

Trial Hearing
WITNESS: CAR-OTP-P-0481

(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 Thursday, 23 May 2024
9 (The hearing starts in open session at 9.37 a.m.)
10 THE COURT USHER: [9:37:19] All rise. The International Criminal Court is now
11 in session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:37:30] Good morning, everyone.
13 Madam Court Officer, could you kindly mention the case, please.
14 THE COURT OFFICER: [9:37:47] Good morning, Madam President, your Honours.
15 This is the situation in the Central African Republic II in the case of the Prosecutor v.
16 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
17 And we are in open session
18 PRESIDING JUDGE SAMBA: [9:37:58] Thank you very much.
19 Can I have your representation, beginning with the Prosecution, please.
20 MS MAKWAIA: [9:38:04] Good morning, Madam President, your Honours. For
21 the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer; Thomas
22 Bifwoli, Sanyu Ndagire, Alessia Vitiello and Mamadou Fofana, our intern.
23 Thank you.
24 PRESIDING JUDGE SAMBA: [9:38:18] Thank you very much.
25 Ms Pellet for the victims, please.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Open Session)

ICC-01/14-01/21

1 MS PELLET: [9:38:23](Interpretation) Thank you, your Honour. The victims are
2 represented by Caroline Walter and myself, Sarah Pellet, from the Office of the Public
3 Counsel for Victims, OPCV.

4 PRESIDING JUDGE SAMBA: [9:38:37] Thank you very much.

5 Ms Naouri for the Defence, please.

6 MS NAOURI: [9:38:41](Interpretation) Thank you, your Honour. Good morning.

7 To my right, I have Counsel Jacobs; to his right, is Léa Allix, and behind me we have
8 got Enora Perrot. I am Jennifer Naouri, lead counsel for Mr Said.

9 PRESIDING JUDGE SAMBA: [9:38:57] Thank you very much, Ms Naouri.

10 And for the record, I note that Mr Said is in Court with us.

11 Mr Said, a very good morning to you. I hope I see you well.

12 MR SAID: [9:39:09](Interpretation) Good morning, your Honours.

13 PRESIDING JUDGE SAMBA: [9:39:16] Good morning, Mr Witness. I hope you
14 had a restful night. Can you hear me?

15 WITNESS: CAR-OTP-P-0481 (On former oath)

16 (The witness speaks Sango)

17 (The witness gives evidence via video link)

18 THE WITNESS: [9:39:29](Interpretation) Yes, I had a restful night, and I can hear
19 you well.

20 PRESIDING JUDGE SAMBA: [9:39:39] Good. Now we are going to continue with
21 your testimony in chief, and I wish to remind you that you are still on oath to tell the
22 truth to this Court.

23 Madam Prosecutor, your witness, please.

24 We are in open session.

25 MS MAKWAIA: [9:39:58] Thank you, Madam President, your Honours.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 QUESTIONED BY MS MAKWAIA: (Continuing)

2 Q. [9:40:00] Good morning, Mr Witness.

3 A. [9:40:12] Good morning, counsel.

4 Q. [9:40:13] So I shall continue with the leading of the evidence-in-chief.

5 MS MAKWAIA: [9:40:16] And your Honours, with your leave, can I briefly go into
6 private session.

7 PRESIDING JUDGE SAMBA: [9:40:25] Madam Court Officer, can we briefly go into
8 private session, please.

9 (Private session at 9.40 a.m.)

10 THE COURT OFFICER: [9:40:35] We are in private session, Madam President.

11 PRESIDING JUDGE SAMBA: [9:40:49] Thank you very much.

12 Ms Makwaia, please, your witness.

13 MS MAKWAIA: [9:40:57]

14 Q. [9:40:57] Mr Witness, during the course of your evidence yesterday --

15 A. [9:40:58] (No interpretation)

16 MS MAKWAIA: [09:41] I heard he said something.

17 PRESIDING JUDGE SAMBA: [9:41:21] Do you want to say something, Mr Witness?

18 THE WITNESS: [9:41:30](Interpretation) No. The sound is not of optimal quality
19 and that's why I sign -- I made a sign and asked my assistant to help me out with it.

20 PRESIDING JUDGE SAMBA: [9:41:47] Sorry about that.

21 Madam Prosecutor, can you carry on with your questions, please, in chief.

22 MS MAKWAIA: [9:41:58]

23 Q. [9:41:58] Okay, Mr Witness. During the course of your testimony yesterday,
24 you narrated to the Chamber that your house was occupied by the Seleka; do you
25 recall that?

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 A. [9:42:10] Yes, I do remember that very well.

2 Q. [9:42:20] And when you went back to your country, after coming back from the
3 Congo, DRC, did you make any complaints?

4 A. [9:42:39] Yes, I did file two complaints.

5 Q. [9:42:51] And what was the nature of these complaints, witness? Let's start
6 with the first one.

7 A. [9:43:05] My prime concern was as follows, with the judicial authorities: The
8 Seleka mistreated my mother until she died. Now, this was perpetrated by Mr Said,
9 Aroun alias * Djamdjia-Go Nsuzugokoinazo. And my second complaint was against
10 Nouredine Adam, who subjected me to torture at the OCRB facility.

11 Q. [9:44:04] Okay, witness, shall we start with the one with respect to your mother.
12 Do you recall where she was killed?

13 A. [9:44:25] She was arrested in (Redacted), the head of this district
14 was called (Redacted).

15 Q. [9:44:43] And how did you come to know that it was the Seleka who killed your
16 mother?

17 * A. [9:45:01] Mr Said Aroun Djamdjia-Go, on Nouredine's instruction, came to
18 (Redacted) for investigations on Muslims residing there. He sent a Muslim to check
19 on my mother and ask her if her son who escaped from jail was with -- him. She
20 said that "You've made him suffer a lot, and I don't know where his whereabouts are".
21 So, all I know was Said went to (Redacted) and that is where -- that is how I was
22 abreast of the situation.

23 MS MAKWAIA: [9:46:02] Your Honours, with your leave, can I have displayed at
24 tab 11, CAR-OTP-2018-0566, the document before the witness, annex J.

25 PRESIDING JUDGE SAMBA: [9:46:39] Yes, we will get to that, but counsel, just to

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 let you know, as I'm sure you know, that your question actually was not answered.

2 MS MAKWAIA: [9:46:54] I'll retake that. Thank you, Madam President.

3 Q. [9:46:58] Mr Witness, can you -- and thank you for your previous answer, but
4 the specific question was, how did you come to know that your mother had been
5 killed by the Seleka? Can you please answer that question.

6 A. [9:47:17] To the best of my knowledge, when they came to (Redacted), they sent
7 young Muslims to my mother to inquire about me at night. My mother told them
8 that I wasn't there. And once they came to my mother's house, my mother was
9 arrested. She was beaten up.
10 My mother is well known in (Redacted). I spent my childhood in (Redacted) and I
11 know that it's the soldiers who were under the command of Aroun Said who arrested
12 my mother and beat her to death.

13 PRESIDING JUDGE SAMBA: [9:48:17] Mr Witness, did you see this arrest? Were
14 you present? No, I suppose?

15 THE WITNESS: [9:48:28](Interpretation) As I told you, once I escaped from jail, I
16 crossed the river and my younger brother, (Redacted), who was just living behind my
17 house was the one providing me with all this information.

18 PRESIDING JUDGE SAMBA: [9:49:08] Thank you very much, Mr Witness.

19 Carry on, Madam Prosecutor

20 MS MAKWAIA: [9:49:16] Thank you very much, Mr Witness.

21 Q. [9:49:18] Witness, I had requested with the assistance of the court officer to have
22 displayed the document at tab 11.

23 THE COURT OFFICER: [9:49:29] Evidence channel 1 is ready.

24 MS MAKWAIA: [9:49:38]

25 Q. [9:49:48] Mr Witness, you now have before you a document -- displayed on the

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 screen a document, can you see that?

2 A. [9:49:58] Yes, I can see the document.

3 MS MAKWAIA: [9:50:04] Can I please have the whole document shown to him.

4 Q. [9:50:07] I'll give you a moment to look at this document, Mr Witness, and then
5 I'll just confirm a few things, okay?

6 Now we see a signature at the bottom of this document, can you tell the Court whose
7 signature this is?

8 A. [9:50:49] This is my signature.

9 MS MAKWAIA: [9:50:59] Can I have the whole document displayed again.

10 Q. [9:51:03] Thank you, witness.

11 Can you -- can you read the date of the document, witness? Can you see it?

12 A. [9:51:33] It was the * 5th of April 2015, this is what springs to my mind.

13 Q. [9:51:49] Now, I'm -- there's a date, if you can see it, or I can read it and then you
14 can confirm it. Can you see it in the upper right? That's it. Okay, so there is
15 a date there, it says Bangui, the 5th of September 2014. Can you see that?

16 A. [9:52:16] Yes. I can see 2014, the date is a bit in -- it is illegible, but I can read
17 September 2014, but the whole date is illegible.

18 Q. [9:52:41] All right, witness. And this document we see is addressed to the
19 President of the *Commission Mixte d'Enquête au Ministère de la Justice Garde des Sceaux*
20 *chargé de la Réforme Judiciaire Bangui*; correct?

21 A. [9:53:03] That is exactly it.

22 Q. [9:53:15] This is a document from you, as you described to the Court, describing
23 your complaint with respect to the killing of your mother; is that correct, witness?

24 Can I have the full document displayed, please.

25 PRESIDING JUDGE SAMBA: [9:53:30] Yes, Mr Jacobs, I see you standing.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [9:53:36](Interpretation) Objection. He should request -- she should
2 ask the witness what document is it, instead of telling the witness the nature of the
3 document. That's leading.

4 MS MAKWAIA: [9:53:54] Your Honour, the witness has already described having
5 written a complaint -- two complaints, in fact, he testified to having issued or lodged,
6 and he said one of them was with respect to the killing of his mother. So it's already
7 on record.

8 PRESIDING JUDGE SAMBA: [9:54:14] Yes, of which the witness can say that this
9 document is in respect of that testimony. So the objection is upheld.
10 Please put the question again for the witness so that we get clarity on the record. He
11 can tell us what he had just said, this document is in respect of that; otherwise it's
12 leading. Thank you.

13 MS MAKWAIA: [9:54:32]

14 Q. [9:54:33] Mr Witness, sir, you have a document before you. Now, can you tell
15 the Court what this document is about and if you need to read it, you can also read it
16 loudly.

17 PRESIDING JUDGE SAMBA: [9:54:53] Mr Witness, can you see? Is it legible
18 enough for you to read it? Is it -- is it clear, the document before you?

19 THE WITNESS: [9:55:08](Interpretation) It's not really that clear. I can't read it, but
20 I remember the content of the complaint. I do recall the details of the -- of the
21 complaint and I don't necessarily have to read it.

