

Trial Hearing
WITNESS: CAR-OTP-P-2573

(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, 11 July 2024
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:43] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:36:01] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:36:22] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:36:37] Thank you very much, Madam Court
20 Officer.
21 Can I ask for representations, starting with the Prosecution, please.
22 MS MAKWAIA: [9:36:46] May it please the Court. For the Office of the Prosecutor
23 this morning, myself, Holo Makwaia, senior trial lawyer; Kamran Choudhry,
24 Thomas Bifwoli, trial lawyers; and Alessia Vitiello, analysis assistant. Thank you.
25 PRESIDING JUDGE SAMBA: [9:37:03] Thank you very much, Ms Makwaia.

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1 Can I have representation for the victims, Ms Walter.

2 MS WALTER: [9:37:10] Good morning, Madam President, your Honours. Today
3 for the victims, Mr Tars Van Litsenborgh and I am Caroline Walter.

4 PRESIDING JUDGE SAMBA: [9:37:16] Thank you very much, Ms Walter.
5 Ms Naouri for the Defence, please.

6 MS NAOURI: [9:37:21](Interpretation) Thank you, Madam President. Good
7 morning. To my left, Dov Jacobs; to my right, Léa Allix; and behind me there is Yael
8 Vias Gvirsman; and myself, Jennifer Naouri, lead counsel.

9 MR DESALLIERS: [9:37:43] Good morning, your Honours. Marc Desalliers, legal
10 adviser for today's witness.

11 PRESIDING JUDGE SAMBA: [9:37:45] Thank you very much, counsel.

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

13 A very good morning to you, Mr Said. I hope I see you well.

14 MR SAID: [9:37:55](Interpretation) Yes, good morning, Madam President.

15 PRESIDING JUDGE SAMBA: [9:38:07] Good morning.

16 Good morning, Mr Witness. I hope you rested well.

17 WITNESS: CAR-OTP-P-2573 (On former oath)

18 (The witness speaks Sango)

19 THE WITNESS: [9:38:19](Interpretation) Thank you, Madam President. Yes, I
20 rested well because I was able to sleep well also last night. Thank you.

21 PRESIDING JUDGE SAMBA: [9:38:32] Very good to know that.

22 Now, today we are going to continue with your testimony, Mr Witness. And I'm
23 going to ask Ms Naouri to continue putting questions to you in cross-examination. I
24 wish to remind you that you are still on oath to tell the truth to this Court. And we
25 also want to give you the assurances against self-incrimination as you testify before

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1 this Court, because indeed all that we want is just the truth as to what you know or
2 witnessed happened in your country.

3 So, also be mindful of the five-seconds rule. You wait for questions and then answer
4 so that we are able to help the interpreters, so we get every detail of your testimony.
5 Ms Naouri, please, your questions to this witness, and we are in open session.

6 MS NAOURI: [9:39:40](Interpretation) Thank you very much, Madam President.

7 I would like to ask whether we can go into private session.

8 PRESIDING JUDGE SAMBA: [9:39:44] Certainly.

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

10 (Private session at 9.40 a.m.)

11 THE COURT OFFICER: [9:40:04] We are in private session, Madam President.

12 PRESIDING JUDGE SAMBA: [9:40:07] Thank you very much.

13 Ms Naouri, please put questions to the witness.

14 MS NAOURI: [9:40:12](Interpretation) Thank you, Madam President.

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

16 Q. [9:40:16] Good morning, Mr Witness.

17 A. [9:40:23] Good morning.

18 Q. [9:40:26] When we left yesterday, we were talking about the location of the PK9
19 roadblock. I will continue from there.

20 The first question is that roadblock at PK9 is also a road that makes it possible to
21 resupply Bangui; is that correct?

22 A. [9:40:58] Thank you for that question. Yes, obviously it is that road that
23 vehicles use to resupply the town of Bangui and also to exit Bangui.

24 Q. [9:41:22] Very well. Thank you. And at that checkpoint there were
25 gendarmes who were in the gendarmerie premises right next to the roadblock under

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1 Bozizé; correct?

2 A. [9:41:46] If I remember correctly, when I was still a child and when I was going
3 to the farm with my mother, at that roadblock, there were FACA elements, customs
4 officers and tax officials. There were also gendarmes who were working at that
5 checkpoint, each person belonging to their own specific unit.

6 Q. [9:42:25] Very well. And under Djotodia, there were also gendarmes in the
7 gendarmerie; correct?

8 A. [9:42:36] As I have already told you, at that time it was only the Seleka
9 controlling that roadblock. The FACA could not have access to it.

10 Q. [9:42:55] Very well. Mr Witness, I will read an extract from someone else
11 interviewed by the OTP.

12 And, for the record, it is tab 25.1 of our list, 25 for the English, and at *

13 CAR-OTP-2130-0873. So, for confidentiality reasons, it should not be shown to the
14 witness, and I will read out paragraph 28. And I would like to point out that it deals
15 with the month of August, paragraph 25.

16 The person tells us that: "During that period" - that is in August 2013 - "even -- just a
17 few barracks of the gendarmerie in Bangui were operational, including the SRI and
18 the PK9 and PK12 barracks."

19 According to that person, according to his information, at PK9 the gendarmerie was
20 operational. That means there were gendarmes at that location.

21 Do you have any comment on that?

22 A. [9:44:37] Thank you. After the Seleka took over power, I never saw any
23 gendarme working at PK9. The base that was there (Redacted)
24 the PK9 checkpoints were under the control of the Seleka.
25 (Redacted)

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1 (Redacted)

2 (Redacted) particular place. And I would like to repeat: (Redacted)

3 (Redacted)

4 All the colonels who were there sent their elements to that roadblock and this was
5 done in turns. Today it might be the turn of X, and the next day it would be another
6 officer sending his elements. I never saw any gendarme working at that roadblock.

7 Q. [9:46:17] Very well. Thank you, Mr Witness.

8 I wanted to ask you questions about that money that was collected. I understand
9 that the money went directly to the subordinate officers on the spot. And what was
10 the purpose of that money? Was it for personal use?

11 A. [9:46:44] As I have already said, (Redacted)
12 made it possible to meet their needs. As you know, after they took over power, they
13 were not yet receiving their salaries, so they were able to take care of themselves
14 (Redacted),
15 and each colonel received money through that activity.

16 Each one would send his elements to the roadblock to look for money and that money
17 would make it possible for them to buy food, alcohol and other items such as fuel. It
18 never went to the public treasury.

19 Q. [9:48:02] Thank you. I heard your testimony, and you used the word "quarter"
20 in relation to the colonels.

21 A. [9:48:21] I meant *kotazo*. I said that the president did not pay them their salary.
22 They used the money from the roadblock. If I said *kotazo*, it was because the
23 president was not paying them their money.

