

Trial Hearing

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Wednesday, 26 June 2024
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:48] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:10] Good morning, everyone.
14 Madam Court Officer, can you please call the case.
15 THE COURT OFFICER: [9:32:22] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II in the case of The Prosecutor v.
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:32:36] Thank you very much.
20 May I ask for representations, starting with the Prosecution, Ms Makwaia.
21 MS MAKWAIA: [9:32:49] (Interpretation) Good morning, Madam President,
22 your Honours. Today we have Marie-Jeanne Sardachti, Alessia Vitiello, an analyst,
23 and myself, lead counsel.
24 PRESIDING JUDGE SAMBA: [9:33:06] Thank you very much, Ms Makwaia.
25 Ms Pellet for the victims, your team, please.

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1 MS PELLET: [9:33:13](Interpretation) Thank you, Madam President. The victims
2 are represented by Caroline Walter, and myself, Sarah Pellet, OPCV.

3 PRESIDING JUDGE SAMBA: [9:33:24] Thank you very much.

4 Ms Naouri for the Defence, please.

5 MS NAOURI: [9:33:28](Interpretation) Thank you, Madam President. Good
6 morning. In front of me, Mr Jacobs; beside him, Mr François-Jacquemin; and beside
7 him, Léa Allix. As for myself, I am Jennifer Naouri, lead counsel representing
8 Mr Said.

9 PRESIDING JUDGE SAMBA: [9:33:48] Thank you very much, Ms Naouri.

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

11 A very good morning to you, Mr Said. I hope you rested well.

12 MR SAID: [9:34:01](Interpretation) Yes, good morning, Madam President.

13 PRESIDING JUDGE SAMBA: [9:34:08] Good morning.

14 Good morning, Mr Witness, I hope you had a good night.

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

16 (The witness speaks Sango)

17 THE WITNESS: [9:34:17](Interpretation) Good morning, Madam President.

18 Thank you, yes, I did rest well.

19 PRESIDING JUDGE SAMBA: [9:34:28] Good.

20 THE WITNESS: [9:34:31](Interpretation) Thank you. I did get a good night's sleep.
21 Thank you.

22 PRESIDING JUDGE SAMBA: [9:34:37] Good. Now, Mr Witness, we are going to
23 continue with your testimony today. I want to remind you that you are still on oath
24 to say the truth to the Court. We were doing your cross-examination when we left
25 off yesterday, so we are going to start at that point with your cross-examination and

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1 I'm going to invite counsel, Mr François-Jacquemin, to continue putting questions to
2 you in cross.

3 Mr François-Jacquemin, please, your witness.

4 MR FRANÇOIS-JACQUEMIN: [9:35:16](Interpretation) Thank you,
5 Madam President.

6 QUESTIONED BY MR FRANÇOIS-JACQUEMIN: (Interpretation) (Continuing)

7 Q. [9:35:20] Good morning, Mr Witness.

8 A. [9:35:23] Good morning.

9 Q. [9:35:26] I'd like to resume from where we left off yesterday and I'll begin with
10 a question about your arrival at Camp de Roux.

11 Were you registered when you got to Camp de Roux, Mr Witness?

12 PRESIDING JUDGE SAMBA: [9:35:49] Maybe before the witness answers -- maybe
13 before the witness answers, I'd want for all of us to know that we are in open session,
14 so we know.

15 Thank you very much.

16 Yes, Mr François-Jacquemin, please continue.

17 MR FRANÇOIS-JACQUEMIN: [9:36:09](Interpretation)

18 Q. [9:36:10] Don't give your identity or any information that could lead to your
19 identification. I'm just asking you when you got to Camp de Roux, did someone
20 register you or record your arrival?

21 A. [9:36:23] Thank you. I think that in my statement I said that when we got to
22 Camp de Roux, after 30 minutes, we were called and we were registered. It was the
23 staff of the court who did that.

24 Q. [9:36:56] Thank you, Mr Witness.

25 I'd like to read something out to you. This is from a statement given by a person

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1 who was heard -- or interviewed actually by the OTP. *This is tab 11.2, tab 11 for the
2 English version. CAR-OTP-2127-9728 and I'm at page... I beg your pardon, I
3 misspoke. CAR-OTP-2127-9537. I'm at page 9737. And here, it is said that the
4 detainees were led into a hallway where they were registered. Is that what you
5 remember Witness? Do you also remember going to a hallway for registration?

6 THE COURT OFFICER: [9:38:40] Could you please repeat the paragraph number
7 and page number, thank you.

8 MR FRANÇOIS-JACQUEMIN: [9:38:47](Interpretation) My apologies, paragraph 31.
9 I made a few changes when I read out that passage so as to avoid providing
10 identifying information. Basically, I said that the detained people were taken to
11 a hallway and they were registered.