22 MS MAKWAIA: [9:55:38]

23 Q. [9:55:38] All right. Then, Mr Witness, can you tell the Court what are the
24 contents of this document?

25 MS MAKWAIA: [9:55:45] And perhaps it can be zoomed, Madam President,

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 because even I can't read it at this small font.

2 Q. [9:56:05] Is that better for you, Mr Witness?

3 A. [9:56:07] Yes, it is indeed legible.

4 Q. [9:56:18] Since you told the Court you remember the contents, can you tell the
5 Court what are the contents of this complaint that you lodged?

6 A. [9:56:40] First of all, this is a complaint that was directed at Nouredine Adam, the
7 complaint filed against him. The first point was that I humbly would like to file a complaint
8 against -- which is on * an illegal arrest that was done by Nouredine Adam in the area
9 (Redacted), with nine elements from Seleka who were armed.

10 They came on a double-pickup truck that was green in colour. They arrested me and
11 they led me to the Ledger Plaza Hotel at around 6 in the evening. At around 6.30 in
12 the evening, Mr Nouredine Adam saw me from his car, and, after five minutes, he
13 instructed that I be transferred to the OCRB around 7 in the evening.

14 PRESIDING JUDGE SAMBA: [9:58:28] Sorry, Madam Prosecutor, can you guide
15 your witness. I think we are getting -- can you guide the witness. We are getting
16 the testimony all over again that he gave yesterday. As you're dealing with this
17 document, guide him so that he knows what he should say.

18 MS MAKWAIA: [9:58:45]

19 Q. [9:58:45] Mr Witness, and with the assistance of the court officer, I would like
20 you to focus your mind to the bottom part of this document.

21 If it can be scrolled down a bit. Again.

22 (Counsel confers)

23 PRESIDING JUDGE SAMBA: [9:59:13] Your microphone is on, counsel.

24 (Counsel confers)

25 MS MAKWAIA: [9:59:47] It's got multiple contents, your Honours. We're just

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 trying to locate the exact page. As we do that, I will move to another area,
2 your Honours, and we will come back to this.

3 Q. [10:00:02] Apologies, Mr Witness, I'll come back to this. But just to conclude, so
4 you got the information about your mother's killing from your brother. That was
5 your testimony; correct?

6 A. [10:00:16] Yes, that is correct.

7 PRESIDING JUDGE SAMBA: [10:00:27] If -- I think the same document, if you are
8 dealing with his mother's killing, the same document you are looking at --

9 MS MAKWAIA: [10:00:40] Okay, actually, it's correct, your Honours, "*Après ma*
10 *fuite*". There it is.

11 Q. [10:00:49] Sorry, Mr Witness, we've got the correct version. I would now like to
12 direct you to the last paragraph starting, "*Après ma fuite*". Can you see that?

13 A. [10:01:16] Yes, I can see it.

14 Q. [10:01:18] Okay. So is this where you...

15 Tell the Court what it is that's written, just read this paragraph.

16 A. [10:01:38] Thank you.

17 Q. [10:01:41] Okay, Mr Witness, let me guide you back -- let me guide you back.

18 A. [10:01:45] I thank the Court.

19 Q. [10:01:48] You say -- can you start reading:

20 "*Après ma fuite*, Mr Nouradine ADAM [...]".

21 Can you see that paragraph just before the last one?

22 A. [10:02:05] Yes, I can see it.

23 Q. [10:02:11] So is this where -- what are you describing there in this complaint?

24 What are you saying?

25 A. [10:02:21] What I am saying here is that after I escaped, Mr Nouredine Adam

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 sent some Seleka elements to (Redacted) which is to (Redacted) prefecture. He sent
2 them to assassinate my mother, whose name is...

3 Q. [10:02:43] (Microphones overlapping) Can you give us the name, please.

4 A. [10:02:45] And who had 10 children on the (Redacted).

5 Q. [10:02:59] So, Mr Witness --

6 A. [10:03:00] I want to thank the authorities upfront for answering or responding to
7 this complaint. Thank you.

8 Q. [10:03:15] All right, Mr Witness, thank you.

9 Can you tell the Court the name of your mother, please?

10 A. [10:03:30] My mother's name is (Redacted).

11 Q. [10:03:41] And how old was she?

12 A. [10:03:46] My mother was around 70 or 80 years old, or thereabouts.

13 Q. [10:03:58] And what was her occupation?

14 A. [10:04:04] My mother was a seller and a farmer.

15 Q. [10:04:18] Now, Mr Witness, did you meet myself and another member of the
16 Prosecution team here virtually on 13 May 2024; do you recall that?

17 A. [10:04:39] The meeting you are referring to, which country did it take place in?

18 Q. [10:04:57] No. We had a preparation session where you were given the
19 opportunity to read back your statement virtually, just like this. Do you remember
20 that?

21 A. [10:05:13] Yes, I do remember.

22 Q. [10:05:21] And do you recall during this session, you made a change to the date
23 when --

24 PRESIDING JUDGE SAMBA: [10:05:36] Yes, Mr Jacobs.

25 MR JACOBS: [10:05:38](Interpretation) We have a series of leading questions, and

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 counsel is already reminding -- counsel -- that he made some corrections.

2 So the right question should be to find out whether he actually made any corrections.

3 Thank you, Madam President.

4 PRESIDING JUDGE SAMBA: [10:06:05] Thank you.

5 Madam Prosecutor, can you rephrase, please.

6 MS MAKWAIA: [10:06:11]

7 Q. [10:06:12] Mr Witness, do you remember when -- which month your mother was
8 killed?

9 A. [10:06:17] My mother was killed on (Redacted). At that time I
10 was in Bandi in the DRC, and, maybe one week or two days thereafter, my wife called
11 me to tell me that my mother had been struck and that she died subsequently in
12 (Redacted). So I made a correction, and the first correction was in relation to the
13 unrest where reference was made to (Redacted), and the humanitarian organisations
14 had conducted burials in a mass grave and mention was made of the month of
15 (Redacted). And the Red Cross also mentioned that the date was in (Redacted). That's
16 what they told me.

17 Q. [10:07:31] Thank you, Mr Witness.

18 MS MAKWAIA: [10:07:33] Your Honour, I would like to formally submit annex J at
19 tab 11, CAR-OTP-2018-0566 with your leave.

20 PRESIDING JUDGE SAMBA: [10:07:57] Granted.

21 Carry on, counsel.

22 MS MAKWAIA: [10:08:00]

23 Q. [10:08:01] Now, Mr Witness, you stated earlier that another complaint was with
24 respect to the looting of your house; do you remember that?

25 A. [10:08:23] Yes, I have a clear recollection of that.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 MR JACOBS: [10:08:47](Interpretation) I'm sorry, your Honours, I do not believe
2 that this morning the witness talked about looting. He simply said he had filed two
3 complaints, one about his mother and the other about what happened to him at the
4 OCRB. So I don't know if my learned colleague can lead us to a point to cross-check
5 this, but I don't remember that he mentioned anything about looting,
6 Madam President.

7 PRESIDING JUDGE SAMBA: [10:09:14] He spoke about looting of his house
8 yesterday I think.

9 Madam Prosecutor?

10 MS MAKWAIA: [10:09:21] That's correct. He gave a narrative with respect to his
11 house, including that the Seleka were occupying it. But I will put additional
12 questions, your Honours.

13 Q. [10:09:40] So Mr Witness, the other complaint that you filed, can you just
14 elaborate a bit more, what was this about?

15 A. [10:09:54] The complaint was in relation to my house, which had been taken
16 over by the rebels. General Namboro was in charge of those elements. They ruined
17 my property, and I don't know whether you can see in a document what transpired.
18 I, however, drafted a document relating to my property that was destroyed.

19 Q. [10:10:48] Can you spell for the record the name of the general that you gave?

20 A. [10:10:57] Namboro, N-O -- I'm sorry, N-B-O-R-O. General Namboro.

21 Q. [10:11:29] And if you know, to whom did he report?

22 A. [10:11:36] He was under Nouredine Adam's authority.

23 Q. [10:11:58] So, Mr Witness, as -- can you tell us what comprised this complaint?
24 What documentation accompanied the complaint, if any?

25 A. [10:12:15] Yes. In the complaint which I filed, * Mr Baidou Gérard appended

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 some documents to my complaint and there was also the document on my release. I
2 put all those documents together with my complaint.

3 Q. [10:12:57] Can I have displayed for the witness, your Honours, at tab 10, annex I,
4 to his statement, CAR-OTP-2018-0560.

5 Mr Witness, what do we see at the moment on the screen?

6 A. [10:13:48] What I see is the following: "File No. 520"

7 Q. [10:13:50] Can we please go to the next --

8 A. [10:13:51] And then I see my name, (Redacted).

9 Q. [10:14:24] Can I have the witness shown the next page, please.

10 Now, Mr Witness, to the left, whose name do we see on the document?

11 A. [10:14:52] That is my name, and the document also mentions the location at
12 which I worked, from what I can see. I also note that this is a letter that was sent
13 to -- to the court at which I was. That's the date on which I drafted the document,
14 and there is also the date on which the document was received at the court.

15 Q. [10:15:44] So which document did you draft the -- which date did you draft the
16 document, since you've given us two dates as we see on this page? Or, on upper
17 right, we see --

18 A. [10:16:12] It was drafted in Bangui on 31 August 2014.

19 Q. [10:16:22] (Overlapping microphones) And to whom is it addressed,
20 Mr Witness?

21 PRESIDING JUDGE SAMBA: [10:16:31] Can you put your (Overlapping
22 microphones)

23 THE WITNESS: [10:16:35](Interpretation) I sent this document to the president of
24 the joint investigations commission at the ministry of justice, keeper of the seals.

25 MS MAKWAIA: [10:16:55] Can I have the document -- can you scroll down a little

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 bit so he can have the content of the document.

2 Q. [10:17:09] And, Mr Witness, can you tell the Court, even in summary form

3 because I will seek to have it admitted, what are the contents of this document?

4 What exactly were you complaining about? The basis of this complaint or plaint?

5 A. [10:17:36] I saw *Mr Baidou Gérard, who was a bailiff, and I authorised him to

6 take note of all the items that are listed in the document. And he validated the fact

7 that all this property had disappeared, and that is why I included them in my

8 complaint to the courts in my country.

9 MS MAKWAIA: [10:18:22] Can I have -- can you scroll again to the end of the

10 document, please.

11 Q. [10:18:30] And what are all these figures we see here? That you've listed

12 different things. What is this, Mr Witness?

13 A. [10:18:39] Those figures reflect the pecuniary value of the property that was

14 looted by the Seleka. I drew up this list and appended it to my complaint. Bailiff *

15 Baidou Gérard proceeded to an assessment and I, myself, I was aware of the value of

16 my property. I was in detention, but I had the receipts pertaining to this property

17 and that is how I made an assessment to be able to determine the value of the

18 property that was so plundered.

