operation.

3 PRESIDING JUDGE SAMBA: [12:45:27] Counsel, just for the record, if this is
4 something that is in the binder, why couldn't you -- want to -- why wouldn't you
5 want us to see it, the Chamber, so that we follow?

6 And also, you know, when something is written, it makes for easier comprehension.

7 So if the -- you know, if the witness could also read it, you refer to him -- if there is a
8 document, that would make for ease of comprehension for him.

9 So please refer to the tab number.

10 MR FRANÇOIS-JACQUEMIN: [12:46:14](Interpretation) I do apologise. Perhaps I
11 went too fast.

12 So, I ask the court officer that this document is shown to the parties but that the
13 witness cannot see it, because this refers to other individuals who might also come
14 here to give their statements.

15 Thank you, court officer.

16 PRESIDING JUDGE SAMBA: [12:47:07] Can you -- why wouldn't you want the
17 witness to see this? There's nothing -- well --

18 MR FRANÇOIS-JACQUEMIN: [12:47:23](Interpretation) By caution, I just want to
19 be extra careful.

20 PRESIDING JUDGE SAMBA: [12:47:27] All right.

21 Let me just ask the court officer, is it possible for us to just see the number? Is it
22 possible for -- I mean, that the number, the telephone number be displayed? Only
23 the telephone number, if that is possible. I mean, if it's not possible, we could
24 understand.

25 Yes, counsel.

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1 MS SARDACHTI: [12:48:20](Interpretation) We don't oppose that this is shown,
2 because there's no particular reference to any names.

3 So, if it helps the Court, then we can have the numbers on page 3.

4 THE COURT OFFICER: [12:48:52] Yes, Madam President. We currently only zoom
5 on the phone number quoted by the Defence with the related paragraph where the
6 witness number is mentioned, and another pseudonym only. But I'm in your hands,
7 Madam President.

8 PRESIDING JUDGE SAMBA: [12:49:09] Yes, that's fine. I mean, Defence counsel
9 was just being cautious in respect of the other witness's numbers which are there, but
10 if we just pay attention to those numbers.

11 Mr François-Jacquemin, put your question. The Prosecution is not opposed to it.

12 MR FRANÇOIS-JACQUEMIN: [12:49:29](Interpretation) Thank you very much,
13 your Honour. I wanted to speed things up, but I've lost time, sorry.

14 Q. [12:49:37] So, (Redacted), that's your number; can you confirm that?

15 A. [12:49:47] Yes, that is my number.

16 Q. [12:49:57] Thank you. When did you start using that number?

17 A. [12:50:02] Thank you. If I remember correctly, I started using that number
18 (Redacted), a little before that.

19 Q. [12:50:33] Thank you. Is it still your number today?

20 A. [12:50:38] Yes, yes, I still have that number. It still works.

21 Q. [12:50:48] Thank you.

22 MR FRANÇOIS-JACQUEMIN: [12:50:49](Interpretation) Madam officer, I'm going
23 to go to the second number now.

24 I'll give it to you, Mr Witness.

25 THE COURT OFFICER: [12:50:58](Interpretation) Can he be shown?

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- 1 MR FRANÇOIS-JACQUEMIN: [12:51:00](Interpretation) Can the witness be shown
2 the second number, please. Thank you, court officer.
- 3 Q. [12:51:22] Mr Witness, can you see the number displayed on the document at
4 the top?
- 5 A. [12:51:37] Yes, I can see it.
- 6 Q. [12:51:42] (Redacted). Is that your number, Mr Witness?
- 7 A. [12:51:46] Yes, that is indeed my number.
- 8 Q. [12:51:51] When did you start using that number?
- 9 A. [12:51:56] When the Orange company opened up in Bangui. (Redacted)
10 (Redacted). I can't remember the precise date, but I've had that number for a very
11 long time indeed.
- 12 Q. [12:52:31] Thank you. Are you still using this number?
- 13 A. [12:52:36] Yes, I continue to use it up to today.
- 14 Q. [12:52:45] Thank you, madam.
- 15 MR FRANÇOIS-JACQUEMIN: [12:52:47](Interpretation) Can we please see the third
16 number, please. Can you show this to the witness. Thank you, court officer.
- 17 Q. [12:53:09] Mr Witness, can you see displayed (Redacted)? Can you see that
18 number?
- 19 A. [12:53:21] That's not my number. I don't recognise that number.
- 20 Q. [12:53:30] Very well. Thank you, Mr Witness.
- 21 I formally would like to submit CAR-OTP-00000547, which is tab 8.
- 22 THE COURT OFFICER: [12:54:52] The ERN ending at 540, for the record, tab 8.
- 23 MR FRANÇOIS-JACQUEMIN: [12:54:18](Interpretation) Thank you, court officer.
24 It's CAR-OTP-00000540.
- 25 We can now move into open session.