24 Q. [9:48:40] Very well. I understood that "*kotazo*" is the president.

25 Now, I will read you an extract of your prior statement, what the investigators took

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1 when they interviewed you, and it is tab 1.2 on our list; 1 for the English,
2 CAR-OTP-2130-5230, page 5238. It can be displayed and it is paragraph 34. I will
3 read it out to you. I will start:

4 (Redacted)

5 (Redacted)

6 (Redacted) 1,000 francs for a small car, 2,000 francs for a truck and 500 CFA for a
7 motorcycle. The various colonels would take turns collecting the taxes from the
8 vehicles. (Redacted)

9 (Redacted) would use the money to buy televisions,
10 and things for their wives.

11 They also used this money to buy fuel for their vehicles."

12 First of all, can you confirm that clarification that you gave in your prior statement,
13 Mr Witness?

14 A. [9:50:50] Thank you very much. In answer to your question, I told you a short
15 while ago that (Redacted) the various (Redacted) for their own needs. That is what I
16 told you a short while ago.

17 Q. [9:51:11] Thank you for confirming.

18 So, each person was sending their own elements, everybody was looking for their
19 own resources, and when they had enough money, did they return to their homes in
20 the provinces?

21 A. [9:51:37] Thank you. What I observed is that (Redacted) collected a lot of
22 money and property at PK9, he said that he had already received a lot of money and
23 weapons, and it was sufficient for him to go back to his home area. And shortly
24 afterwards, he left the job and left, (Redacted).

25 Q. [9:52:21] Very well. And how did it happen when the various colonels in PK9

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1 would argue between themselves to share the loot?

2 A. [9:52:40] As I have already told you, things were very complicated. The
3 distribution or sharing of the loot was an occasion when colonels would aim their
4 guns at each other, because of that money (Redacted).

5 It is true that their services were carried out in turn, but some of them wanted to
6 spend two days at the roadblock while others did not. So it was always a source of
7 misunderstanding amongst them.

8 A general was compelled to intervene to restore peace amongst the officers at PK9,
9 because it was the only way to resupply the capital. The sharing of the money was a
10 very complicated affair.

11 Q. [9:54:00] Thank you for that clarification, Mr Witness. And so, if I understood
12 you well - and I'm referring to the transcript of 8 July, page 6, lines 14 to 23 - it was
13 (Redacted)

14 A. [9:54:41] Thank you. (Redacted),
15 but in light of his treatment of his elements, (Redacted). (Redacted) is someone who
16 is very understanding. He did not go very far in his studies, but it is someone with a
17 good heart. He never tortured his elements, he never perpetrated any offences of
18 that type, so I realised that there was a very good relationship between him and his
19 elements, and that is why I asked for that transfer, to join his team.

20 Q. [9:55:53] Very well. So, if I understand you well, (Redacted)
21 (Redacted)

22 If you can clarify, you told us that you had (Redacted). What was your -- what were
23 your conditions (Redacted)? Were you in a little building? What about feeding
24 yourself, and so on? Please kindly elaborate a little bit on that.

25 A. [9:56:40] Thank you. (Redacted), it was good, because

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1 (Redacted)

2 (Redacted)

3 (Redacted). There were girls amongst us. They gave them money also to go and
4 buy foodstuffs. He had built a tent which we used as a shelter. We were always
5 with him and his vehicles were also parked nearby. He was somebody who was
6 very calm, not very talkative.

7 That is what I can say about that officer.

8 Q. [9:57:55] Very well. Thank you, Mr Witness.

9 And how many of you were there as elements (Redacted)?

10 A. [9:58:06] As I have already stated here, (Redacted),
11 including myself.

12 Q. [9:58:23] Thank you, Mr Witness. When you were examined by the
13 Prosecution - transcript 91, real-time, page 12, lines 22, 13 and 14 - and I will show
14 you a photograph which is different, tab 39 of our list, CAR-D33-0015-0622.

15 Now, this is an aerial photograph which you see displayed on your screen. It is of
16 the zone where the PK9 roadblock is located. Can you see the barrier or the
17 roadblock, Mr Witness?

18 A. [9:59:31] I don't think it is very visible. I would like the photograph to be
19 zoomed -- to zoom in a little bit so that I can see perfectly.

20 Q. [9:59:49] Perfect. It is possible to see the roadblock now.
21 Can you see it, Mr Witness?

22 A. [9:59:56] The roadblock is really not visible. I remember this intersection. The
23 road to the right goes -- leads to Orchidée. The one straight ahead is the PK9 road,
24 but, on the other hand, the roadblock is not really visible here.

25 Q. [10:00:36] Mr Witness, do you see the big red rectangle? It's in a kind of

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1 terracotta colour. Obviously, this is an aerial view, it's been taken from the sky, so
2 you have to imagine you are a bird flying in the sky, perhaps, but do you see the
3 checkpoint? Do you see, above all, where it begins, there where it starts, where it
4 rises and then where it falls? Can you find it there?

5 A. [10:01:24] Well, (Redacted).

6 But if you tell me that that -- the roadblock is located near that building which is
7 reddish in colour, I can see the tree just beside that, and that tree served (Redacted)
8 would be located just beside it, if I remember correctly.

9 Q. [10:02:04] Okay. Very well.

10 As the representative of the Prosecution asked you to, I would ask you to mark that
11 tree where (Redacted) was with the number "1", okay? But just wait one moment,
12 because my colleague is saying to me that it would be better if we actually were to
13 zoom out on this picture and, perhaps, you could zoom, use the zoom feature, and
14 more to the bottom of what we are currently looking at, because it's the lower part of
15 the view which is of most use to us. Yes, actually, it's the opposite; it's the lower part
16 of the view that we would like to see.

17 Thank you very much. That's it. Perfect, thank you very much. Perfect.

18 Witness, sorry, now, I think that this version will be the most useful for you. Would
19 you like to mark that now with the number "1". That way, if I ask you further
20 questions I'll know that number 1 is where (Redacted). Thank you very much,
21 witness.

22 Good. Now that you've annotated that, could you tell us where the gendarmerie
23 was located, if you know.

24 A. [10:04:07] The gendarmerie was located behind.

25 Q. [10:04:18] Okay. Perhaps you could mark with the number "2" the location of

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1 the gendarmerie.

2 A. [10:04:29] Well, as I told you, the gendarmerie is not visible on this view. It's
3 located behind, that is to say when you leave PK9, in the direction of the gendarmerie,
4 I would say it's about 100 metres removed.

5 Q. [10:04:57] Okay. Very well. In that case, could you indicate to us the location
6 (Redacted), that is to say the *hangar*.

7 Okay, thank you.

8 You referred to the customs building that was there, including under Bozizé. Could
9 you indicate where it is on this aerial view.