19 MS MAKWAIA: [10:19:47] If we can please go to the next page, Madam Court

20 Officer.

21 Q. [10:20:03] And what is this that is -- what is this, Mr Witness? What are these

22 photographs?

23 A. [10:20:19] That was my residence at (Redacted). It is the same house which had

24 become a Seleka camp.

25 Q. [10:20:56] Did you subsequently repossess this property, Mr Witness? And if

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 yes, when?

2 A. [10:21:03] To this very day, as I speak to you, I have not retaken possession of
3 my home.

4 Q. [10:21:23] And have you been paid any damage with respect to the enumerated
5 property in this complaint? Have you been paid any compensation?

6 A. [10:21:49] No, I haven't received anything.

7 MS MAKWAIA: [10:22:04] If we can go to the next page, your Honours.

8 Q. [10:22:20] And what do we see here, Mr Witness?

9 A. [10:22:31] That was indeed the vehicle I used for farming. It was parked in the
10 garage and it was destroyed, as you can see.

11 Q. [10:23:03] Can we go to the next page.

12 And what is depicted on this photograph, witness?

13 A. [10:23:14] This is a photograph of my house whose roof was vandalised.

14 Q. [10:23:35] Did you get information when and by whom it was vandalised,
15 Mr Witness?

16 A. [10:23:44] When they came to power on 24 March in Bangui, there was chaos.
17 Well, those who came initially were mercenaries who had come in and taken away
18 some property. Later on, the inhabitants of the neighbourhood also came in and
19 took away some items, going by the information I received.

20 So what I can summarise is that the Seleka took out a lot of property while they
21 occupied the area for three to four days or so, and then, thereafter, it was the local
22 population that went on to loot as well.

23 Q. [10:25:10] Thank you, witness.

24 MS MAKWAIA: [10:25:12] Your Honour, I would like to tender this -- the entirety of
25 this document annex I at tab 10, CAR-OTP-2018-0560.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [10:25:31] Thank you.

2 Carry on, please.

3 MS MAKWAIA: [10:25:43]

4 Q. [10:25:43] Now, witness, when you met the investigators of the Office of the
5 Prosecutor during the course of the taking of your statement, did you provide them
6 with photographs?

7 A. [10:26:10] Yes, as you said, I did give them photographs, yes, I did.

8 Q. [10:26:25] And what kind of photographs did you give them; do you remember?

9 A. [10:26:38] First of all, I gave them the photos of my burn marks and then the
10 photos of how my house was looted, and then the photos of my parents -- I was
11 sitting with my mother and father. And I also gave them other photos that I cannot
12 recollect.

13 Q. [10:27:14] Okay, witness, I will have displayed the first of a series of
14 photographs and then you can identify it for the record.

15 MS MAKWAIA: [10:27:26] Can we have displayed tab 4, your Honours, annex C,
16 CAR-OTP-2018-0645.

17 Q. [10:28:02] Mr Witness, can you see the photograph before you on the screen and
18 who are these people?

19 A. [10:28:07] That is me, my father and my mother. I'm sitting between my
20 parents.

21 MS MAKWAIA: [10:28:30] Thank you, your Honours. I would like to formally
22 submit this photograph as part of the Prosecution exhibits.

23 PRESIDING JUDGE SAMBA: [10:28:44] Carry on, counsel.

24 MS MAKWAIA: [10:28:46] Can we have now displayed before the witness at tab 2,
25 annex A, CAR-OTP-2018-0642.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Q. [10:29:20] Mr Witness, can you see -- are you okay?

2 A. [10:29:34] Yes, this picture is that of -- one that was taken in Chad during
3 a mission. This was, more specifically, taken at the occasion of the Chadian
4 President's daughter. He had invited his friend for the birthday and this was during
5 a dinner -- a reception, more specifically.

6 Q. [10:30:10] So, starting with the individual on the left of the photograph, can you
7 tell the Court who is this?

8 A. [10:30:19] This is the Chadian President.

9 Q. [10:30:41] And who is that man standing pouring something into a glass?

10 A. [10:30:57] That's me, (Redacted), myself.

11 Q. [10:31:07] And who is the person sitting down, the man sitting down?

12 A. [10:31:20] That's François Yangouvonda. The former President, François
13 Bozizé Yangouvonda.

14 Q. [10:31:38] And in what capacity were you part of this entourage?

15 A. [10:31:45] (Redacted)

16 (Redacted)

17 (Redacted)

18 MS MAKWAIA: [10:32:20] Your Honours, with your leave, I would like to tender
19 this photograph.

20 PRESIDING JUDGE SAMBA: [10:32:26] Granted. Carry on, please.

21 MS MAKWAIA: [10:32:30] Can we now have displayed at tab 3, annex 3,
22 CAR-OTP-2018-0644.

23 Q. [10:32:47] Who are these people we see in this photograph, witness?

24 A. [10:33:02] This is my *aide-de-camp* who is dressed in black. Now, the person
25 dressed in white is the elder brother of François Bozizé.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Q. [10:33:19] And can you just remind us again, what is the name of your
2 *aide-de-camp*, the one dressed in black?

3 A. [10:33:29] His name is (Redacted). And Ouefio, Roger is the name of the elder
4 brother of the former president.

5 MS MAKWAIA: [10:33:57] I would also like to tender this photograph,
6 your Honours.

7 I'm coming towards the end, your Honours, Mr Witness.

8 Q. [10:34:09] Witness, (Redacted)
9 (Redacted), did you also take part in the inspection of troops?

10 PRESIDING JUDGE SAMBA: [10:34:37] Upheld.

11 MR JACOBS: [10:34:44](Interpretation) Your Honour, this is a very leading question.

12 PRESIDING JUDGE SAMBA: [10:34:46] Upheld.

13 MS MAKWAIA: [10:34:48] I'll rephrase it, your Honours.

14 Q. [10:34:52] You told the Court yesterday during the course of your testimony, Mr
15 Witness, that the Seleka had advanced from various parts, including from Sibut; do
16 you remember this?

17 A. [10:35:17] Yes, I do remember that very distinctly.

18 Q. [10:35:27] Now, before the coup that you testified about mounted by the Seleka
19 on 24 March 2013, do you know if they were stationed elsewhere, before they
20 advanced into Bangui?

21 A. [10:36:00] Yes. After they left from Ndele, Bria, Sam Ouandja, Alindao, Ippy,
22 Bambari, they went through Grimari. They came to Sibut. They waited for people
23 coming from Ndele, Sido, Ouandago, Bandoro, Ndomété and they rallied at Dékoa,
24 and they met at *carrefour*, which is a city in Sibut.

25 Q. [10:36:55] Thank you, witness.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Now, is it within your knowledge whether or not there were demarcations between
2 the Seleka and the FACA troops?

3 A. [10:37:35] When the Seleka reached Sibut, the FACA troops were in Damara,
4 which was 75 kilometres from the city of Bangui.

5 Q. [10:37:53] And how do you know this, that they were at Damara?

6 A. [10:38:03] Yes, these were soldiers with whom we worked. They called and
7 said they were in Damara. I can also tell you that there were Chadian troops in
8 Damara. They were helping the Seleka to pass off as FOMAC, and we gathered this
9 information, we had the FACA who were there, and also they gave us this
10 information.

11 Q. [10:38:47] And had you ever been to Damara yourself?

12 A. [10:38:56] No, during the (Redacted) I did, there were no troops and I -- in
13 Damara. We actually travelled to the country and we were informed of what was
14 going on there.

15 Q. [10:39:34] Do you know, Mr Witness, or is it within your knowledge as to
16 whether or not there was a demarcation at Damara and what it was called, if you
17 know?

18 A. [10:39:59] Yes, there was a red line in Damara. It was indeed in Damara.

19 Q. [10:40:17] And is it within your knowledge why this area was demarcated as the
20 red line?

21 A. [10:40:30] You see, this is a problem -- a political problem. This red line was
22 drawn so that we could talk. This line of demarcation was drawn, but the Seleka
23 prepared to come to seize power in Bangui.

24 PRESIDING JUDGE SAMBA: [10:41:12] Counsel, do you still want us to remain in
25 private session?

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Open Session)

ICC-01/14-01/21

1 MS MAKWAIA: [10:41:17] No, your Honours. I think now we can go to a public
2 session. Thank you.

3 PRESIDING JUDGE SAMBA: [10:41:20] Thank you.

4 Madam Court Officer, can we go to open session, please.

5 (Open session at 10.41 a.m.)

6 THE COURT OFFICER: [10:41:28] We are back to open session, Madam President.

7 PRESIDING JUDGE SAMBA: [10:41:41] Thank you very much. Counsel, continue,
8 please.

9 MS MAKWAIA: [10:41:45]

10 Q. [10:41:45] Mr Witness -- Mr Witness, you narrated to the Chamber yesterday
11 why it is you fled the country after you were taken to the court. Do you recall which
12 date it was when you were taken to the court?

13 A. [10:42:27] I think it was the 27th of June. I believe it was on this date that I was
14 taken to court.

15 Q. [10:42:55] And -- so you believe. Are you not certain?

16 A. [10:43:11] Yes, I was arrested in June, in the beginning of June and I was taken to
17 the court on the 27th of June.

18 Q. [10:43:33] I thank you, witness.

19 And this is my final question to you, when the Seleka mounted the coup, did they
20 restore peace in your country?

21 A. [10:44:02] There was no peace. There was death in great numbers. We were
22 verging on a genocide. There was no peace. On the contrary, there was chaos
23 during their regime. It was utter chaos.

24 Q. [10:44:31] Thank you, witness.

25 MS MAKWAIA: [10:44:33] Thank you, witness.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Your Honours, this was my last question to the witness.

2 PRESIDING JUDGE SAMBA: [10:44:37] Thank you very much, Madam Prosecutor.

3 Now, Mr Witness, we are going to ask the Defence to put questions to you on behalf
4 of Mr Said. But before we do that, maybe let me just ask you one general question.

5 Now, yesterday you -- and can we go into private session, briefly, please.

6 (Private session at 10.45 a.m.)

7 THE COURT OFFICER: [10:45:18] We are in private session, Madam President.

8 PRESIDING JUDGE SAMBA: [10:45:28] Thank you very much.

9 Yesterday, you told us that at the OCRB, you were detained in cell G2 with somebody
10 by the name of (Redacted). Now during your period at the OCRB in detention, until
11 the day you escaped, do you recall whether or not any other person was detained in
12 the same cell where you were at with (Redacted)?

13 THE WITNESS: [10:46:20](Interpretation) There were just the two of us in this cell.

14 PRESIDING JUDGE SAMBA: [10:46:37] Thank you very much.

15 And do you know - and, if you don't know, you can tell us - who was in charge of the
16 OCRB during the time that you were detained there? I'm not talking about -- you
17 mentioned some police officer by the name of Mazangue, I'm not talking about the
18 police officer. Do you know whether there was anybody in charge of the Seleka at
19 the OCRB?