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1 PRESIDING JUDGE SAMBA: [12:54:28] Madam Court Officer, can we go in open
2 session, please.

3 (Open session at 12.54 p.m.)

4 THE COURT OFFICER: [12:54:49] We are back to open session, Madam President,
5 your Honours.

6 PRESIDING JUDGE SAMBA: [12:54:54] Thank you very much. Counsel, please
7 carry on.

8 MR FRANÇOIS-JACQUEMIN: [12:54:58](Interpretation) Thank you, court officer.
9 Thank you, your Honour.

10 Q. [12:55:00] Mr Witness, the leaflet which you were speaking about in this hearing,
11 and the one which was made in Bangui in 2013 and which talks about Sudanese and
12 Chadian mercenaries; is that correct?

13 A. [12:55:25] Yes. Perhaps I should explain things more fully so that you could
14 defend your client. I would like to ask, Madam President, that I can give some
15 further information.

16 PRESIDING JUDGE SAMBA: [12:55:54] Yes, go ahead, Mr Witness.

17 THE WITNESS: [12:56:18] Thank you. The flyer that was submitted to the tribunal
18 and that was handed to the president of the tribunal, this flyer was read out and he
19 said what was contained therein:

20 All the Central Africans should be aware of the *ville morte*, the dead city, because of
21 the Sudanese and Chadian mercenaries which have to be expelled from our country.
22 This was introduced into our country by the president. We should continue our
23 occupations until all the mercenaries were kicked out of the Central African Republic.
24 That was the content of the flyer that was read out by the president of the tribunal.

25 MR FRANÇOIS-JACQUEMIN: [12:57:18](Interpretation)

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1 Q. [12:57:19] Thank you. The Combattant market is in the 8th arrondissement; is
2 that correct?

3 A. [12:57:31] Yes, that's correct.

4 Q. [12:57:33] And where is the Camp de Roux, which arrondissement?

5 A. [12:57:41] That's in the 1st arrondissement of the town of Bangui. It's just
6 behind the presidential palace. Thank you.

7 Q. [12:57:58] Thank you, Mr Witness. I want to go back to something which you
8 said today.

9 It is at transcript 87 in the French version, page 39, line 22 until page 40, line 6.

10 You say, Mr Witness: "Thanks to god, they took us to Camp de Roux."

11 I'm talking about your arrest:

12 "[...] they took us to Camp de Roux. When they took us there, there was a French
13 vehicle that was passing in the 8th arrondissement and they saw how we were lying
14 down in the vehicle. They had their feet on us. The vehicle did a U-turn and
15 followed us."

16 I'm going to stop my citation there.

17 This vehicle with whites followed you until what point, Mr Witness?

18 A. [12:59:20] Thank you. They told us to get into the pick-up, which is BG65. We
19 had -- we were lying down with our face on the ground and they put their feet on our
20 backs and on our head.

21 Those who were following us in a motorbike {ICR: (Redacted)} were following
22 because they wanted to know where we were going and they led me to understand,
23 towards the office of the 8th arrondissement, a vehicle which belonged to the Sangaris
24 forces was following our vehicle and they, too, were following our vehicle, the Seleka
25 vehicle, up to the roundabout in the city centre.

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1 When the vehicle took the road to the Camp de Roux, the Sangaris vehicle did a
2 U-turn. I couldn't see, because I was lying on my face in the pick-up. Those who
3 followed us to find out where we were going told me the facts. They led me to
4 understand that when we arrived at the cross-section of PK0, when the Seleka pick-up
5 took the road to the Camp de Roux, the Sangaris vehicle continued in another
6 direction, but I didn't see it with my own eyes. But this is what I was told. Thank
7 you.

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

9 MR FRANÇOIS-JACQUEMIN: [13:01:13] Would you like me to stop here?

10 PRESIDING JUDGE SAMBA: [13:01:20] It's 1 o'clock, Mr François-Jacquemin. I'm
11 sure you have your client's interest at heart.

12 Mr Witness, we are going to stop with your testimony here for today and we'll
13 continue tomorrow. Tomorrow, I note that we have just one session in the morning,
14 so we'll meet here again tomorrow at 9.30.

15 But before we go, I want to remind you that you'll still be on oath and I advise for you
16 not to discuss your testimony with anybody when you leave this courtroom.

17 So I rise the Court for 9.30 tomorrow morning, please.

18 THE COURT USHER: [13:01:56] All rise.

19 (The hearing ends in open session at 1.01 p.m.)