10 Perfect.

11 Could you mark that with the number "3", just a little number "3" where you have
12 indicated the location, and that will complete our work on this map.

13 PRESIDING JUDGE SAMBA: [10:06:11] Yes. Yes, Mr Choudhry.

14 MR CHOUDHRY: [10:06:14] I apologise to interrupt my learned friend. It is just in
15 relation to this particular map, what the Prosecution has been struggling to do is just
16 to locate the time frame in which this map was actually taken, or the year or frame
17 that this was taken in. We are attempting to do research on that issue, but it may
18 well be that, if this map is taken in 2021, it looks very different to how it was in 2013,
19 so perhaps my learned friend could just assist us in that regard. Thank you.

20 PRESIDING JUDGE SAMBA: [10:06:45] Thank you very much.

21 Ms Naouri, please, your response?

22 MS NAOURI: [10:06:49](Interpretation) Indeed. Oh, I just had the interpreter in
23 my ear.

24 Yes, on this map we have tried to indicate what is most visible. It is dated 2021 and
25 is what was available on Google Maps. We have compared it with other materials to

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1 check out the layout. The buildings are not always the same.

2 If I'm not mistaken, the photos which were used by the Prosecution to show the river,
3 which was annotated, dated back to 2018. We didn't object to that because we didn't
4 expect any change, so the photos of 2018 correspond more or less to the current
5 geographic reality.

6 And it is the same for these vehicle -- rather, maps from 2021. They indicate the
7 facilities set up and operating under Bozizé and during the colonial period, in fact.

8 The same buildings are still there. They were there before 2013. They were there in
9 2013 and they were still there in 2021, so nothing has changed that connection.

10 And I would also add, the most important topographical features in the map
11 of -- used by the Prosecution dated 2018 are also there today, and that's why we did
12 not object to the Prosecution using that map.

13 So these are our submissions, your Honour.

14 PRESIDING JUDGE SAMBA: [10:08:42] Just a moment, Mr Choudhry. Yes, I see
15 the witness's hand up.

16 Yes, Mr Witness.

17 THE WITNESS: [10:08:54](Interpretation) Yes, thank you. I'd just like to say this.

18 The PK9 roadblock changed in terms of its configuration. Where the customs
19 building used to be, that is now -- occupied by others now, and the roadblock was
20 slightly behind that. All of the facilities used by the Seleka back then have been
21 moved since.

22 Now, if you were to look at a current view of that location, you would see that it is
23 different to what -- the way it was back then. So there are new people occupying
24 that area now at PK9. So, let me repeat: That whole area that was occupied by the
25 Seleka has been -- has been changed, it's been modified, the buildings are no longer

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1 the same. I've seen the situation myself when I would head out into the fields, for
2 instance. That's what I wanted to say.

3 PRESIDING JUDGE SAMBA: [10:10:17] Yes, Mr Choudhry.

4 MR CHOUDHRY: [10:10:26] Your Honour, with that, the difficulty that we have is
5 the point that the witness has made. My learned friend, in her submissions, made
6 representations, in effect, giving evidence as to what the area looked like. The
7 difference between the maps that the Prosecution used - particularly the one that my
8 learned friend references - are two things:

9 The first thing is that that map was put to the witness during the course of his
10 interview and the witness was able to verify the topography as Google Earth
11 presented it to be. It would have been a different matter if my learned friend had
12 put this map to the witness and asked the witness, "Is this what the area looked like in
13 2013?" and the witness was to say, "Yes, it was." I would have had no objection
14 whatsoever.

15 But this is a map which is a significant time -- taken a significant time later than
16 what -- well, than 2013. And as your Honours have heard, the witness is now being
17 asked to comment on that map and, in effect, give an impression of what was in
18 existence on a map where -- which contains, in the witness's own words to your
19 Honours, very different buildings.

20 So there is an objection to using this, your Honours, as a form of verification. My
21 learned friend can use some of the maps that we have provided, or some of the video
22 footage that we have provided, to put the same questions to the witness. That may
23 well assist my learned friend. But, in using this particular map, it's my submission
24 that it's irrelevant and inappropriate.

25 THE INTERPRETER: [10:12:02] Note from the interpreter: The witness said earlier

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1 that certain facilities (Overlapping speakers) --

2 MS NAOURI: [10:12:12](Interpretation) Your Honour, I don't have a full answer to
3 give.

4 PRESIDING JUDGE SAMBA: [10:12:14] Sorry -- excuse me. Sorry, Ms Naouri.

5 Can I hear what the interpreter wants to tell us that the witness had said that we did
6 not get.

7 Yes, please.

8 THE INTERPRETER: [10:12:22] Yes. Note from the interpreter: The witness said
9 that some of the facilities previously used at that location are currently used by the
10 *requins*, the sharks.

11 PRESIDING JUDGE SAMBA: [10:12:41] Yes, Ms Naouri.

12 Thank you very much, Madam Interpreter.

13 MS NAOURI: [10:12:45](Interpretation) Yes, thank you, your Honour. I have a
14 number of comments.

15 First of all, what we are talking about is a cross-examination. We did the same thing
16 that the Prosecution did, we consulted Google Earth. If Google Earth is good
17 enough for the Prosecution, it's good enough for us. Now, we are not using their
18 maps, we are presenting our own maps, maps which have subsequently been
19 confirmed by experts who have attested that what you see today on those maps, in
20 terms of the buildings, that those buildings are still there. There has been changes in
21 the greenery. They were there back in 2013, 2021 and 2024.

22 So these -- this map, in terms of the location of the buildings, is correct, and the expert
23 has -- or the Defence has experts which could come here to testify to that.

24 So, we are using these maps to discuss topographical features and we will be looking
25 at that in further detail. That's my first.

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1 Secondly, now, the witness is being influenced in his testimony. When the
2 Prosecution says, "Oh, well, this map does not reflect reality", then the witness
3 answers, "Yes, that is correct", or comes back in to say, "Yes, there have been changes,
4 that's now the *requins* who are occupying that area now in 2024."
5 But as regards the buildings, it's the same buildings, they stand today. This is
6 testimony which goes to the credibility of the witness. If the witness tells us that the
7 buildings have changed, well, we're going to prove that the buildings did not change.
8 But it's important that the testimony of the witness not be influenced. If the -- if my
9 learned friend had wanted to raise that objection, he should have asked that the
10 witness be excused while he made that objection. But raising this objection now, and
11 insinuating that the map is not correct, the witness has understood well and now tells
12 us that this map does not correspond to the reality of 2024. If this is a map from 2021,
13 which shows all of the buildings that were there in 2013, I asked (Redacted), I was
14 told it was located at a certain tree, that tree is still there. And we are -- have -- are
15 allowed to cross-examine this witness to establish his credibility with whatever means
16 we have.