20 THE WITNESS: [10:47:11](Interpretation) When I told you -- as I told you, in fact,
21 alias Djamdjia-Go Zo tî müngö kûâ na zo, he was the one who was the chief of
22 operations at the OCRB. Mr Mazangue did not have any power. He was
23 actually -- he'd actually retired and he was called back.

24 PRESIDING JUDGE SAMBA: [10:47:56] Thank you very much, Mr Witness.

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

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Open Session)

ICC-01/14-01/21

- 1 (Open session at 10.48 a.m.)
- 2 THE COURT OFFICER: [10:48:07] We are in open session, your Honours.
- 3 PRESIDING JUDGE SAMBA: [10:48:18] Thank you very much.
- 4 Ms Naouri, your turn.
- 5 MS NAOURI: [10:48:24](Interpretation) Thank you, your Honour. It's Dov Jacobs
- 6 who is going to actually do the cross-examination.
- 7 PRESIDING JUDGE SAMBA: [10:48:35] Thank you very much.
- 8 Mr Jacobs, for the next 12, 13 minutes, please. Thank you.
- 9 MR JACOBS: [10:48:45](Interpretation) Thank you, your Honour.
- 10 QUESTIONED BY MR JACOBS: (Interpretation)
- 11 Q. [10:49:04] Good morning, witness.
- 12 A. [10:49:09] Good morning, counsel.
- 13 Q. [10:49:11] I'm Dov Jacobs and I am going to ask you a few questions on behalf of
- 14 Mr Said's Defence team.
- 15 As the Judge explained the -- the Presiding Judge explained, we are not speaking the
- 16 same language and everything is written. I'm going to try and speak slowly and I'm
- 17 going to wait for a few seconds for you to give me your answer and then I will also
- 18 request you to actually wait for a few seconds.
- 19 A. [10:49:45] Yes, I've understood you very well.
- 20 Q. [10:49:50] Very well.
- 21 MR JACOBS: [10:49:51](Interpretation) Madam President, for the first question, I'd
- 22 request to go into private session.
- 23 PRESIDING JUDGE SAMBA: [10:50:06] Madam Court Officer, can we go into
- 24 private session, please.
- 25 (Private session at 10.50 a.m.)

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

- 1 THE COURT OFFICER: [10:50:24] We are in private session, Madam President.
- 2 PRESIDING JUDGE SAMBA: [10:50:28] Thank you.
- 3 Mr Jacobs, continue, please.
- 4 MR JACOBS: [10:50:36](Interpretation) Thank you, your Honour.
- 5 Q. [10:50:37] Witness, I have a question to clarify something you said. I'm sending
- 6 you back to T-72 -- or, from yesterday's hearing, page 7. The question that was
- 7 asked was:
- 8 How did you get your job at (Redacted)?
- 9 Page 7, line 26.
- 10 And you said -- in page 8, line 1, you said that:
- 11 I was (Redacted)and since I worked well, (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 Witness, some questions:
- 17 When did you get your job (Redacted) -- I mean, what year?
- 18 A. [10:51:45] Witness, it was in 2004. I was transferred from (Redacted)
- 19 (Redacted).
- 20 Q. [10:52:12] Very well.
- 21 When did you join (Redacted), witness?
- 22 A. [10:52:21] I joined (Redacted) in 2003. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [10:53:02] Very well. When you said in 2003, was it before the -- before

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 François Bozizé took power or after?

2 A. [10:53:20] It was well before he came to power.

3 Q. [10:53:42] Very well.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [10:54:16] You see, at that point of time, there was a shortage of general

9 technicians in the field of mechanics, health, masonry and electricity; so this was an

10 exceptional round of a recruitment drive that was launched. And since we had the

11 skills and the experience, we were recruited to the positions.

12 This is how I was also part of the recruits in this exceptional recruitment drive.

13 Q. [10:54:57] So did you receive any training as (Redacted) at that point of

14 time?

15 A. [10:55:09] Yes, after I was recruited, we were sent to the (Redacted)

16 (Redacted), and once the

17 training ended, we went back to our positions for which we were recruited.

18 Q. [10:55:50] So just so that we understand well, François Bozizé took power in

19 March 2003. So if I understood you well, you were recruited between January and

20 March 2003, before François Bozizé came to power.

21 Is that what you're telling me, Mr Witness?

22 A. [10:56:24] Yes, that is it.

23 Q. [10:56:31] What were you doing before you were recruited to (Redacted)?

24 A. [10:56:51] Well, before I (Redacted), I was a freelancer, a craftsman; so I would

25 actually carry out repair work in residences and the income I earned helped me

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 provide for -- for my family.

2 Q. [10:57:16] You're talking of your income. Can you tell me how much did you
3 earn per month before you (Redacted)?

4 A. [10:57:36] You're talking (Redacted) or my activity as a tradesman, a freelance
5 tradesman?

6 Q. [10:57:55] I was actually about to ask you both. So first of all, how much did
7 you earn? What was your monthly salary as a freelance tradesman, and then what
8 was your monthly salary once you (Redacted)? Thank you, witness.

9 A. [10:58:15] As a freelance tradesman, I did not have a fixed monthly income.
10 Now it really is dependent on how much the client would pay. Sometimes it was
11 200,000 -- 50,000, 500,000. So it's really dependent on the services provided. The
12 beneficiary would agree on the price and we would then proceed to works, but as
13 (Redacted) I was actually earning 120,000 CFA francs per month.

14 Q. [10:59:06] Very well. Now, when you joined your post (Redacted)
15 (Redacted), what was your monthly salary then?

16 A. [10:59:19] Now, once I was recruited to work (Redacted), I earnt 250,000 CFA
17 francs.

18 Q. [10:59:49] Thank you.

19 So in 2002, before (Redacted), were you in Bangui, witness?

20 A. [11:00:03] Yes. After having finished my education, I did some internships at
21 the (Redacted). I did my
22 internship with this company.

23 MR JACOBS: [11:00:38](Interpretation) I had follow-up questions, but this would be
24 the time to stop for the break, Madam President.

25 PRESIDING JUDGE SAMBA: [11:00:45] Yes, indeed.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

- 1 Mr Witness, we are going to take a short break here and we will come back for 11.30.
- 2 So I rise the Court for 11.30, please. Thank you.
- 3 THE COURT USHER: [11:01:04] All rise.
- 4 (Recess taken at 11.01 a.m.)
- 5 (Upon resuming in open session at 11.33 a.m.)
- 6 THE COURT USHER: [11:33:53] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE SAMBA: [11:34:20] Good morning, again, everyone.
- 9 Mr Witness, we're going to continue with your testimony in cross. We're going -- I'm
- 10 going to ask Mr Jacobs to continue putting his questions to you on behalf of his client,
- 11 Mr Said.
- 12 And for the record, we are in open session.
- 13 Mr Jacobs, please.
- 14 MR JACOBS: [11:34:47](Interpretation) Thank you, your Honour. I'm just going to
- 15 continue with my questions. I would be grateful if we could move to private
- 16 session.
- 17 PRESIDING JUDGE SAMBA: [11:34:59] Certainly.
- 18 Madam Court Officer, can we go back into private session, please.
- 19 (Private session at 11.35 a.m.)
- 20 THE COURT OFFICER: [11:35:16] We're in private session, Madam President.
- 21 PRESIDING JUDGE SAMBA: [11:35:20] Thank you very much.
- 22 Mr Jacobs, your witness, please.
- 23 MR JACOBS: [11:35:28](Interpretation) Thank you, your Honour.
- 24 Q. [11:35:32] Good day, witness.
- 25 A. [11:35:39] Good day.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Q. [11:35:41] Before the break, you said that in 2002 you were in Bangui, and after
2 having finished your studies - I'm referring you to page 31 - you actually interned at a
3 (Redacted).

4 A. [11:36:07] It's (Redacted).

5 Q. [11:36:17] Thank you.

6 Now, when you met the OTP in 2015 -- it's CAR-OTP-2104-1024, tab 1,3 of our list of
7 notification for the French version, and tab 1 for the English version. Page 1027.

8 So, while waiting for it to be displayed I'm going to read out an extract.

9 In paragraph 13 of your previous statement that you gave to the OTP -- I'm going to
10 start in paragraph 13:

11 "After my training in 1998 -- 1989-1990, I worked at (Redacted). I remained there for
12 five years. And then I started doing odd jobs, such as that of an electrician to earn
13 my living".

14 Paragraph 14:

15 "In 2002, during the rebellion against Patassé, François Bozizé sought refuge in Kabo,
16 and I followed him with a group of people. We carried on till Chad. (Redacted)
17 (Redacted)

18 (Redacted)

19 I'm continuing at paragraph 15, which is on page 1028:

20 "After this, in 2003, I started working (Redacted)

21 (Redacted)

22 (Redacted)

23 To be comprehensive, I will finish the paragraph:

24 "When I (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 End of quote.

3 Now I have a few questions, witness.

4 You remember having said that to the OTP investigators in 2015?

5 A. [11:39:09] Yes, I remember having said all this.

6 Q. [11:39:26] Now there's a few discrepancies with respect to what you said in the
7 hearing. In your 2015 statement, you did not say that you (Redacted).

8 Could you explain why did you omit this when you met the investigators in 2015?

9 MS MAKWAIA: Madam President, perhaps if counsel -- sorry, witness, before you
10 answer --

11 THE WITNESS: [11:39:54] (Interpretation) You see in 2015...

12 MS MAKWAIA: [11:40:01] Perhaps if counsel would read the next paragraph,
13 paragraph 16, and then the witness would actually be in a better position to respond
14 to the question he put.

15 MR JACOBS: [11:40:27](Interpretation) Madam President, with respect to all -- with
16 all due respect, it says, "I currently work as" and it does not refer to the period when
17 I -- that I was referring to. I've actually quoted the relevant passage of my statement
18 and I think the witness is in a position to respond in light of what I said.

19 PRESIDING JUDGE SAMBA: [11:40:54] Yes. We do take note that paragraph 16
20 referred to by counsel for the Prosecution deals with the witness's current situation.
21 So please go ahead, Mr Jacobs, with your questions.

22 MR JACOBS: [11:41:11](Interpretation) Thank you, your Honour.

23 Q. [11:41:15] So you had started answering my question. Would you like me to
24 repeat my question, witness?

25 A. [11:41:28] Please do repeat.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Q. [11:41:33] My question is as follows: When you spoke to the investigators in
2 2015, when you talked about 2002, 2003 you did not mention the fact that you
3 (Redacted). And I just wanted to know why did you not mention this to the
4 investigators when you met them?

5 A. [11:42:03] When I met the investigators in 2015, I did not speak about my -- me
6 (Redacted) because I forgot. I think this dates back to a long time and I did not
7 mention about the fact that I was -- (Redacted). I just told them that I just -- I just
8 told them on which year (Redacted), but they did not ask me any questions on my
9 career as (Redacted).