12 This is not to be shown to the witness.

13 Q. [9:39:14] I am asking you whether you were registered in a hallway, in
14 a hallway when you got to Camp de Roux?

15 A. [9:39:24] Thank you.

16 As I said, we were taken to Camp de Roux. After we were beaten up, we were put
17 into a cell and then we were taken out 30 minutes after.

18 THE INTERPRETER: [9:39:46] Overlapping speakers.

19 MR FRANÇOIS-JACQUEMIN: [9:39:49](Interpretation)

20 Q. [9:39:49] Just answer my question.

21 A. [9:39:52] Yes. The staff of the court registered me. That's what I said.

22 Q. [9:40:02] Thank you.

23 Now did you see President Djotodia at Camp de Roux?

24 A. [9:40:16] Yes, I did see him.

25 Q. [9:40:23] Did people obey him?

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1 A. [9:40:35] Yes. They obeyed his orders.

2 Q. [9:40:43] Did you see Prosecutor Tolmo at Camp de Roux, Mr Witness?

3 A. [9:40:52] Indeed. He is the one who registered us.

4 Q. [9:40:59] Did people obey him?

5 A. [9:41:06] He came with a team and his team did everything that he said. They
6 worked in accordance with his orders.

7 Q. [9:41:23] Thank you, Mr Witness.

8 And when he asked for someone to be brought to him, would they bring the person
9 to him that he had requested?

10 A. [9:41:39] Yes. He registered one person and then the next person. We all
11 went one by one.

12 Q. [9:41:52] Could you tell me who was present in addition to Prosecutor Tolmo, as
13 best as you can remember, when people were being registered?

14 A. [9:42:06] Thank you.

15 There was a female magistrate, Yamathia, Mamia, she was present. Mamia was her
16 name.

17 Q. [9:42:29] Do you remember signing a document when you were with Prosecutor
18 Tolmo?

19 A. [9:42:35] Yes. We signed such a document after we were registered, yes.

20 Q. [9:42:49] Do you remember the information that you gave to Prosecutor Tolmo?
21 I would imagine he asked you questions and you gave answers. Do you remember
22 what you told him?

23 A. [9:43:08] No, I wasn't informed of that.

24 Q. [9:43:21] Thank you, Mr Witness. In addition to appearing before the
25 prosecutor, do you remember being interviewed by police officials at Camp de Roux?

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1 A. [9:43:34] One police officer who I saw with a uniform, no. There was just
2 Seleka elements at Camp de Roux.

3 Q. [9:44:01] Thank you.

4 I'd like to show you a document now.

5 It can't be shown to the public, but that's not a problem for the Court, and this is tab

6 17 on our list, CAR-OTP-2135-3192. And I'd like to show page 3194 and 3195 to the
7 witness.

8 Pages 3194 and 3195.

9 Now, as the Registry puts up the document on the screen, I will just tell you that this
10 is a document the Prosecutor found when carrying out investigations in Bangui. I'd
11 like to ask you to have a look at this document.

12 Now, don't say the name that you -- but tell me if you can make out the identity of the
13 person who was questioned on the document that is right in front of you up on the
14 screen.

15 MR FRANÇOIS-JACQUEMIN: [9:45:23](Interpretation) I have the impression that
16 the witness cannot see the document.

17 Q. [9:45:54] Can you see a name at the bottom, "My name is ..." and then a person's
18 identity is given?

19 A. [9:46:07] Yes, I see that. Yes, I can see it.

20 Q. [9:46:12] Thank you.

21 Now, without actually saying this name, could you tell us whether this is one of the
22 people with whom you were detained?

23 A. [9:46:30] Thank you. He was one of the 16 detained people, yes. That's him.

24 Q. [9:46:43] Thank you, Mr Witness.

25 Be careful not to say any names, your name or the name of any other people with

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1 whom you were.

2 Could we scroll up to the top of the document, please, court officer. Thank you very
3 much.

4 Now, Mr Witness, this document that you have before you is a police report that was
5 drawn up by Commissioner Emmanuel Bitho-Koyangozo on 6 July 2013, and this is
6 a report of an interview of your co-detainee and this was provided within the
7 framework of this case.

8 Do you remember being interviewed by a police officer and do you remember
9 a report like this one being drawn up?

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

11 Where we were -- when we were taken to the place where Tolmo was, there were 16
12 of us. Each one of us was interviewed, one after another, but as for myself, it was
13 Tolmo who interviewed me.

14 Q. [9:48:27] Thank you, sir. So the name Emmanuel Bitho-Koyangozo, that
15 doesn't ring a bell with you?

16 A. [9:48:45] I don't know that person. I don't know whether it's someone from the
17 police. I don't know.

18 Q. [9:49:04] And you, Mr Witness, did you sign a statement when you were
19 interviewed by Tolmo; is that correct?

20 A. [9:49:16] Thank you. All the statements that we gave, we were asked to sign
21 them and I signed my statement. Thank you.