17 These are my submissions, your Honour.

18 PRESIDING JUDGE SAMBA: [10:15:28] Thank you very much.

19 With respect to your submission that the witness's testimony has been influenced, we
20 do take note of the witness's struggles, because we're observing his demeanour as he
21 testifies. We do take note of his struggles when this -- sorry, picture or exhibit was
22 put to him.

23 As to his testimony that we already have now, that there are changes in respect of
24 what is on that particular exhibit on the ground, that is what we have in evidence.

25 You have said, Ms Naouri, that you intend to bring experts to testify to the effect that

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1 what we see on this document is what is in play in the CAR as of now.

2 So it's good that we wait for that expert evidence, expert testimony, if you bring that
3 person to testify before us, and then we look at his or her own testimony, compare it
4 with what the witness has said that is now in evidence before us. I think that would
5 be a fair statement.

6 But, for now, what the witness has said is that what we see here is different from
7 what was in that area, or that location, in 2013.

8 Thank you very much. You may continue with your lines of questioning in cross.

9 Thank you.

10 MS NAOURI: [10:17:01](Interpretation) Thank you, your Honour, that's perfect.

11 We therefore ask that this map, which has been annotated by the witness, be
12 submitted. And this brings us to the end of our use of this map. However, of
13 course, I want to allow the time to the court officer to assign a number to it.

14 PRESIDING JUDGE SAMBA: [10:17:37] Yes. While we wait for the ERN number --

15 THE COURT OFFICER: [10:17:41] Yes, Madam President, CAR-REG-0002-0122 for
16 the annotated item, CAR-D33-0015-0622. I don't recall the tab number. I apologise.

17 PRESIDING JUDGE SAMBA: [10:18:05] What was the tab number, Ms Naouri?

18 THE COURT OFFICER: [10:18:12] Tab 39. I just checked, indeed. Thank you.

19 PRESIDING JUDGE SAMBA: [10:18:20] We confirm it's 39?

20 MS NAOURI: [10:18:23](Interpretation) Yes, it's 39.

21 PRESIDING JUDGE SAMBA: [10:18:25] Yes. I see the witness's hand was up.

22 Do you want to say anything, Mr Witness?

23 THE WITNESS: [10:18:33](Interpretation) Yes, thank you.

24 Your Honour, I took an oath to speak the truth here and I will speak nothing but the
25 truth here until the end, until I die. If you doubt what I have said about this image,

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1 you will need to travel to the Central African Republic and you will see it for yourself.
2 All of the buildings that served as gendarmerie stations are indeed still present. But,
3 on the other side, (Redacted), there, things have changed. And where (Redacted),
4 the customs point that was there located on the road, is no longer there. It's now
5 behind.

6 It's the *requins* -- the sharks -- who are occupying that location now.

7 Now, who are the sharks? They are members of Mr Touadera's presidential guard.

8 It's they who occupy that site, and now I'm referring to where (Redacted).

9 Now, (Redacted), there are also sharks stationed, and FACA.

10 Now, the sharks in the Central African Republic are members of the
11 presidential guard - the *requins* - and it is they who locate -- who occupy that location.
12 As regards the buildings, the way they are laid out, it's not -- are not quite the same
13 now. You would need to visit the site to see it yourself, but the configuration is no
14 longer the same. The image that I see here is different to the reality on site. That's
15 what I wanted to relay to you, your Honour.

16 PRESIDING JUDGE SAMBA: [10:20:47] All right. Thank you very much,
17 Mr Witness.

18 Ms Naouri, please continue your questions.

19 MS NAOURI: [10:20:51](Interpretation) Thank you, your Honour.

20 Q. [10:20:56] Witness, we're going to move on to a new topic. I would like to
21 return briefly to the Boy-Rabe mission.

22 At T-94, live version, on page 20, line 20, you refer to the Boy-Rabe mission, and at
23 that point of time (Redacted), were you not?

24 A. [10:21:32] Yes.

25 Q. [10:21:38] And (Redacted) was located (Redacted) that time; is that correct?

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1 A. [10:21:45] Yes.

2 Q. [10:21:47] (Redacted) was based at the gendarmerie (Redacted), and this was at
3 the point in time that the Boy-Rabe operation was taking place; is that correct?

4 A. [10:22:00] Yes, that is correct.

5 Q. [10:22:09] Very well. And when you, well, allegedly took part in this Boy-Rabe
6 operation, that was at a point in time just after Bozizé supporters firing on the
7 *Assemblée nationale* from Boy-Rabe; is that correct?

8 A. [10:22:39] Yes, it was after that attack that we went to Boy-Rabe.

9 Q. [10:22:46] And that attack, it took place on the day just before the inauguration
10 ceremony of Djotodia; is that correct?

11 A. [10:23:03] If I remember correctly, that must have been the case.

12 Q. [10:23:21] All right. Thank you, witness, that's very clear.

13 I'm now going to move to another topic. I would now like to move to your posting
14 at the presidential palace.

15 Now, if I understand correctly, at that point in time you were awaiting training when
16 you were at the presidential palace; is that correct?

17 A. [10:24:04] Yes, that's right. When we were there, we were indeed awaiting
18 training. We were waiting to be sent to Kassai to undergo training.

19 Q. [10:24:26] Very well. And -- well, you say you were at the presidential palace.
20 Were you involved in a process to identify new recruits; is that right?

21 A. [10:24:48] Yes, that's right.

22 Q. [10:24:53] Well, could you explain us in a few words how that identification
23 process was carried out?

24 A. [10:25:04] Thank you. Well, at a certain point of time, it appeared that
25 something was being planned, something was coming up, and that something or that

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1 issue related to the Central Africans who had joined the Seleka. We didn't know
2 exactly what it was, but we -- it was after this problem that we got wind of what
3 was -- what people were saying at Camp de Roux. What they were saying was that
4 all those who had joined the Seleka in Bangui should go to Berengo to undergo
5 training, and some of the new recruits who were located at the *palais* were to go to
6 Kassai to undergo training and to become presidential guards. And those who were
7 to undergo training in Berengo were to join the Central African armed forces.
8 Now, one morning we saw vehicles arrive into the palace area and the Christians
9 were asked to line up. (Redacted)
10 (Redacted). The other colonels then said, "Well, how could that be possible?" He
11 said -- they said that the Christians had to go to Berengo, (Redacted)
12 was against that decision and he insisted that all of the elements go for training in
13 Kassai.
14 There was a disagreement between them on that matter, which wasn't resolved.
15 General Semka (phon) asked the colonels to, well, calm down, and some of those who
16 had lined up were indeed taken off to Berengo. (Redacted)
17 (Redacted) and we then began our training at Kassai, or towards Kassai. That's how
18 things occurred at the palace.
19 Q. [10:28:15] Okay. Thank you, witness. Thank you for those details.
20 Now, I'm going to read to you a passage of what somebody else told the
21 representatives of the Office of the Prosecutor. This individual was also present at
22 the palace.
23 Now, we must not show what I'm going to talk about now to the witness. It's at
24 tab 23 - that's the English version - and 23.2 for the French version,
25 CAR-OTP-2130-0661, page 3229, paragraph 41. And I'm going to read that out now.