10 Q. [11:42:46] In the extract I read you said, shortly before the break, that in 2002,
11 before (Redacted), you were in Bangui, and in the extract I read, you said that you
12 followed François Bozizé to Chad and Kobo, so I just wanted some
13 clarification here.

14 When did you exactly go to Chad?

15 A. [11:43:19] In 2001 when the deceased President Patassé tried to arrest
16 President Bozizé, he left for Kobo. So the leaders of the church said that (Redacted)
17 (Redacted). When I arrived -- when I reached
18 Kobo, the -- the soldiers were tracking the president. I could not turn back and
19 I continued my journey with him to Chad to (Redacted). And then I reached the city
20 of Gori and he asked me to go back to Bangui. He gave me some money and
21 I returned to Bangui.

22 Q. [11:44:35] Right. Could you tell us more specifically when you returned to
23 Bangui so that we could just follow the chronology of events?

24 * A. [11:44:53] Yes. When there was the attempt to arrest in Kobo and when he
25 returned to Chad, first to Sahale (*phon.*) Bango, I spent a week with him and then he

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 asked me to return to Bangui. He gave me money for his mother. We prayed. I left
2 him there but I don't remember -- I don't remember the month I returned to Bangui.

3 Q. [11:45:33] That's not a problem. You just tell us what you remember.

4 In the last question, with respect to the extract -- let me send you back to page 29,
5 line 2, when you got your employment. You said in 2004, you were transferred from
6 (Redacted), and in the extract I just read, you said to the investigators that this was in
7 2003 that you started (Redacted).

8 Can you please shed more light on the situation so as to clarify the dates?

9 A. [11:46:19] In 2003, I was not officially inducted (Redacted). We were trainees.
10 It's only in 2004 that officially I was part of the (Redacted) and we received the official
11 certificate of induction into (Redacted).

12 Q. [11:46:53] Right. And when you said to the investigators - so this is
13 paragraph 15 again, which is still displayed - this was a (Redacted)
14 (Redacted). Could you elaborate on what a "(Redacted)" actually
15 means?

16 A. [11:47:18] When I was posted at (Redacted), it's only after
17 that a (Redacted). So there
18 was a (Redacted) that confirmed me as a (Redacted)
19 (Redacted)

20 Q. [11:47:53] Thank you so much.
21 Do you still have a copy of this (Redacted)?

22 A. [11:48:05] Yes, I think I do. I think I have a copy of (Redacted) in my files.

23 Q. [11:48:22] Would you agree to provide a copy of (Redacted) for it to be tendered
24 into your file at the court?

25 A. [11:48:40] Yes, I can look for it in my bag. In a few minutes, I can have it sent

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 across.

2 PRESIDING JUDGE SAMBA: [11:49:07] The witness can do that later maybe. So
3 let's go on with the testimony.

4 Mr Witness, you can look for it and we'll deal with that later. Thank you.

5 Mr Jacobs, please put your questions.

6 THE COURT OFFICER: [11:49:27] I would request the court officer in the field to
7 please take the green folder that I just saw in the witness's hands, please, and give
8 him later so we are sure he doesn't have it beside him during his testimony. Thank
9 you very much.

10 PRESIDING JUDGE SAMBA: [11:49:47] Thank you, Madam Court Officer.

11 MR JACOBS: [11:49:55](Interpretation) Thank you, your Honour, I'm going to
12 continue.

13 Q. [11:50:01] Very briefly, just to make some progress, in 2015 when you met the
14 OTP investigators, you were working as (Redacted)
15 (Redacted); am I right in saying so?

16 A. [11:50:23] Yes. That is right, indeed.

17 Q. [11:50:43] What was -- did you have a (Redacted) in 2004 -- in 2015?

18 THE INTERPRETER: [11:50:56] Sorry.

19 THE WITNESS: [11:50:57](Interpretation) I was a (Redacted) in 2015, and when
20 I (Redacted), I was posted in several places in order (Redacted).

21 MR JACOBS: [11:51:20](Interpretation)

22 Q. [11:51:21] Thank you, witness.

23 (Counsel confers)

24 MR JACOBS: [11:51:34](Interpretation)

25 Q. [11:51:36] When you met the OTP investigators in 2015, you showed them an

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

- 1 I-card; am I right?
- 2 A. [11:51:49] Yes, that is right indeed.
- 3 Q. [11:51:58] I can see that the previous statement is still on display. I would
- 4 request the second page to be displayed.
- 5 If you could zoom in on the top of the page.
- 6 Witness, we can see the passport number I-card passport (Redacted), so that is the
- 7 identity card that you showed?
- 8 THE INTERPRETER: [11:52:46] Overlapping speakers.
- 9 THE WITNESS: [11:52:48](Interpretation) Yes, that is right.
- 10 THE COURT OFFICER: [11:52:49] (No interpretation).
- 11 MR JACOBS: [11:53:00](Interpretation) Thank you, court officer.
- 12 Q. [11:53:02] Witness, you have to wait for some seconds otherwise the interpreters
- 13 could be caught unaware. Is that right -- is that fine, Mr Witness?
- 14 A. [11:53:18] I've understood you well.
- 15 Q. [11:53:24] That's great. So you confirm that this is your I-card number.
- 16 So did the investigators take a copy of this identity card at that point of time?
- 17 A. [11:53:46] Yes, they did take a copy of the document.
- 18 Q. [11:54:08] Fine. Do you still have this passport till date?
- 19 A. [11:54:23] When these people entered my country -- in the country, they
- 20 actually ransacked my possessions and I was not in a position to renew my passport.
- 21 It was just not possible, so I actually lost it.
- 22 Q. [11:54:44] But you have an I-card today, don't you?
- 23 A. [11:54:56] Yes, I have the national I-card. It was made recently.
- 24 Q. [11:55:08] Thank you, witness.
- 25 Can you please display CAR-OTP-00001484, tab 19 on our list of notifications, please?

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

- 1 And that can be shown to the witness.
- 2 Do you see the document, witness?
- 3 A. [11:55:55] Yes, I do.
- 4 Q. [11:56:00] Perfect. And this is the identity card that you've referred to shortly
- 5 before?
- 6 A. [11:56:11] Yes, this is my national identity card.
- 7 Q. [11:56:18] Court officer, could we move on to the next page, please?
- 8 (Counsel confers)
- 9 MR JACOBS: [11:56:45](Interpretation)
- 10 Q. [11:56:46] We can see that the I-card was issued on 24 April 2023. Can you
- 11 confirm that this is the date on which this document was issued to you?
- 12 A. [11:57:01] Yes, I do confirm that.
- 13 (Counsel confers)
- 14 MR JACOBS: [11:57:14](Interpretation)
- 15 Q. [11:57:15] Right. Thank you, witness.
- 16 So it's with this I-card that you travelled to Yaoundé in 2023?
- 17 A. [11:57:31] Yes. I travelled with this I-card. This is the I-card I used to travel to
- 18 Yaoundé and DRC, and I also had another document called an attestation of refugee,
- 19 and it's with this document that I went to Douala.
- 20 MR JACOBS: [11:58:06](Interpretation) Court officer, we could stop displaying this
- 21 and this could be formally tendered into the witness's file.
- 22 Q. [11:58:16] Now, when you were making this new I-card, you were in touch with
- 23 the OTP investigators.
- 24 A. [11:58:29] Yes, that is right.
- 25 Q. [11:58:37] Did they help you in your process of obtaining the I-card or your

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 refugee card, or your refugee status?

2 A. [11:58:53] With regards to my I-card, I think it was in August 2021 when

3 I requested for the I-card.

4 I was arrested and put in jail. Now, after two years when I was given the release

5 document, the prosecutor indicated that I am now free and I can get a national I-card

6 made. So I went back so that they can issue me a formal national I-card.

7 Q. [11:59:47] Right. My question was, at that point of time when you managed to

8 finally have your I-card issued, did the investigators of the OTP help you out with the

9 process?

10 A. [12:00:06] No, they did not help me out. I told them that I do not have -- since

11 I do not have a passport, I need a national I-card so that I can travel or even receive

12 money.

13 Q. [12:00:35] Very well, Mr Witness. Thank you.

14 Now, recently, did you obtain any new identity documents?

15 A. [12:00:55] No, this is the document that I received from the HCR, the document

16 requesting asylum that was issued on 25 April. And I have that document in my

17 possession therefore.

18 Q. [12:01:24] Very well. Just for it to be clear for the record, when you say

19 "25 April", do you mean of this year -- 2024 -- or of another year?

20 A. [12:01:37] It is of this very year -- 2024.

21 Q. [12:01:50] Very well.

22 Thank you, Mr Witness.

23 I'm going to be moving on to another subject matter, Mr Witness, all right?

24 (Counsel confers)

25 MR JACOBS: [12:02:40](Interpretation) Sorry, I did have the impression that there

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 was a problem with sound, with my sound in fact.

2 Q. [12:02:47] Mr Witness, can you hear me clearly?

3 A. [12:02:51] Yes, I can hear you only too well.

4 Q. [12:02:56] Perfect. Now, yesterday, during the hearing, you talked about your
5 relations with (Redacted). I'm referring to the transcript T-72, real time, page 24
6 thereof. And you said that (Redacted) was working at the (Redacted) and that he
7 owed you money. And in response to a question - page 24, line 20 - asking you how
8 you knew him, and you said:

9 "I was working (Redacted) and I was also in charge (Redacted)

10 (Redacted)

11 (Redacted)

12 So I worked with his father at (Redacted) and that is how I got to
13 know him."

14 That's what you said to us yesterday, Mr Witness.

15 A. [12:03:55] Yes, that is correct.

16 Q. [12:03:58] Now, I'd like to know a little bit more about your relations with
17 (Redacted). Did you often do business together?

18 A. [12:04:18] No. I got to know him because he was working at (Redacted) and
19 whenever there was a problem (Redacted), I would go there in order to (Redacted),
20 and I worked in -- with his father.

21 But nothing in particular links the two of us.

22 Q. [12:04:54] Very well. In your prior statement, so I'm going to give the 1,3
23 tab for the French version, 1 point -- page 1033.

24 I'm sorry, I haven't given the ERN. CAR-OTP-2104-1024, at page 1033. So at
25 paragraph 44. I'm going to read the page of interest to me.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 "At that time", you said, "I had an associate in Bangui who owed me money. His
2 name was (Redacted)..."

3 End of quote.

4 Now, you say in your prior statement that he was your associate and it seemed to
5 suggest that there was an association rather than just a haphazard association, you if
6 like.