22 Q. [9:49:33] Thank you, Mr Witness.

23 I'd like to show you another document and, once again, like before, don't say any
24 names. All right?

25 Tab 17 on our list. It can be shown to the witness, but not to the public.

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- 1 CAR-OTP-2135-3192. I'd like to begin with page 3197.
- 2 MR FRANÇOIS-JACQUEMIN: [9:50:36](Interpretation) Thank you, ma'am.
- 3 Q. [9:50:40] Now, do you see the date that is on this particular document?
- 4 A. [9:50:46] Yes, I can see it.
- 5 Q. [9:50:48] Can you give us this date that has been recorded and the person who
- 6 prepared this report.
- 7 A. [9:51:01] 10 July 2013. The name that appears here is Bitho-Koyangozo,
- 8 Emmanuel -- Bitho-Koyangozo, Emmanuel.
- 9 Q. [9:51:38] Thank you.
- 10 If we could scroll down, please.
- 11 Now, Mr Witness, without actually uttering the name, can you confirm that this is the
- 12 custody report of one of your co-detainees, yes or no?
- 13 A. [9:52:07] Yes.
- 14 PRESIDING JUDGE SAMBA: [9:52:15] Sorry, I mean, we note that it could be the
- 15 name, but let me listen to the Prosecutor.
- 16 MS SARDACHTI: [9:52:21](Interpretation) The wording seems to be a problem.
- 17 The witness is not in a position to confirm whether this is a custody report of this
- 18 person. You could ask him whether he recognises the name or whether the person
- 19 was arrested at the same time, that's all well and good, but I think there is a problem
- 20 with the way that this question has been phrased.
- 21 PRESIDING JUDGE SAMBA: [9:52:52] I do agree with the Prosecution. I mean the
- 22 name, yes, because we have seen it on other documents and the witness himself has
- 23 said that he was arrested with this person, but this document was prepared by some
- 24 other person. I don't think this witness is in a position to really fairly give an answer
- 25 to you.

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1 Yes, please put your question -- another question, maybe.

2 MR FRANÇOIS-JACQUEMIN: [9:53:18](Interpretation) Thank you.

3 I, too, agree with the Prosecution. I worded my question poorly.

4 Now, could we show the witness the next page. If we could move on to the
5 following pages, page 3198 and 3199. If we could keep on scrolling through the
6 document.

7 Q. [9:53:55] Now, Mr Witness, do you remember whether during your time in
8 custody -- previous page, please.

9 Thank you.

10 Do you remember signing a document like this one, Mr Witness, or the same kind of
11 document, a sort of a custody report? *Procès verbal de garde-à-vue* in French. Do you
12 remember signing a document like this one?

13 A. [9:54:50] Thank you. Just to make it clear what I said, so that the lawyer can
14 better understand what happened, I speak French, more or less. When we talk about
15 *garde-à-vue*, when people -- that means when people are kept outside the cell.

16 In contrast, we were being held inside cells at Camp de Roux. We were placed in
17 a cell, but we never stayed outside the cell.

18 So *garde-à-vue*, that refers to people who were people -- people who were being kept
19 outside a cell, but I was taken out of my cell, then immediately brought back. This
20 particular person -- whether {ICR: (Redacted)} was kept inside a cell or detained
21 outside a cell, I have no idea.

22 Q. [9:55:50] Thank you, Mr Witness.

23 Ones again, I'd like us to stay in open session if possible, so please don't say the name
24 of the person here.

25 Now, when you were transferred to the OCRB, was Prosecutor Tolmo present?

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1 A. [9:56:23] Thank you.

2 When we were put in the vehicles in the morning, I didn't see him. Two days in the
3 OCRB cell and then, after that, Prosecutor Tolmo came, along with a white person.
4 Thank you.

5 Q. [9:56:50] I'd like to read out something to you. This is the transcript from the
6 hearing of T-59, French version, page 26, line 26. And this was open session that day,
7 and I'll continue on to page -- page 27, line 1.

8 Now, Mr Witness, this is what was said:

9 "I remember..."

10 He was asked:

11 "So, Mr Witness, just to make sure that everything is clear for the record, can you
12 confirm your recollection that Tolmo was present at Camp de Roux and present when
13 you were transferred to the OCRB?"

14 And then the witness answered --

15 PRESIDING JUDGE SAMBA: [9:57:59] Yes, with respect to the document you now
16 refer to, T-59, is it?

17 Mr François-Jacquemin, I want to ask you a question. Could you -- yes.

18 T-59, is it this witness's testimony or some other person?

19 MR FRANÇOIS-JACQUEMIN: [9:58:27](Interpretation) It was another witness.

20 PRESIDING JUDGE SAMBA: [9:58:30] Okay. I just want the witness to know that.

21 And we have a message from the interpreters, Mr Witness: If you can talk a bit slow.

22 You are too fast and they are struggling to catch each word that you say. Please.

23 So just for -- for you to understand, the point counsel is now trying to make to you is

24 that something that somebody else said, it's not your own sayings. So he will put the

25 question and you will react to it. Thank you very much.