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1 PRESIDING JUDGE SAMBA: [10:29:02] Sorry, Ms Naouri. Before you do that,
2 Mr Choudhry, please.

3 MR CHOUDHRY: [10:29:07] Your Honours, just in taking leave with -- from my
4 learned friends, there is a matter of law in relation to this. Perhaps that could be
5 raised in the absence of the witness.

6 PRESIDING JUDGE SAMBA: [10:29:21] Can I ask the court clerk to please help the
7 witness out of the courtroom.

8 (The witness exits the courtroom)

9 PRESIDING JUDGE SAMBA: [10:29:56] Yes, please, Mr Choudhry.

10 MR CHOUDHRY: [10:29:59] Your Honours, it's a dated issue that the Prosecution
11 raised in relation to when the Defence puts forward a representation that somebody
12 else was interviewed by the Prosecution, or puts forward, in effect, a witness
13 statement of somebody else to a witness.

14 Your Honours will recall that on the last occasion submissions were made and your
15 Honours invited the Prosecution to look deeper into that issue.

16 My learned friend today has stated at page 5, line 3, "someone else interviewed".

17 That was in relation to their first witness, and that was a different tab. My learned
18 friend is seeking to do the same today for this particular witness.

19 The issue is this, your Honours: Having looked at the additional conduct of
20 proceedings, paragraph 19, which the Defence cited previously, it states this:

21 "The parties and participants may put to a witness another witness's prior recorded or
22 in-court testimony, but without revealing that witness's identity."

23 That's clear. But, in construing what is a witness or a witness's prior witness -- a
24 witness's prior recorded or in-court testimony, your Honours, there is actually
25 guidance in the Chamber's practice manual on that issue, albeit it's an analogous

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1 situation. And that is in the annex, your Honours, which is stated as the protocol on
2 the handling of confidential information. Paragraph 4(f) reads this:

3 "'Witness' shall mean a person whom a party or participant intends to call to testify or
4 on whose statement a party or participant intends to rely. The term 'witness'
5 includes expert witnesses."

6 Your Honours, it is the Prosecution's submission that that definition is the correct one,
7 and the reason being is because that individual may be called before this Court and
8 questioned as to whether what is being asserted or represented to be his comments is
9 in fact a true and accurate representation of his comments.

10 The Prosecution doesn't take issue with the proposition what a witness may say being
11 put to any witness in this Court. The prejudice that that causes, your Honour, is
12 simply this: It, first of all, gives a legitimacy or informs a witness now giving
13 testimony before this Court, it gives a sense of legitimacy to that process. It also asks
14 a witness to comment on what another individual, or another witness in this case - as
15 my learned friend put, somebody interviewed by the Prosecution - has said. But that
16 person will never come before this Court. That person will never testify before this
17 Court, so what that person, in fact, said can never be tested. And that's the issue,
18 your Honours. So the Prosecution really objects to the framing of the question.

19 The content of what my learned friend uses or takes from any particular witness
20 statement, that is, as I submit, fair game. But by informing a witness that another
21 person was interviewed by the Prosecution or another witness that was spoken to by
22 the Prosecution "said this", that, your Honours, is objected to because that is
23 inappropriate, as defined in the framework under the Chambers Practice Manual and
24 in the conduct of proceedings. That's the objection.

25 PRESIDING JUDGE SAMBA: [10:33:36] While you are still on your legs,

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1 Mr Choudhry, is it your suggestion that a witness can only be an expert witness?

2 MR CHOUDHRY: [10:33:50] No, your Honours. If I read the Chamber's manual
3 correctly, the term "witness" includes expert witness, but "witness" itself is defined as
4 "a person whom a party or participant intends to call to testify or on whose statement
5 a party or participant intends to rely". That's the definition.

6 PRESIDING JUDGE SAMBA: [10:34:14] My understanding of a witness is
7 somebody who would testify before the Court, whether an expert, somebody who
8 would -- because talking to somebody and getting a statement from a person at a
9 particular stage would be what I would term a "potential witness". Is it your
10 position that this testimony that counsel wants to -- or the part of this testimony that
11 counsel wants to put to this witness, that particular person is not your witness, as
12 somebody who would have testified before the Court?

13 MR CHOUDHRY: [10:34:49] Your Honour, that is the position, because none of the
14 individuals that my learned friend is referring to are witnesses in this case or will ever
15 be called before the Court in this case. They are not relied on, their statements have
16 not been submitted before your Honours, and they will never be invited before this
17 Chamber.

18 PRESIDING JUDGE SAMBA: [10:35:08] Are you, therefore, saying that your
19 problem with the line of questioning is because of the use of the word, or the term or
20 the name "witness"?

21 MR CHOUDHRY: [10:35:23] Yes, your Honour. And, in addition to that,
22 informing an individual who is testifying before you that an individual has been
23 interviewed, an individual -- an individual is another witness that the Prosecution has
24 been spoken to. It gives a legitimacy and it asks a witness who is testifying to
25 comment on what, in effect, may be nothing at all. That witness might, for

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1 example -- to give you a real practical example, may retract their statement were they
2 to be contacted ever again.

3 So it's really a proposition. What my learned friend is seeking to do is simply say
4 this: Another person has said this somewhere and we'd like to put that fact to you,
5 do you agree with that or not?

6 It's asking, it's inviting comment from the witness, the source of which cannot be
7 tested.

8 PRESIDING JUDGE SAMBA: [10:36:18] You see, because many times when they put
9 questions to witnesses -- I mean, comments or statements that other persons would
10 have made, I mean, such witnesses would state their own positions, and that is how
11 we look at it, that, you know, this is your own position, not necessarily the position of
12 the other person.

13 But if your concern is about the use of the term maybe "witness", really, then I'm sure
14 that Ms Naouri, like we have said before, you know, they could couch their question
15 to witnesses who appear before us, when they want to refer to statements made by
16 other persons. Because actually, as I said, the word "witness" for me would be
17 somebody, I mean, you know, who would appear before the Court, who would testify
18 on oath as to what he or she knows that happened in a particular statement. I do
19 take your position.

20 But, yes, let me hear from Ms Naouri, because we had given certain directions in
21 respect of lines of questioning when it comes to touching on testimonies of all -- well,
22 not testimonies, statements made to the Prosecution by other persons.