7 I'd like you to clarify this word "association" in your prior statement, if you will.

8 THE INTERPRETER: [12:06:05] Correction: "associate", if you will.

9 THE WITNESS: [12:06:08](Interpretation) Now, the term "associate" is not
10 appropriate. We are not in an association together. He was in Bouar and the price
11 of cement in Bangui was at 10,750, and in Bouar it was 10,200, so I sent him some
12 money in order for him to be able to buy some cement in Bouar and have it
13 transported via the (Redacted) to do some works on my house. I know him as a
14 technician working for (Redacted).

15 MR JACOBS: [12:06:49](Interpretation)

16 Q. [12:06:49] Thank you very much for the clarification, Mr Witness.

17 Now, we noted what you said in your narrative yesterday. I'm seeking clarification
18 with the reference to the moment of your arrest with (Redacted). You had some
19 money on your person at that time, did you not?

20 A. [12:07:06] Yes, I had 500,000 francs on me at the time.

21 Q. [12:07:19] Very well.

22 Now, you told us yesterday during the T-72, real time, page 21, lines 8 and 9, you said
23 that you had money issues. I'm just trying to understand. You said that you were
24 going to an appointment in order to retrieve some money, a debt, that (Redacted) was
25 owing to you.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Now, you went to that appointment with a sum of money of 500,000 francs on your
2 person. Why did you go with that sum of money on you at the time, Mr Witness?

3 A. [12:08:02] You know, this was a period of crisis, I owed it to myself to keep that
4 money on my person, and I left part of that money for the schooling of my children,
5 and the rest of it I kept on my person, just in case.

6 Q. [12:08:35] Very well. Thank you, Mr Witness, for that point of clarification.

7 (Counsel confers)

8 MR JACOBS: [12:09:06](Interpretation)

9 Q. [12:09:06] Thank you, Mr Witness.

10 Now, a last point of clarification with regard to (Redacted). You said to us yesterday
11 during the hearing -- now I do not have the reference before me, but you said, if
12 I understood you correctly - I will find the reference - that at the time when you
13 arrived at the OCRB he was released immediately or rather rapidly after your arrival;
14 is that indeed what you said to us yesterday?

15 A. [12:09:46] That is indeed the case.

16 Q. [12:09:58] Very well, Mr Witness. Thank you.

17 So, I'm going to move on. I'm seeking points of clarification with regard to what you
18 told us yesterday so I'm not coming back on details, I'm just seeking clarification.
19 You told us yesterday that you -- what you went through on the day that you were
20 interrogated by Nouredine Adam and Alain Tolmo. I'm just seeking clarification
21 on a number of points, Mr Witness, all right?

22 A. [12:10:48] Yes, I do recall.

23 Q. [12:10:55] Now, with regard to the photographs that the representative of the
24 OTP showed to you yesterday, the three photographs of your hands.

25 I'm giving the ERNs again, but they do not need to be brought up:

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 CAR-OTP-2018-0639, CAR-OTP-2018-0640, 2018-0641.

2 Do you recall these three photographs that were shown to you yesterday,

3 Mr Witness?

4 A. [12:11:43] Yes, I do remember, only too well.

5 Q. [12:11:48] And in order for things to be clear for the record, can you confirm that

6 these photographs were taken by the investigators of the Office of the Prosecutor

7 when they met you in the year 2015; is that correct?

8 A. [12:12:04] No. When I was in Bangui, the court clerks said to me that because

9 I had been burnt, I needed to take photographs and that this would be presented to

10 the judges in order for this to be an item of evidence.

11 Q. [12:12:35] Thank you, Mr Witness.

12 Madam Courtroom Officer, could we bring up page 1043 of the witness's prior

13 statement, please. That's paragraph 110.

14 Very well. Now, I'm looking at the very end of it, but they do understand the

15 context. I'm going to read the entire paragraph:

16 "This beating lasted almost 20 minutes, and then my hands were untied and then

17 retied in front of me. They then put burning nylon on my hands to force me to

18 confess. I still have scars from these burns. During the questioning, the

19 investigator took three photos of the scars on my hands and wrists during my

20 interview. The scars were caused by the nylon burns and from having my hands

21 tied while I was detained. I saw digital copies of these photos during my interview

22 and I understand that they will be attached to the statement as annexes D, E and F."

23 End of quote.

24 So, Mr Witness, in your prior statement it is very clearly indicated that it was indeed

25 the investigators of the OTP in 2015 who took these photographs; does that refresh

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 your memory?

2 A. [12:14:25] As the court clerks in Bangui said to me, I took photographs myself
3 and I kept these photographs. And when I met with them in 2015, I said to them,
4 "I still have the scars." And the investigators then took photographs, and these are
5 the ones that they took down in my statement.

6 Q. [12:15:05] These photos that you allegedly took in Bangui, when was that
7 exactly?

8 A. [12:15:18] That was after my release when I wanted to draw up my complaint.
9 The court clerks requested that I take photographs so that when a hearing was held
10 during the trial and the judges would put questions to me, I would be in a position to
11 present these images.

12 Q. [12:15:48] And these photographs are not annexed to your appeal or complaint,
13 and why is that, Mr Witness?

14 A. [12:16:04] I did hand over these images to the court clerks and if they did
15 nothing with them, then I cannot do anything about that. It was up to them to do
16 something with them.

17 Q. [12:16:24] Very well.

18 And last point on this specific point: The investigators, when they met with you in
19 2015, did they ask you to meet a medical expert in order to ascertain exactly what had
20 happened to you, for you to meet an expert, that is?

21 A. [12:16:44] You know, at that moment in time, I did not have the financial means
22 to meet with any medical experts. It's only when you have money that you can
23 undertake such a thing. I did not have the money to do so.

24 Q. [12:17:03] I just want to make sure there isn't a problem of interpretation. I'm
25 not talking about you going to see, but the -- did the investigators of the OTP ask you

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 to meet with one of their experts?

2 A. [12:17:24] No, they didn't say anything to me.

3 Q. [12:17:36] Thank you, Mr Witness.

4 Now, at an earlier stage you spent quite a long time talking about the various
5 complaints that you lodged in 2014.

6 And I would like for us to have brought up, please, on the screen, the document that
7 was entered into evidence this morning, which is at tab 11. I would like for us to
8 bring up tab 14, which is the same document but in a more legible form. So that is
9 tab 14, that already has been entered into evidence anyway -- CAR-OTP-2005-2526.

10 I repeat, CAR-OTP-2005-2526.

11 So that's tab 14.

12 Could we please move on to the next page. Very well.

13 Now, Mr Witness, can you see -- I'm going to wait for it to be brought up.

14 Now this is the document that the representative of the Office of the Prosecutor
15 showed to you this morning with regard to the complaint that you lodged.

16 A. [12:19:01] Yes, that is it.

17 Q. [12:19:11] I would like for to us have brought up page 2531, please, on the
18 screen.

19 Could we please go down to the bottom of the page.

20 Very well. Mr Witness, can you see?

21 A. [12:19:53] Yes, I can see. I can see.

22 Q. [12:20:00] Thank you. So could we please go back to the top of the document
23 again.

24 So we can see that it is a -- minutes of a mixed commission of inquiry. And there
25 we're talking here about arrest and arbitrary detention.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 "Suspect: Adam Nouradine."

2 And there is the "Victim: (Redacted)".

3 And the date of the event: "7 June 2013".

4 Can you see that, Mr Witness?

5 A. [12:20:38] Yes, I can see that only too well.

6 Q. [12:20:39] So this is minutes of the interview. And if we can please go down a
7 little bit further.

8 So, here you can see with a lieutenant, there's a gendarmerie lieutenant, a judicial
9 police officer.

10 A. [12:21:09] Yes, can I see that, and it is correct.

11 Q. [12:21:12] Very well. Perfect.

12 So we can go on to the next page, please, so that's 2532.

13 And if we can scroll down a little bit, Madam Courtroom Officer. Just a little bit
14 more, please. There we are, perfect. Thank you.

15 So, in this document that you have signed, and I'm going to read it to you in order to
16 assist you. And it's not very well printed, but there we are.

17 We can see the narrative of your arrest and detention, so at the paragraph that is here,
18 it is written:

19 "At our arrival at the OCRB, we were placed in separate rooms, but (Redacted) was
20 released immediately. I would say that subsequent to the frisk on my person, a sum
21 of 500,000 francs, two telephones and my national identity card were taken by
22 Nouredine's men. This was Sunday, 13 June, at 8 p.m. -- at 8 a.m. that Nouradim
23 came to question me and then the prosecutor of the republic, Mr Tolmo, as well.
24 On 4 July 2014, I was transferred to the prosecutor's office and Prosecutor Tolmo
25 placed me in provisional release. So I spent in total 25 days -- 27 days of detention

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 with an exceptional food intake especially for the 10 first days".

2 End of quote.

3 So my question, Mr Witness, is that when you lodged a complaint against

4 Nouredine Adam in 2014, you didn't talk about any violence upon your person; why

5 was that?

6 A. [12:23:26] You know that I am very emotional when I talk about this. You

7 know, before you are placed in detention, they frisk you and that's how they chanced

8 upon this sum of money on my person which they took away. So it was while they

9 were searching me that they relieved me of all my possessions. And if I did not say

10 this, it was because I was in a state of shock and that is why I did not furnish these

11 details. I'm human and it is normal for me to forget details of events that occurred,

12 but thank you for the reminder.

13 (Counsel confers)

14 MR JACOBS: [12:24:44](Interpretation)

15 Q. [12:24:45] Thank you, Mr Witness, for that point of clarification.

16 Now, with regard to the complaints that were lodged, you talked this morning about

17 the complaint that was lodged -- that you lodged with regard to the looting of your

18 house. Can you remember that, Mr Witness?

19 A. [12:25:06] Yes, I remember that only too well.

20 PRESIDING JUDGE SAMBA: [12:25:10] Counsel, do you still want us to remain in

21 private session, because we're in private session here?

22 MR JACOBS: [12:25:24](Interpretation) I would say that I am staying in private

23 session because I want to be prudent. We're talking about -- we can't really see or

24 ascertain when he's going to be providing us with identifying information. That's

25 why I'm staying in private session for these personal details.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [12:25:46] That's okay. Carry on then.

2 MR JACOBS: [12:25:55](Interpretation)

3 Q. [12:25:57] Very well. So, Mr Witness, I would like for us to have brought up
4 once again tab 10 on our list of materials, CAR-OTP-2005-4172, which is in fact the
5 complaint that we were talking about, or your complaint that we were talking about
6 this morning.

7 Thank you.

8 Now, could we move on to the next page, please, Madam Courtroom Officer. And
9 can we scroll down, please, to the list. Very well.

10 Now, this is the list of possessions of which you said you were looted in the year 2013;
11 is that correct, Mr Witness?

12 A. [12:27:20] Yes, indeed.

13 Q. [12:27:28] And we can see two cars, for example; four -- four -- four freezers;
14 three luxury fridges; and we can see four kilos of gold bullion. Now how was it that
15 you managed to buy, yourself, all of this with the salary that we talked about at an
16 earlier stage?