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1 Yes, Mr François-Jacquemin.

2 MR FRANÇOIS-JACQUEMIN: [9:59:12](Interpretation) Thank you,

3 Madam President.

4 Q. [9:59:20] Now, I read out to you just now the statement given by another
5 witness, T-59, French transcript, page 26, line 26 to page 27, line 1.

6 PRESIDING JUDGE SAMBA: [9:59:42] Okay. Okay, it's not the statement. I
7 think -- is it T-59? Is it a transcript, or it is what another person said to the Court, is it,
8 or is it a statement?

9 MR FRANÇOIS-JACQUEMIN: [9:59:56](Interpretation) It is testimony before the
10 Chamber during a hearing.

11 PRESIDING JUDGE SAMBA: [10:00:06] Okay, carry on, please. Yes.

12 MR FRANÇOIS-JACQUEMIN: [10:00:09](Interpretation) In the transcript, the
13 person states -- the witness says:

14 "I do remember..."

15 Question: "So, Mr Witness, so that the things are crystal clear in the records, so you
16 can confirm your recollection that Tolmo was present in Camp de Roux and present
17 when you were transferred to the OCRB?"

18 The answer: "Yes, I remember."

19 End of quote.

20 PRESIDING JUDGE SAMBA: [10:00:57] Yes, counsel for the Prosecution.

21 MS SARDACHTI: [10:01:02](Interpretation) To assist us, could you provide us with
22 that information? Could you perhaps give us the information and then we will also
23 look at the reference? Could you give us the pseudonym so that we can see what
24 happened before and after? Can you give us the pseudonym of that particular
25 witness, please?

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1 PRESIDING JUDGE SAMBA: [10:01:20] I think he referred to transcript T-59. I'm
2 sorry?

3 (Discussion between the Chamber and the court officer)

4 PRESIDING JUDGE SAMBA: [10:01:35] Witness 2263.

5 Yes, Mr François-Jacquemin, continue, please.

6 MR FRANÇOIS-JACQUEMIN: [10:01:53](Interpretation) Thank you,
7 Madam President.

8 Q. [10:01:55] Mr Witness, just having heard the testimony of somebody else, does
9 that jog your memory of things that perhaps you forgot?
10 Should I ask you the question again? At the actual moment of transfer from the
11 Camp de Roux to the OCRB, do you remember, or not, that there was Mr Tolmo
12 present?

13 A. [10:02:28] Thank you for that question. I repeat -- I repeat again, when we were
14 transferred in the morning, we were given instructions to get up into the vehicle that
15 was parked in the court. When we left and we were in the vehicle, I did not see
16 Alain Tolmo.

17 Q. [10:03:02] Thank you, Mr Witness.

18 I want to show you a document which we already showed you. It is tab 3 in our list
19 of material, CAR-OTP- -- it shouldn't be shown to the public. CAR-OTP-2130-8377.
20 Sorry, it's 2130-8379.

21 A. [10:04:24] I can't hear anything.

22 THE COURT OFFICER: [10:04:31](Interpretation) Must the document be shown to
23 the witness or not?

24 MR FRANÇOIS-JACQUEMIN: [10:04:38](Interpretation) Yes, please; show the
25 document to the witness.

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1 Thank you, court officer.

2 Q. [10:04:52] Mr Witness, do you recognise this document?

3 A. [10:04:55] Yes. I do recognise this document.

4 Q. [10:05:05] Thank you. You can see the date where it was deposited or lodged.

5 When was this document filed?

6 A. [10:05:35] 11 July 2013. 11 July 2013.

7 Q. [10:05:43] Thank you, Mr Witness. Do you remember the date when you
8 arrived at the OCRB?

9 A. [10:05:59] When -- once we were put in the cells in Camp de Roux and after that,
10 we were transferred to the OCRB. During the transfer, we'd had nothing on us.
11 We didn't have any mobile telephones or anything, so we couldn't know the precise
12 date or anything else. Thank you.

13 Q. [10:06:34] Fine. Thank you, Mr Witness.

14 It's the eighth day of your detention in Camp de Roux. That was the date when you
15 were transferred to the OCRB; is that correct?

16 A. [10:06:50] That is correct.

17 Q. [10:07:02] Thank you, Mr Witness.

18 Do you remember that you went to the high court during your time when you were
19 at the OCRB?

20 A. [10:07:28] Not once. Not a single time.

21 Q. [10:07:39] Thank you, Mr Witness.

22 Could your family have access to you when you were at the OCRB in order to bring
23 you things?

24 A. [10:07:56] Yes. I've already said my relatives visited me in the OCRB and
25 provided me with things to eat, and we could also talk only passing -- only briefly

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1 when I was in the OCRB.

2 Q. [10:08:23] Thank you, Mr Witness.

3 So if you like -- or let me put it this way, did the guards act as an intermediary
4 between you and your family during your time in detention in the OCRB?