23 Yes, Ms Naouri.

24 MS NAOURI: [10:37:30](Interpretation) Thank you, Madam President.

25 The first thing that I would like to say is that I never used the word "witness"; I said

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1 someone who was interviewed by the OTP, exactly as we decided the last time,
2 transcript -- from 38, 17. We had that debate already and I took the conclusions, so I
3 never used the word "witness". And it's transcript 77. So, transcript 77, page 30,
4 line 17.

5 So, we have already had this debate and we are going back to it again, and it's a
6 problem. And I talked about someone who had been interviewed by the Prosecution.
7 I suppose that the Prosecution is not disputing the fact that they interviewed that
8 person and that that person gave them answers which were noted down. So that
9 is -- that gives a certain value, that is true.

10 And, as you have said, a witness who is confronted with another person's idea has the
11 freedom to say, "I do not agree, my opinion is different". And, anyway, the witness
12 of today has done so. When I talked about the presence of gendarmes in the
13 gendarmerie, he said, "I stand by what I said, I never saw gendarmes in the
14 gendarmerie".

15 So, consequently, if the Prosecutor wanted to come back to the debate, we have
16 already had that debate - paragraph 19 of your second decision on the conduct of the
17 debates - he should have done that in writing, because we cannot systematically break
18 up the cross-examination, especially that the day on which we had that debate, two
19 minutes later, we submitted excerpts of prior statements of people interviewed by the
20 OTP and we have continued doing so since that time.

21 I agree that the Chamber can change an opinion, but we have gone very far. Your
22 Bench had taken a decision and it was very clear. And from that moment on, we
23 always use the phrase "a person that was interviewed by the investigators of the
24 OTP".

25 It is the same thing with press articles, regarding articles that had not necessarily been

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1 given to the OTP. So, it is our role to confront the witness with items or materials
2 disclosed by the OTP. Those are people who had been interviewed by the
3 investigators of the Office of the Prosecutor, and the statements were made available.
4 Regarding the fact that what was said cannot be tested, well, there is witness *66(2)(b)
5 that cannot be tested as well, but we are talking from the basis that what had been
6 said was said, but we are not at the same level. We present that to the witness and
7 we allow the witness to react, as we have been saying since the commencement of our
8 examination.

9 Regarding the practice manual, the Chamber said clearly that the practice manual is
10 simply indicative, particularly on this issue. In your second decision, paragraph 19
11 of the Chamber's manual mentions that in our case, it is well above the practical guide,
12 which is in the purview of the counsel. That is what the Appeals Chamber has said.
13 So it is clear, it is a clear practice that when we are talking to a witness, we explain
14 where the information comes from, whether it is from a person who was interviewed,
15 whether it is a press article or whether it is somebody who testified in hearing, and
16 we confront the person with the transcript. We never reveal the identity of that
17 person whose opinion we use to confront. And we are very careful.
18 So, since the Prosecutor disclosed materials, we thought that we had the right to use
19 those materials during our cross-examination, to -- so as not to go back to the debate
20 all the time. Thank you, Madam President.

21 PRESIDING JUDGE SAMBA: [10:43:56] So, Mr Choudhry, let's not go back and
22 forth on this issue. If we -- I mean, looking at the live transcript, what Ms Naouri
23 said there was to the effect that somebody else told the representative of the Office of
24 the Prosecutor, that was the foundation she laid before whatever she wanted to put to
25 this witness, and we had given directions in respect of this line of questioning, when

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1 it comes to using, you know, testimonies or statements made by other persons to you.
2 And we are not going to go back on that decision, because she has complied with the
3 directions that we gave.
4 And as I keep saying, you know, this is a criminal trial. It is a criminal trial. You all
5 disclosed those information in the form of documents, evidence, to the Defence. It is
6 for them to use to defend their client, for as long as it is fair.
7 If a question is put to a witness to give his or her own comment, if that's not the
8 position, that witness will say so, just like we saw this morning with respect to this
9 particular witness, as Ms Naouri is saying. He went -- and we allowed him, he went
10 on and on to explain that this was not -- this is not what was in 2013, and we are
11 content with that. Let's not go back on that direction. I think I'm going to ask
12 Ms Naouri to, you know, get the witness in and let's move on with this, with these
13 proceedings. Ms Naouri will continue and put her questions in cross.
14 Madam clerk, can you please bring in the witness. Thank you.

15 (The witness enters the courtroom)

16 PRESIDING JUDGE SAMBA: [10:46:37] Welcome back to the courtroom,
17 Mr Witness.

18 Ms Naouri, please continue with your questions.

19 MS NAOURI: [10:46:43](Interpretation) I'm sorry, just an organisation question.
20 Can I spill over to the next session, since we have had a little debate? I wanted to
21 finish now, but I really want to state to you that I will -- my coming questions will be
22 well targeted.

23 PRESIDING JUDGE SAMBA: [10:47:15] Well, you know, unfortunately -- I
24 understand, I appreciate the time lost, because I don't even know what the
25 Prosecution's intention is in respect of re-examination of this witness and possible

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1 questions that would come from the Bench. But let's make the best of the time you
2 have and let's see how we go. Thank you.

3 MS NAOURI: [10:47:36] (Overlapping speakers)

4 PRESIDING JUDGE SAMBA: [10:47:39] I think, yes, let's go on. Thank you.

5 MS NAOURI: [10:47:42](Interpretation) Very well, thank you very much,
6 Madam President.

7 Q. [10:47:51] Mr Witness, just before that small interruption, I was going to read to
8 you an extract from someone who was in the presidential guard who told us
9 something. It is tab 23.2.

10 "The B1 office of the Camp de Roux, the first office of the chief of staff, came to the
11 palace to register the Seleka who had fought on the road to Bangui. These Seleka
12 received identification numbers. Badges were issued. Each Seleka who had
13 himself registered had to receive the sum of 50,000 CFA francs."

14 And I will quote another part:

15 "Then he also announced that the recruits from the provinces will be the ones to be
16 trained first, and the turn of those recruited in Bangui would come later. The main
17 ceremony took place inside one of the buildings of the palace."

18 So, my first question, Mr Witness, is this: Did you ever receive a badge?

19 A. [10:49:34] Thank you. No, I never received any badge.

20 Q. [10:49:38] Very well. Now, did you receive an amount, a sum of money?

21 A. [10:49:54] The sum that I received was after having worked at the roadblock.
22 But apart from that, I was not receiving any money.

23 Q. [10:50:06] Thank you. And when you were at the presidential guard, at one
24 point you were sent to (Redacted); is that correct?

25 A. [10:50:18] As I have already had occasion to say, (Redacted) given us his

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1 property, ammunitions, weapons, and other things that he had acquired in Bangui.