17 A. [12:28:02] You know, when I was still in function I would move around a lot and
18 I would receive (Redacted) and I would have articles that I would hand to my wife for
19 it to be sold, and I would also buy sound equipment that I would rent out, and that is
20 how I obtained money and I was able to buy all of these possessions. I also sent
21 money in order to buy grams of gold in provincial towns.

22 Q. [12:28:51] Very well. And you said to us at an earlier stage with regard to your
23 passport - and I'm looking for the reference here - that after the events in 2013, you
24 were not able to renew your passport because everything had been destroyed. I'm
25 looking for the expression that you used. That's what I recall.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Do you remember having said that, Mr Witness?

2 A. [12:29:16] Yes. After 2013, the passport that I had expired, so I did not have the
3 possibility to renew my passport in 2000.

4 THE INTERPRETER: [12:29:37] And the Sango interpreter didn't really hear the year
5 given by the witness.

6 THE WITNESS: [12:29:43](Interpretation) And when I tried to renew it, it was
7 refused.

8 MR JACOBS: [12:29:53](Interpretation)

9 Q. [12:29:54] Sorry, I was just looking for the reference.

10 I do not understand, why couldn't you renew your passport?

11 A. [12:30:02] As you can well imagine, it was a period where there was conflict.

12 I was known and the immigration officers did not want to issue a passport for me to
13 get out of the country, so until then I did not have a passport.

14 Q. [12:30:36] That's okay, Witness.

15 Now, you shortly said - page 17, line 11 to 17 - when you lodged this complaint, this
16 was done on the basis of the assessment of a bailiff, and you also stated his name; do
17 you recall that?

18 A. [12:31:07] I recall that very well.

19 Q. [12:31:20] If we could just see the date, if you could scroll up.

20 For a complaint dated 2014, you can actually see the date. This is the complaint
21 we're talking about, 31 August 2014.

22 A. [12:31:36] Yes, that is indeed the complaint, counsel.

23 Q. [12:31:46] Right.

24 Could we display CAR-OTP-2018-0558, which is tab 9 of our list of materials.

25 Can you see the document, Witness?

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 A. [12:32:27] Yes, I can. Now, this is the document in Maître Baidou's office.

2 I went to his office. He did the assessment and this document was appended to my
3 formal complaint.

4 Q. [12:33:07] Right. We can see on the top, so you have, 2015, 21 August, 9:37.
5 Can you see this?

6 A. [12:33:29] Yes.

7 Q. [12:33:35] And if you go on to the next page, so this is page 0559, and if you
8 could zoom in at the bottom of the page. Just if you could scroll up a bit.

9 You can see the confirmation of date, and the bailiff wrote 21 August 2015 at 9:37 on
10 successive cases from -- to the domicile of the applicant. And he also says that:
11 "I observed that all these possessions that were cited by the witness do not exist -- by
12 the applicant do not exist."

13 Can you see that?

14 A. [12:34:34] Yes, very well. I can see that very well.

15 Q. [12:34:41] Witness, now this report dates back to one year after you lodged your
16 complaint - that is, 31 August 2014 - and this report, the bailiff report, dates back to
17 August 2015.

18 Can you explain this please?

19 A. [12:35:14] I went and met him. He prepared the bailiff's report, appended it to
20 the formal complaint, so if there are two documents, it is because there has been a
21 mistake and it is not the -- the mistake has not been committed by me.

22 Q. [12:35:37] Right, but this is not annexed to the complaint. This is what we
23 have.

24 A. [12:35:55] All documents have been submitted to the lawyers. They have to
25 follow the proceedings, and if they have not submitted the documents as part of the

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 proceedings, that cannot be my mistake, counsel.

2 Q. [12:36:24] That's right, witness. We are just trying to understand a few things
3 and making the most of your presence. As a bailiff who prepared this report and
4 drew up the list of possessions, on what document did he base his report -- purely
5 upon what you said or were there other documents which he referred to to draw up
6 his report? Did you submit bills?

7 A. [12:37:01] I think that I retained all invoices and bills and of everything I bought.
8 I showed him the photos. I submitted all the bills. I showed him the bills, and it's
9 on this basis that he prepared his bailiff report. That was appended to the formal
10 complaint that I made.

11 Q. [12:37:40] If you could just scroll up please.

12 Court officer, if you could just scroll up. Thank you.

13 Again, we are trying to make the most of your presence to understand this.

14 The bailiff's report does not mention any invoices. It says that the applicant assessed
15 the total value of the bills -- of the -- of the -- the property, of the goods. So, basically,
16 the bailiff is saying you're the one who assessed the value of the possessions.

17 Now, do you have anything to say with respect to that?

18 A. [12:38:28] Yes, if he did not append the bills, I can -- I can assess the value, I can
19 assess the value of these possessions, but in light of the invoices I possessed. I have a
20 document where I made an inventory of all my possessions, but if he did not append
21 the invoices, that is perhaps his method of working and it's not my doing here.

22 Q. [12:39:06] That's fine.

23 And I would like this document to be formally tendered in and the document can
24 now be removed from display.

25 Now, if we could go back a moment to your complaint, I've got a last question. Let

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 me give the number: CAR-OTP-2005-4172. Tab 10. I apologise, court officer.

2 If we can go to page 4174, it's page 3 of the document.

3 Now, these are the photos that you commented on. Now, who took these photos,
4 witness?

5 A. [12:40:34] I lived in this house and I think I've helped many inhabitants of that
6 district. I asked them to get a photographer and take all photos possible so that it
7 would be possible for me to lodge a formal complaint with tangible evidence, and this
8 is -- this is exactly what was done.

9 Q. [12:41:26] Thank you. In your previous statement, 23 -- tab 23, at paragraph 39:
10 "After having left Bangui, I was worried about my home, so I asked the youth of the
11 district to go and take photos of my home."

12 Now, you talked about the youth in your district to the investigators, the OTP
13 investigators, and you did not mention any professional photographer. Now, can
14 you explain this, please?

15 A. [12:42:07] Yes. Now, when I asked for my house to be photographed, which
16 was destroyed -- and if I did not provide all these details, it's because after 10 years
17 I have forgotten certain facts. I cannot recall or recollect everything.

18 Q. [12:42:39] Right. Do you have the original photos? Can you provide any
19 information on who exactly took these photos?

20 A. [12:43:14] On 15 January 2021, the people who took power went home and took
21 my files; otherwise, I would have submitted all the photos and all the relevant
22 documentation.

23 Now, these people, these malefactors, took all the documents, including my mobile
24 phone.

25 Q. [12:43:55] Fine.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 (Counsel confers)

2 MR JACOBS: [12:44:10](Interpretation)

3 Q. [12:44:12] Thank you, witness. Let's move ahead.

4 You said that, in the hearing yesterday, and even today, that you were taken to the

5 court on 27 June -- this is line 10, T-72. And you said that again this morning,

6 page 49, and, again, at tab 3 for the French version, tab 1 for the English version.

7 You said the same thing today. You are saying that in paragraph 117, that: "On 4

8 June 2013 I was informed that I would be taken to *Tribunal de Grande Instance* to

9 basically appear in my case of detention. I was taken to the tribunal on foot, escorted

10 by the Seleka. It was the *Tribunal de Grande Instance*, the main tribunal, it was not

11 very far from the OCRB. I was -- I was barefooted and my hands were tied".

12 And you said that you were there on 4 July 2015.

13 What was the date? Was it -- was it in July or in June?

14 A. [12:45:56] Now, as I told you, the events really go back in time. I can forget

15 things. I spent 27 days at the OCRB. If in the documents it's mentioned 4 July,

16 there is a week -- there's a difference of just one week. After my release,

17 I had -- I was suffering from loss of memory. I was traumatised and it's perhaps on

18 account of this that I've committed certain mistakes. So there's just a difference of

19 one week between the various dates that were given.

20 Q. [12:46:39] Right. That's perfect. Just to jog your memory, can we display

21 tab 14, please. CAR-OTP-2005-2526.

22 Page 2528.

23 This document is not of exceptional quality, as you can see, but this is what we've

24 received. Can you see the document?

25 Now, this is the order of release from custodial remand.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 A. [12:47:28] Yes, I can see it. This is the document that was drawn up by the
2 judge. His bodyguard gave this document to my younger brother, and my younger
3 brother gave this document to me.

4 Q. [12:47:54] You've anticipated my question, so that's great. Thank you.
5 So if you could just scroll down to see the date, court officer.
6 Above the signature, please.

7 That's perfect.

8 Drafted in Bangui on 4 July 2013. Can you see that please, witness?

9 A. [12:48:35] Yes, I can.

10 Q. [12:48:43] Perfect. Now, just a point of precision. You say that the prosecutor
11 gave the document to your younger brother. Can you please give me the name of
12 your younger brother?

13 A. [12:49:00] I said his *aide-de-camp*. He is the one who gave the document to my
14 younger brother (Redacted) (phon), and he gave the document in M'Poko
15 where -- where we had sought refuge.

16 THE INTERPRETER: [12:49:37] The interpreter is not sure he caught the name of the
17 brother.

18 MR JACOBS: [12:49:48](Interpretation)

19 Q. [12:49:49] Right, witness. I'm now going to come back to the event you
20 described yesterday in detail on what happened at the OCRB with the prisoners.
21 And we've taken note of what you described and I just have a few questions to get
22 further precision, witness.

23 A. [12:50:14] That's right. I've heard you.

24 Q. [12:50:17] Now, do you remember the date of this incident?

25 A. [12:50:35] Yes. I think it was 24 or 25 June, to the best of my recollections.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Q. [12:50:59] Right. And do we -- we agree that it was night-time during which
2 the events that you described happened yesterday?

3 A. [12:51:15] Yes, these events took place at night.

4 Q. [12:51:26] If I understood your testimony yesterday, at that point of time you
5 were actually looking through a hole made by a bullet on the door of your cell.

6 A. [12:51:38] Yes. The bullets have actually left an impact on the door, so from
7 inside I can see what's happening outside, but people from the outside
8 cannot -- cannot see what's happening inside the cell.

9 Q. [12:52:12] Right. Now, why were you looking through the hole on the door at
10 night?

11 A. [12:52:28] Counsel, when you're in a cell you are caught between life and death.
12 You can't sleep. You are constantly vigilant and when there is the slightest of noise,
13 you will wake up to find out what's going to happen. You're in a cell. You're not
14 going to actually spend the night as if you were in the comfort of your bedroom.
15 You're in a cell and the only thing you can do is be vigilant and pray.

16 Q. [12:53:12] Right. So what you're saying is that you heard a noise outside and
17 when you heard the noise you decide to peek through the hole; is that what you're
18 saying?

19 A. [12:53:30] Yes, absolutely. That's it.

20 Q. [12:53:36] So when you peek through the hole, you can see the prisoners with
21 the Selekas in front of your cell; is that it?