5 A. [10:08:47] Yes, that's correct.

6 Q. [10:08:53] Thank you, Mr Witness. I've understood from your statement that
7 you could see from the OCRB, outside?

8 A. [10:09:06] Yes, yes. I could look outside from my cell in the OCRB. We had
9 a protective grille and we could look through that and see the outside.

10 THE INTERPRETER: [10:09:25] The Sango requests that this pause of five seconds
11 be respected, please, before answering a question.

12 MR FRANÇOIS-JACQUEMIN: [10:09:36](Interpretation)

13 Q. [10:09:36] I'm going to rephrase my question.

14 There's a message from the interpreters that you speak slowly, that you wait after my
15 question before answering. I understand that it's a bit frustrating, because you
16 understand what I'm saying in French, but you need to allow the interpreters to have
17 sufficient time to interpret what you are saying.

18 I'm going to put my question to you now.

19 I believe to have understood from your statement that your family, from the outside
20 of the OCRB, could see what was happening inside the OCRB; is that correct?

21 A. [10:10:23] Yes, that's correct. At that time, the OCRB wasn't fenced in, which
22 meant that relatives were in a position to see what was happening within the
23 compound of the OCRB.

24 Q. [10:10:58] Thank you, Mr Witness.

25 I want to go back to another point. You touched upon this in the hearing -- I think it

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1 was yesterday.

2 This is the transcript 87 in the French version. I'm going to read out page 6, line 14 to
3 line 26.

4 So, Mr Witness, I am going to read out what you said to the Court:

5 "Thank you. That person who was white accompanied the prosecutor. And
6 we -- we thought it was a journalist, because he started to ask us questions: How
7 many -- how much time did you spend? 16. Are you eating okay? Are you being
8 looked after?"

9 And you answered that -- you said that:

10 "It is our relatives who brought food to us and also who brought us medication.

11 According to the questions that were put to us, we thought it was a journalist because
12 he asked us about this young person and asked us what this young person was doing
13 there and whether it was possible to release him. He asked the prosecutor and the
14 prosecutor gave orders that he be released."

15 End of quote.

16 Is that correct? Do you remember saying that?

17 A. [10:12:43] Yes, that is what I said.

18 Q. [10:12:50] Thank you. So if I understand correctly, Prosecutor Tolmo
19 said because he's too young, he should be released. Is that correct?

20 A. [10:13:05] That's correct.

21 MS SARDACHTI: [10:13:11](Interpretation) The witness has answered, but I'd like
22 to stress as regards the phrasing, do not be leading or argumentative in the questions
23 you put to the witness.

24 PRESIDING JUDGE SAMBA: [10:13:24] Yes, but, counsel, leading questions are
25 allowed in cross, and this witness is good enough to answer questions put to him in

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1 that form. Leading questions are indeed allowed in cross.

2 Counsel, please continue, Mr François-Jacquemin.

3 MR FRANÇOIS-JACQUEMIN: [10:13:50](Interpretation) Thank you,

4 Madam President.

5 Q. [10:13:53] Was he released on that very day when Tolmo gave the instruction?

6 A. [10:14:03] He gave the order and he was released.

7 Q. [10:14:15] So if I understand correctly, the prosecutor, Tolmo, is at the OCRB,

8 gives the order to release an individual and that person is released from the OCRB; is

9 that what happened?

10 A. [10:14:31] Yes, that is correct. It's correct.

11 Q. [10:14:41] Could we say, Mr Witness, on the basis of your narrative, that on that

12 particular day, they followed the instructions of the prosecutor, Tolmo, at the OCRB?

13 PRESIDING JUDGE SAMBA: [10:14:56] With respect to the release of the child, yes,

14 and he has answered.

15 MR FRANÇOIS-JACQUEMIN: [10:15:20](Interpretation) Thank you,

16 Madam President.

17 Q. [10:15:23] Mr Witness, were you questioned at the OCRB?

18 A. [10:15:33] Thank you. The person who questioned me is that white person who

19 came and accompanied Mr Tolmo. Thank you.

20 Q. [10:15:51] Thank you, Mr Witness.

21 Do you remember at the OCRB, that -- do you remember your deferral at the end of

22 your custody at the OCRB?

23 A. [10:16:23] We weren't given any reasons why we were arrested. When we

24 arrived at the tribunal, they read out a leaflet, a tract, and told us that we were

25 detained because of that tract, that leaflet. But this was not mentioned at the OCRB.

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1 Q. [10:16:55] Thank you, Mr Witness.