2 (Redacted)

3 And since I had never visited (Redacted), I really made a point absolutely to go there,

4 so it was on my own initiative that I travelled to (Redacted) with them. I was not

5 part of the mission in question, but I really wanted to go to (Redacted) because I

6 actually wanted to see that provincial town, despite not being selected.

7 Q. [10:51:30] Very well. And for how long did you stay in (Redacted), Mr Witness,

8 approximately? Two, three, four weeks?

9 A. [10:51:44] If I remember correctly, it was slightly over four weeks. For one

10 month -- (Redacted). I don't know where the goods were stored during that time.

11 Once in (Redacted) went to visit the town. And the vehicle with which we had gone

12 on mission was empty.

13 Q. [10:52:22] Thank you, Mr Witness. I will move to another topic. I will go back

14 briefly to what happened at the Camp de Roux.

15 In the real-time transcript P-091, page 34, line 10, you said:

16 "After our arrival at the Camp de Roux, a short while after, if I remember well, during

17 the night we were preparing food, we saw (Redacted). They had brought four

18 people in the centre -- to the centre of the base within that premises."

19 And my question: What was approximately the time when you witnessed that

20 scene?

21 A. [10:53:21] I have already said it was about 8 p.m. On that day, we were trying

22 to prepare food. We had been present for a long time. I went to see the

23 administrator who had given the authorisation for a team to go and take our supplies.

24 At that time, the women who were part of the team were not present.

25 Q. I'm sorry, because I did not hear part of your answer. I was trying to target my

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1 questions.

2 Now, where were you precisely when they came -- where, and when, at what time?

3 A. [10:54:23] Thank you. When the men arrived we were outside. (Redacted),
4 (Redacted). There was another person who was a former soldier.

5 Q. [10:54:46] And, Mr Witness, (Redacted), they took these men later, because they
6 did not (Redacted) to see them; is that correct?

7 A. [10:55:07] Thank you. As I have already said, yes, they were afraid that the
8 president of the republic would be informed of their situation, and if that president of
9 the republic received that information, he would certainly have opposed it.

10 Q. [10:55:34] Very well. Mr Witness, you said, and it is edited French transcript of
11 * 9 July, P-091, page 29, lines 26 to 28:

12 "A short while afterwards, (Redacted) to that part and stand on guard, we went to
13 stand guard at the indicated location."

14 Is it usual to have guards posted at that particular location?

15 A. [10:56:19] Thank you. As I have already said, during the time of
16 President Bozizé, that road or that part could not be used by civilians. Access was
17 restricted, and so there was always a guard post at that point.

18 Q. [10:56:50] Very well. At what time did your shift as a guard start, Mr Witness?

19 A. [10:56:59] It started at 7 p.m., and after 30 minutes the team on guard was
20 replaced by another team, and that happened after every 30 minutes. So, after
21 30 minutes, those who were on guard were relieved and replaced by another team.
22 That is what happened.

23 Q. [10:57:37] Very well. And your own particular shift, when did it start, the shift
24 that lasted for 30 minutes?

25 A. [10:57:54] That particular shift that we started at 9 o'clock in the evening, we

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1 started at 9 o'clock in the evening right up to the morning. It was at sunrise that we
2 stopped standing on guard. That was what we used to do.

3 Q. [10:58:26] You have just said, clearly, that there are rotations and people are
4 relieved, and you said these shifts were 30 minutes each. But you in particular,
5 when was your turn to guard, to stand guard?

6 A. [10:58:45] As you know, when a Central African has an appointment with you
7 for 3 p.m., he would arrive at 6 p.m. When we were asked to stand guard for
8 30 minutes, that time frame was not respected. It would need someone from the
9 team to approach an authority to say, "We need to be replaced." And it was after
10 that that an officer would order the next team to come and relieve us. Sometimes
11 they would refuse, because they did not respect us, (Redacted).

12 (Redacted)

13 (Redacted)

14 Q. [10:59:55] Very well. We have understood you, Mr Witness. And in light of
15 what you have just said, when did your shift end?

16 A. [11:00:07] On that day, we arrived the location at 8 p.m. We stayed there for a
17 long time. (Redacted)

18 authorisation for another team to come and replace us.

19 Q. [11:00:36] Please don't repeat the same things. I have a limited amount of time.
20 So, could I ask you now at what point in time did you end your shift?

21 A. [11:00:50] Well, we would start at 8 p.m., to 9 p.m. Now, when the events took
22 place, they had finished doing what they had to do before they replaced us on shift.

23 Q. [11:01:14] Okay. So when you finished at around 9 p.m., you would then go to
24 sleep; is that right?

25 A. [11:01:22] Well, as I'm trying to tell you, we would go to sleep, but not go to

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1 sleep, as such. After a short period of time, those who were on guard came and
2 would ask us to relieve them, and that's what we would do.

3 Q. [11:01:50] Witness, it's important for us to understand what happened, based on
4 what you're telling us. So, if I've understood correctly, you said that you would start
5 at 8 p.m. and you would be relieved at 9 p.m. Did you then go to sleep after 9 p.m.,
6 yes or no?

7 A. [11:02:13] As I said, from -- from 8 p.m., we returned to the base at 9 p.m. I
8 wouldn't say that we slept, but, rather, that we rested. Those that replaced us then
9 came back in turn and then we at midnight would return, going back on duty. I
10 don't know if you understand what I'm saying.

11 Q. [11:02:47] No, no, no, we understand well. Please don't get irritated, Witness.
12 If there's something that we find is not clear, we will ask you to repeat it.
13 So, let me recapitulate. You said from 11 o'clock to midnight -- so, from midnight
14 onwards how long did you stay?

15 A. [11:03:18] Sometimes we would be relieved at 3 a.m. Sometimes if other people
16 realised that others had already started their shift, they would relieve us at 1 a.m., but
17 the hours or the times were not well defined.

18 Q. [11:03:52] Okay. So the timings were not well defined. I'm interested in the
19 day in question. If you started on duty at midnight -- I believe that you returned to
20 being on duty at midnight. Now, how long did you remain on duty? Was it one
21 hour or two hours that night?

22 A. [11:04:15] From 8 p.m., at 21 -- sorry, at 9 p.m., we were relieved. Then from
23 midnight, it was almost two hours before we were relieved. If you started at 2 a.m.,
24 then you worked until 4 a.m. One of us would have to go back to the base and
25 request that our team be relieved, and if none of us went to the base, well, we

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1 wouldn't be relieved because those at the base basically didn't want to be on duty.

2 Q. [11:05:13] Okay. Then - I don't want to get mixed up - you say that from
3 midnight to 2 a.m. you would be relieved. Did you return then for another shift at
4 4 a.m. -- yes or no?