22 A. [12:53:52] Yes. They were torturing them. They were against the wall. And
23 there was the lamp that helped me see what was happening. From my cell, I could
24 see the tortures that were inflicted on the compatriots.

25 Q. [12:54:25] Thank you for these specifications, witness.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 You said that there was a lamp at the OCRB in June 20 -- 2016 -- 2013 to see what was
2 happening; is that right?

3 A. [12:55:03] In fact, these are lamps to shed light on the main road, and the rays of
4 light could actually light up a part of the OCRB compound.

5 Q. [12:55:24] When you're saying the main road, what are you referring to? What
6 main road are you referring to?

7 A. [12:55:34] This is the road that goes from the OCRB to Camp de Roux, and at the
8 crossroads there's another road that goes to the Oubangui River.

9 Q. [12:55:58] Now, in your testimony today, the lamppost outside the OCRB helps
10 you see what's going on inside the OCRB; am I to understand this from your
11 testimony?

12 A. [12:56:17] The lamppost is higher than the fence, so the light from the lamppost
13 can light up the inside of the OCRB. So from my cell, I can actually see what is going
14 on outside my cell.

15 Q. [12:56:42] You also said that the prisoners were against the wall, if I have
16 understood properly. So how far was it from your cell, the distance between your
17 cell and the wall?

18 A. [12:57:05] I can give you an estimate, 15 to 20 metres.

19 Q. [12:57:25] Right. I have a few questions concerning some details. You
20 explained to me yesterday that you left your cell to help take the bodies. That's what
21 you said yesterday; right?

22 A. [12:57:51] Yes, that's right.

23 Q. [12:57:59] How many other detainees got out of their cell? How many other
24 detainees like you?

25 A. [12:58:12] I told you, one of my co-detainees and myself, we were asked to leave

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 our cells to transport these bodies and throw them into the river.

2 Q. [12:58:44] Do you understand the name of the co-detainee that you just referred
3 to?

4 A. [12:58:54] No, I do not remember his name. We were in two different cells.
5 He was in a different cell and I was in cell G2.

6 Q. [12:59:10] Right. Do you know why was he detained?

7 A. [12:59:22] The cell in which he was detained was a cell reserved for people who
8 committed robbery, armed robbery, or people who swindled others.

9 Q. [12:59:43] Right.

10 Witness, in your previous statement, in paragraph 96 - tab 1 for English, tab 1.3 for
11 French - you're saying that:

12 "* The Seleka then brought large nylon bags with moon-shaped symbols. And they
13 came in, they escorted me out of my cell with another detainee that I did not know.
14 I only knew that this was a Seleka who was imprisoned for having killed someone in
15 the palace. He had scars on his head."

16 So, in 2015, you're saying that this was a Seleka who was in prison because he killed
17 someone in the palace. Now, does that contribute to jotting down your memory,
18 witness?

19 A. [13:00:48] Yes, this was a person who committed exactions. He killed people in
20 the palace. He was detained at the OCRB. But the one who transported the bodies
21 with me -- and I told you to the best of my knowledge, that he committed armed
22 robbery.

23 Q. [13:01:33] Thank you, Witness. Just one follow-up question on this theme.

24 You said yesterday that you personally saw these people -- you personally saw seven
25 people killed. And in your previous statement - let me give you the reference,

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 paragraph 94 - you said that there are three people. Can you explain what the right
2 figure is?

3 A. [13:02:28] I must say that there were seven people. If I said three, that is
4 perhaps something that could be used against me. But in reality there were seven
5 people.

6 (Counsel confers)

7 MR JACOBS: [13:03:05](Interpretation)

8 Q. [13:03:06] Right, witness. I have a last question on this theme.

9 Yesterday, in -- when you were asked to name the Seleka who were with you - so this
10 is transcript 72 - you said you can't identify them because they were wearing a hood
11 and they did not identify themselves, or introduce themselves. So I'm going to read
12 an extract of your previous statement.

13 So this is paragraph 96 that we have in front of us and I'm just going to finish -- read
14 paragraph 96:

15 " * Colonel Zakaria ordered us to put the bodies in the bags and load them into the
16 pickup. Zakaria then ordered us to accompany the driver and throw the bodies into
17 the river."

18 And I'm continuing with 97, paragraph 97:

19 "In the pickup, there was the other prisoner and myself, and a third person called
20 Noiro. Noiro was a rather turbulent Seleka member who was in prison because he
21 lacked discipline. The conductor was a person called 'Doko' who lost his life in a
22 road accident subsequently."

23 And I'm going to stop here because it's the names that are of interest to me.

24 Now, do you recollect the names of the people who were in the pickup?

25 A. [13:04:43] Very well. Dobo -- Doko.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 THE INTERPRETER: [13:04:57] I'm sorry. I can't have any interpretation from the
2 Sango booth.

3 *THE WITNESS: [13:05:04](Interpretation) Very well. Doko. I remember Noiro well, he
4 was a Seleka. Doko had taken the nickname of a soldier who was quite famous under
5 Bozizé. I remember that they were wearing turbans, they had black hoods on their heads
6 and they're the ones who transported the bodies to throw them into the river.

7 MR JACOBS: [13:05:34](Interpretation)

8 Q. [13:05:34] Last question, witness, on this, just so that we can clarify something.

9 I read out paragraph 96; that mentions Zakaria.

10 And if you could just display 98, paragraph 98, court officer.

11 Sorry, 88, page 1039. Right.

12 Now, you mentioned a name several times since yesterday and I just wanted to clarify
13 this for the records. You mentioned Zakaria, and you say that it was he, Zakaria,
14 who was really in command and he was nicknamed Djamdjia-Go. And this is the
15 next page. He had a distinctive moustache, distinctive long arm that was curved in
16 the ends, and I do not know his first name.

17 So, witness, I just want to confirm that this person Djamdjia-Go that you mentioned in
18 your previous statement is the person that you mentioned several times since
19 yesterday.

20 It's Djamdjia-Go -- is this person Zakaria that you were referring to.

21 A. [13:06:59] Yes, it is him. It's Zakaria. Also known as "Djamjango Zo tî müngö
22 kûâ na azo", and he would actually take on certain nicknames so that no one could
23 actually know his true name.

24 Q. [13:07:20] Thank you so much, witness.

25 MR JACOBS: [13:07:23](Interpretation) Your Honour, I have no further questions.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [13:07:29] Thank you very much, Mr Jacobs.
- 2 Maybe just a follow-up question to that question you just asked.
- 3 Mr Witness, can you -- can you -- well, I don't know whether -- can you confirm or
- 4 clarify whether the person Djamdjia-Go who you now say is Zakaria is the same
- 5 person you referred to yesterday as Said Aroun?
- 6 THE WITNESS: [13:08:19](Interpretation) Yes, Djamdjia-Go, alias Zakaria, Zo tí
- 7 müngö kûâ na azo, at the OCRB, he was known under the name of Aroun Said.
- 8 PRESIDING JUDGE SAMBA: [13:08:36] Thank you very much.
- 9 Mr Jacobs, do I understand you to mean that you're done with the cross-examination?
- 10 Thank you very much.
- 11 Any question in re-examination, please, Madam Prosecutor?
- 12 MS MAKWAIA: [13:08:55] Just one, Madam President, your Honours.
- 13 PRESIDING JUDGE SAMBA: [13:09:00] Quickly, please; yes.
- 14 MS MAKWAIA: [13:08:59] Thank you, Madam President.
- 15 QUESTIONED BY MS MAKWAIA:
- 16 Q. [13:09:01] Mr Witness, when you were detained at the OCRB, were you allowed
- 17 to get out of your cell apart from the occasion --
- 18 MR JACOBS: [13:09:17](Interpretation) I do apologise, Madam President. These
- 19 questions do not come out of the cross-examination. If our learned colleague wants
- 20 to put questions, she had the opportunity to do in our examination in chief, but this is
- 21 not something that she can do in redirect.
- 22 PRESIDING JUDGE SAMBA: [13:09:39] Yes, I think I uphold that objection, Madam
- 23 Prosecutor. That's nothing new coming from the cross-examination.
- 24 Do you have any other question?
- 25 MS MAKWAIA: [13:09:50] I do, Madam President.

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Private Session)

ICC-01/14-01/21

1 Q. [13:09:52] Mr Witness, after were you taken to the OCRB upon your arrest with
2 Mr (Redacted), did you see him again at the OCRB?

3 A. [13:10:18] When we were arrested, he was released and I did not see him at the
4 OCRB again.

5 MS MAKWAIA: [13:10:37] Just a final question, your Honours.

6 Q. [13:10:39] Did you see his actual release, Mr Witness?

7 A. [13:10:59] Yes, he was released from the cell and he walked in front of my cell in
8 order to leave the compound. I saw him. I saw him. And a few days afterwards,
9 I saw other co-detainees going out to take showers but I didn't see him, so that meant
10 that it was indeed him, or he who had walked past my cell on that day and that he
11 had quite simply been released.

12 MS MAKWAIA: [13:11:39] Thank you, your Honours. I have no further questions
13 on this.

14 PRESIDING JUDGE SAMBA: [13:11:40] Thank you very much, Mr Witness.

15 I'm going to ask that we be returned to open session, please, if we may.

16 (Open session at 1.12 p.m.)

17 THE COURT OFFICER: [13:12:02] We are back to open session, Madam President.

18 Madam President, just a quick follow-up on the Defence request page 36, line 7 of the
19 real-time transcript.

20 PRESIDING JUDGE SAMBA: [13:12:16] The decree?

21 THE COURT OFFICER: [13:12:19] Exactly, Madam President.

22 PRESIDING JUDGE SAMBA: [13:12:22] Yes. May I ask the court officer in the field
23 office to get that from the witness so that we can have an ERN number for that on the
24 record.

25 THE COURT OFFICER: [13:12:31] We'll proceed, accordingly, Madam President,

Trial Hearing
WITNESS: CAR-OTP-P-0481

(Open Session)

ICC-01/14-01/21

1 and we'll provide the Registry number.

2 PRESIDING JUDGE SAMBA: [13:12:38] Thank you very much. We're in open
3 session, aren't we?

4 THE COURT OFFICER: [13:12:41] We are, Madam President.

5 PRESIDING JUDGE SAMBA: [13:12:43] Yes. Now, Mr Witness, I wish to on behalf
6 of the Chamber thank you very much for your cooperation in respect of us soliciting
7 truth to what happened in your country. I wish you well where you're at and in
8 your future endeavours.

9 (The witness is excused)

10 PRESIDING JUDGE SAMBA: [13:13:00] For parties and participants, we'll adjourn
11 this matter. We know that tomorrow we'll hear the Prosecution's Witness 3064, and
12 so I will adjourn this matter and ask that we come back tomorrow at 9:30.

13 Thank you.

14 THE COURT USHER: [13:13:25] All rise.

15 (The hearing ends in open session at 1.13 p.m.)