2 I want to show you a document. It can be shown to the witness but not to the public.

3 It is 17.1. CAR-OTP-2135-3192. Page 3196.

4 Thank you, court officer.

5 Without mentioning the name, Mr Witness, do you recognise the name of the
6 co-detainee?

7 A. [10:17:48] Yes, that's his name.

8 Q. [10:17:51] Thank you. Could you tell us the date of this report?

9 A. [10:18:09] 11 July 2013.

10 Q. [10:18:19] Thank you very much, Mr Witness.

11 Can we scroll this document down a bit, please.

12 After having seen the identity of your co-detainee, it is written that you have been
13 accused of -- during the year 2013, in Bangui, where you have been for at least three
14 years, you have compromised public security and you have caused serious political
15 upheaval, provoked the hate of the government and infringed upon the rules and
16 laws, and I can't read the rest.

17 And below that, there is an answer, which is:

18 "I do not recognise these facts".

19 And the rest I won't read in public session.

20 Can you tell us the name who has signed this at the bottom on the right-hand side of
21 the document? Can you read the name?

22 A. [10:19:51] The name is, Nicole Mamia Yamathia. Magistrate. Nicole Yolande
23 Mamia Yamathia. Magistrate.

24 Q. [10:20:24] Thank you, Mr Witness. Can you see a signature on the left-hand
25 side of the document?

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1 A. [10:20:34] This is not my signature. I see a signature, but it's not mine.

2 Q. [10:20:42] That's correct. My question is as follows, Mr Witness: On 11 July, do
3 you remember that you signed a report that is similar in nature to this one?

4 PRESIDING JUDGE SAMBA: [10:21:03] Well, rather, do you remember whether you
5 signed this kind of a report on 11 July? Not do you remember that you signed. Do
6 you remember signing this kind of a report at all, if you remember?

7 THE WITNESS: [10:21:27](Interpretation) Thank you. After we were interviewed
8 in Camp de Roux, we were asked to sign a document. It was our statement which
9 we signed. But such a document -- I don't know whether I was heard, but I didn't
10 sign a document like this. But I know that in Camp de Roux, I did sign a statement.
11 Thank you.

12 MR FRANÇOIS-JACQUEMIN: [10:22:17](Interpretation)

13 Q. [10:22:20] Thank you, Mr Witness.

14 *Who told you that you would go from the OCRB to Ngaragba prison?

15 A. [10:23:02] Thank you. In the morning, we were told to get dressed, a vehicle
16 was going to come to take us to the Ngaragba prison. The person who told us that
17 was a Seleka element who was wearing military attire.

18 Q. [10:23:49] Thank you, Mr Witness.

19 I'm going to read out a passage from someone else, not you, as it was recounted and
20 collected by the OTP.

21 I'm at tab 14.1, on our list of materials, 14 in the English version. This is a witness
22 statement for the Prosecution, it is the statement of 2279. It is CAR-OTP-2127-9728,
23 page 9744, paragraph 81. This should not be shown to the witness, court officer,
24 please.

25 That particular person that was being heard, said:

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1 "The officer who questioned me ended the conversation by telling me that we would
2 be transferred to NGARAGBA."

3 End of quote.

4 You, sir, do you remember that an agent told you that you would be transferred to
5 Ngaragba?

6 PRESIDING JUDGE SAMBA: [10:25:53] Counsel, did you say paragraph -- did you
7 say paragraph 81 of that document, Mr François-Jacquemin?

8 MR FRANÇOIS-JACQUEMIN: [10:26:04](Interpretation) That is correct,
9 Madam President. It's the last sentence of that paragraph.

10 PRESIDING JUDGE SAMBA: [10:26:22] Okay, I've seen it.

11 MR FRANÇOIS-JACQUEMIN: [10:26:29](Interpretation) Thank you,
12 Madam President.

13 Q. [10:26:32] I'm going to put the question to you again, Mr Witness. Do you
14 remember that an agent informed you about your transfer to Ngaragba?

15 A. [10:26:47] Thank you. If the President allows me, I want to provide some
16 further information on what was said so that you can better understand what
17 happened. If you would grant me that permission to give you some additional
18 information, Madam President?

19 PRESIDING JUDGE SAMBA: [10:27:12] Please go ahead, Mr Witness.

20 THE WITNESS: [10:27:17](Interpretation) Thank you.

21 I'm going back to what was said so that counsel can fully understand. In my
22 statement, I repeat, each of us were stopped and arrested in different places.

23 Secondly, we were at the OCRB to go to the Ngaragba prison. That's what I saw and
24 what I did, because I solemnly promised to say the truth, nothing but the truth, and
25 the whole truth.

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1 What I saw at the OCRB, they asked us to get dressed in the morning. We got
2 dressed. A soldier of the OCRB told us - this is not what I heard, this is what I
3 saw - that we were going to be transferred to OCRB. I didn't see any officer. I can't
4 tell a lie about that.

5 MR FRANÇOIS-JACQUEMIN: [10:28:39](Interpretation)

6 Q. [10:28:42] Thank you, Mr Witness. To be clear, I'm not asking you to lie, I'm
7 really not. I'm just asking questions based on what you said and what I see in the
8 documentation.

9 You don't have to say the same thing that another -- another element which I give you.

10 It is your testimony which is of interest to us.

11 Right now, I'd like to ask you a question about the time you spent in Ngaragba and
12 your trip to the tribunal.

13 PRESIDING JUDGE SAMBA: [10:29:18] Yes. Is it for a correction of the records
14 that you're up, Madam Prosecutor?

15 MS SARDACHTI: [10:29:29](Interpretation) It's vis-à-vis a reaction. I see the term
16 "provisional detention" that was used, and I didn't hear this in the statement of the
17 witness, and I didn't read this in the declaration either, the statement. So why use
18 that particular term? *Well, I do not believe that it has been established that there
19 was any provisional detention, at least as far as this witness is concerned.

20 So I would like the question to be reformulated.

21 PRESIDING JUDGE SAMBA: [10:30:03] In the -- I don't know where you saw
22 "provisional detention"? I'm not seeing it in the English transcript.

23 The point I wanted to make, though, was in respect of the transfer that the witness
24 just testified to. My understanding is that, you know, it was a transfer from the
25 OCRB to Ngaragba prison, and not a transfer to the OCRB.

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1 That's the point I wanted to make for it to be on the record. But,
2 Mr François-Jacquemin, going back to the Prosecutor's concern, did you use the
3 words "provisional detention"?
4 MR FRANÇOIS-JACQUEMIN: [10:30:58](Interpretation) Yes, I did make mention of
5 provisional detention for three reasons, your Honour:
6 First of all, I can lead my witness; secondly, the code of criminal procedure in the
7 CAR, as is the case with the French criminal code of procedure, both state that people
8 are -- can be kept in provisional detention and I believe we have taken sufficient time
9 in this courtroom with this event to bring various elements from the criminal
10 code -- the code of criminal procedure, and I was of the view that it was not necessary
11 to go through that particular step.
12 But, if necessary, I can take out my copy of the code of criminal procedure of the
13 Central African Republic.
14 PRESIDING JUDGE SAMBA: [10:32:03] Yes, but what we're going to do, is, you
15 know, when it comes to the law, we all could deal with it, but let's get the raw
16 testimony of the witness. If not, we might confuse him. If we use legal jargon, he is
17 not going to understand what you're trying to say.
18 "Provisional detention", you might understand, I might understand, but let's get his
19 testimony as he uses it. Thank you. I hope that helps, and I hope we can move
20 forward with the real testimony of this witness. Thank you.
21 MR FRANÇOIS-JACQUEMIN: [10:32:46](Interpretation) Thank you, your Honour.
22 Q. [10:32:49] Mr Witness, how many times did you go to the high court during
23 your detention?
24 A. [10:33:01] Thank you for your question.
25 When we were transferred to Ngaragba, from the prison to the tribunal, I said in my

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1 statement that we were brought before the tribunal several times, after several delays
2 and postponements. So, you see, we were taken there several times.

3 One day, the hearing was held and we were heard. After several postponements,
4 you see, it was not possible to remember the -- to go back to the exact date.

5 Q. [10:33:54] Thank you.

6 Now, if we count the various postponements, how many times did you go to the
7 tribunal to the best of your recollection, in all?

8 A. [10:34:12] Thank you. More than four times. I repeat: More than four times.
9 Thank you.

10 Q. [10:34:29] Thank you, Mr Witness.

11 Were the lawyers there each time?

12 A. [10:34:40] Thank you.

13 The lawyers weren't always present during these introductions before the court, but
14 the ones who agreed to defend our case, I think there were five, sometimes five would
15 come, sometimes three would come, depending on their various professional
16 activities.

17 They didn't all come at the same time.

18 Thank you.

19 Q. [10:35:35] Thank you, Mr Witness.

20 Do you remember who was the prosecutor during your trial?

21 A. [10:35:42] Thank you.

22 Nicole Yolande Mamia Yamathia, magistrate. It was her. She was the one who was
23 the prosecutor in the case concerning myself. Thank you.

24 Q. [10:36:20] Thank you, Mr Witness.

25 Yesterday, you gave us the name of the five lawyers who were present. Now of

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1 these five lawyers, were they defending you or just some of them -- or was it just
2 some of them who were defending you?

3 A. [10:36:43] Thank you. I didn't have enough money to pay for a lawyer to
4 defend me personally. The lawyers formed a team to defend the case of me and all
5 my co-detainees, since it was the same charges against all of us. Amongst these
6 lawyers who were defending all of us, me and all my co-detainees, there was {ICR:
7 (Redacted). }

8 Q. [10:37:33] Thank you, Mr Witness.

9 MR FRANÇOIS-JACQUEMIN: [10:37:42](Interpretation), your Honour would it be
10 possible for us to go into private session?

11 PRESIDING JUDGE SAMBA: [10:37:50] Certainly, counsel.

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

13 (Private session at 10.37 a.m.)

14 THE COURT OFFICER: [10:38:00] We are in private session, Madam President.

15 PRESIDING JUDGE SAMBA: [10:38:05] Thank you.

16 Mr François-Jacquemin, please continue.

17 MR FRANÇOIS-JACQUEMIN: [10:38:10](Interpretation) Thank you, your Honour.

18 Q. [10:38:15] How did you contact the lawyers, Mr Witness?

19 A. [10:38:21] Thank you.

20 I was saying that when we were at the Ngaragba prison, we were allowed to leave the
21 cell for up to four hours. We would go to the waiting room awaiting visits from our
22 relatives, so we could get the food that they had brought us.

23 Now, amongst our relatives who would come, I met (Redacted), and the relatives of
24 some of the detainees who were with us contacted other lawyers. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:39:54] Thank you. And (Redacted), did he explain to you what you had
5 been charged with?

6 A. [10:40:06] Thank you. I repeat: In my statement, I said - and I'll say it once
7 again - the charges against me were revealed by the president of the court after
8 reading out -- after reading the leaflet. The lawyer asked me, but he said nothing.

9 Q. [10:40:39] Thank you.

10 Court officer, could we please have a look at tab 2 on our list.

11 PRESIDING JUDGE SAMBA: [10:40:49] Yes, Mr Witness --

12 MR FRANÇOIS-JACQUEMIN: [10:40:52](Interpretation)

13 Q. [10:40:54] Tab 2.

14 PRESIDING JUDGE SAMBA: [10:40:55] Yes, Mr Witness, can I hear you? Yes, go
15 ahead.

16 THE WITNESS: [10:41:02](Interpretation) I would like to stretch my legs, if I could,
17 Madam President.

18 PRESIDING JUDGE SAMBA: [10:41:14] Certainly.

19 Mr Court Officer, can you assist him to get on his legs.

20 We will wait for you, Mr Witness.

21 (Pause in proceedings)

22 PRESIDING JUDGE SAMBA: [10:42:32] Thank you very much.

23 Mr François-Jacquemin, we are still in private session, so continue.

24 MR FRANÇOIS-JACQUEMIN: [10:42:43](Interpretation) Thank you, your Honour.

25 Court officer, could you show our witness tab 2 from our list. Thank you very much.

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1 Q. [10:42:51] Now, Mr Witness, did you prepare this document?

2 A. [10:43:01] Yes, indeed. I wrote it.

3 Q. [10:43:09] Thank you very much.

4 Where did you prepare this document?

5 A. [10:43:17] Thank you.

6 I wrote it when I was at the Ngaragba prison.

7 Q. [10:43:26] Thank you, Mr Witness.

8 We can see that there's something missing at the top, something seems to be missing.

9 If there's something missing, do you know what it might be and could you tell us
10 what it could be?

11 A. [10:43:45] (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:44:17] Thank you, Mr Witness.

15 How did you get this paper to write on at the Ngaragba prison?

16 A. [10:44:27] Thank you.

17 Our relatives would visit us at the prison, and after asking for permission from the
18 warden of the Ngaragba prison, well, I asked if I could buy a pen and paper. After
19 receiving permission, I asked my relatives to buy a pen for me and some sheets of
20 paper, and that is how I was able to draft this document. Thank you.

21 Q. [10:45:15] Thank you, Mr Witness. One pen or several pens; do you
22 remember?

23 A. [10:45:22] Thank you.

24 I asked my relatives to buy some blue pens, some red pens and some black pens and,
25 so, that's how I was able to draft this document. Thank you.

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1 Q. [10:45:52] Thank you, Mr Witness.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

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11 (Redacted)

12 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:47:42] Thank you very much, Mr Witness.

19 I would like to ask if the witness could be shown item number 5 on our list,

20 CAR-OTP-2091-0041, tab 5. And if we could begin with page 0041. Thank you.

21 Could we scroll to the very top, please. Thank you very much.

22 Just a moment, Mr Witness.

23 Now, Mr Witness -- Mr Witness, the money to pay the lawyer, how was the money

24 actually given to the lawyer?

25 A. [10:48:41] Thank you.

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- 15 PRESIDING JUDGE SAMBA: [11:02:54] Mr François-Jacquemin, I'm sorry, we'll
- 16 have to end with the witness's testimony now.
- 17 I'm going to ask Carine to get us into open session.
- 18 (Open session at 11.03 a.m.)
- 19 THE COURT OFFICER: [11:03:21] We are back to open session, Madam President.
- 20 PRESIDING JUDGE SAMBA: [11:03:23] Thank you very much.
- 21 Now, Mr Witness, we are sorry, we are going to end your testimony here now for
- 22 today.
- 23 And I'm going to ask that you do not discuss your testimony with anyone when you
- 24 leave this courtroom, and to remind you that you'll still be on oath till we meet again
- 25 tomorrow, at 9.30.

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- 1 I rise the Court for 9.30 for tomorrow, please.
- 2 THE COURT USHER: [11:04:03] All rise.
- 3 (The hearing ends in open session at 11.04 a.m.)