5 A. [11:05:33] From 4 a.m., one would work through until 7 a.m., and at 7 a.m. we
6 would then leave our post. And during the daytime there was no watch, but, rather,
7 it went through the night and then in the morning we would leave duty, be off duty.
8 (Counsel confers)

9 MS NAOURI: [11:06:10](Interpretation)

10 Q. [11:06:10] Now, I'm looking to select the questions that I would like to put to
11 you.

12 MS NAOURI: [11:06:52](Interpretation) Your Honour, I don't know if you -- if I
13 should continue on or if you would like to take a break now?

14 PRESIDING JUDGE SAMBA: [11:07:01] The reason why we carried on is to allow
15 you to finish, because, as you would know, before the legal arguments you had about
16 22 minutes, and we are past that time, really. Yes.

17 MS NAOURI: [11:07:23](Interpretation) Yes. Thank you, your Honour. I'm just
18 going to put a few last questions. That's why I just checked with you first.

19 Q. [11:07:40] Mr Witness, I have two or three questions I want to put to you, and
20 they are very targeted.

21 Now, in the edited transcript of 9 July - that's T-91, page 42, line 16, to page 44,
22 line 7 - you said that you went to Camp de Roux.

23 Now, my question is how long did you wait at Camp de Roux before receiving your
24 training?

25 A. [11:08:24] We spent almost a month at Camp de Roux, and it was after that that

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1 our training commenced. So, as I said before, we waited a good month before our
2 training began.

3 Q. [11:08:51] Very well. Thank you. Okay, right.

4 Now, my penultimate question -- well, or at least a question on this topic, you told
5 us - this is transcript 91, edited version, pages -- or page 33, line 21 to 23 - you said
6 that fishermen retrieved the bodies.

7 Now, I'm going to show you Annex B of your prior written statement.

8 That's at tab 3 of our list, CAR-OTP-2119-0560. Very well.

9 Could you indicate to us on this map where the bodies were found, as far as you
10 know?

11 A. [11:10:28] The letter "C". It's at that location. It's at that location that the
12 bodies were dropped.

13 Q. [11:10:46] You just -- I have a semantic question. You said that they were
14 "dropped" there. My question was where were they found.

15 You referred to the people who would use the dug-out boats, you referred to the
16 fishermen, so where were the bodies found?

17 A. [11:11:20] As I said, the bodies were retrieved. I don't know the location where
18 they were found, but letter "C" is the location where the bodies were dropped. I
19 don't know at what exact location the bodies were recovered. So, I repeat, I can tell
20 you where the bodies were dropped and I can tell you also the place where the bodies
21 were pushed into the water.

22 Q. [11:11:57] And now my final question. Witness, I'm just going to load the last
23 document. I'm just looking for the last document.

24 Did the representatives of the Prosecution, or the Prosecution pay any expenses for
25 you -- for instance, medical expenses?

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1 PRESIDING JUDGE SAMBA: [11:12:39] When -- when -- when, Ms Naouri?

2 Medical expenses -- when?

3 MS NAOURI: [11:12:48](Interpretation) No problem, your Honour.

4 Q. [11:12:50] For example, at the beginning of 2022.

5 A. [11:13:04] No, they never gave any money to me. They only provided money
6 to me to cover my transport costs each time I had to travel to meet with them. The
7 money that they gave me allowed me to pay for transportation to appear at the
8 meeting place.

9 I remember also having (Redacted), and they provided money to me that I used to
10 buy medicines to treat my condition.

11 Q. [11:13:54] Very good. I would now take you to an investigator's report.

12 It's at tab 15, CAR-OTP-0003-6708. Now, this document is in English, so I'm going to
13 translate the part that is relevant, and that is 28 January 2022, so there we go:

14 "[...] 28/Jan/2022 an investigator contacted P-2573", that's you, "to check on the
15 witness' security, welfare and to provide an update on the case's developments,
16 including the charges confirmed against Mr Said. P-2573 was advised that his
17 testimony would be needed at the trial, and the relevant processes and requirements
18 of being a witnessed were further explained to him. The witness discussed with the
19 (Redacted)

20 Now, you said to me that they provided money to you to allow you to (Redacted)
21 (Redacted)

22 Now, my question to you is: The money that was given to you, was that -- was for
23 what treatment? (Redacted)

24 (Redacted)

25 A. [11:15:31] As I said, back when they contacted me -- and I'm talking now about

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1 (Redacted)

2 (Redacted). In the Central African Republic, the hospitals don't have all the
3 equipment that are needed for that treatment and, indeed, the money that I received
4 from the Office of the Prosecution -- Office of the Prosecutor for -- to buy medicine,
5 well, I used it to (Redacted), not for anything else.

6 Q. [11:16:20] Okay. Thank you, and this is my last question, and this is for the
7 purposes of the record.

8 You are testifying (Redacted). Could you tell us why
9 (Redacted), Mr Witness?

10 A. [11:16:48] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:17:26] No, I didn't say it's just because you wanted to, I just asked you to tell
16 us more so that we would remember for later why it was (Redacted)

17 (Redacted)

18 (Redacted)? If so, could you tell us.

19 A. [11:17:42] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [11:18:43] Thank you, Witness. That was our last question.

2 PRESIDING JUDGE SAMBA: [11:18:47] Thank you very much.

3 We are going to break off here, but can the Prosecution indicate whether you have
4 questions in re-examination?

5 MR CHOUDHRY: [11:18:59] The Prosecution has no further questions, your
6 Honour.

7 PRESIDING JUDGE SAMBA: [11:19:02] I'm sure the Registry can accommodate us
8 for just two or three minutes more. Okay.

9 Mr Witness, we are going to put one or two questions to you from the Bench, and we
10 expect your answers, as you've done, genuinely, as you have taken your oath to do.
11 Judge Ugalde, please put the questions.

12 JUDGE UGALDE: [11:19:55] Thank you, Madam President.

13 Mr Witness, many questions have been asked about your real name, but for the sake
14 of clarity, the Chamber wishes to ask you some more specific questions about this.

15 So the first question I am going to ask you is this: (Redacted)

16 (Redacted)

17 THE WITNESS: [11:20:35](Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 JUDGE UGALDE: [11:22:34] Thank you, Mr Witness.

10 Mr Witness, I'm going to ask you, because you were shown earlier (Redacted).

11 (Redacted)

12 (Redacted)

13 (Redacted)? Could you explain that.

14 THE WITNESS: [11:23:20](Interpretation) (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 JUDGE UGALDE: [11:24:22] Thank you, Mr Witness.

23 Mr Witness, could you tell us (Redacted)

24 (Redacted)

25 (Redacted)

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1 THE WITNESS: [11:24:45](Interpretation) Thank you. Thank you, Judge.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 JUDGE UGALDE: [11:25:22] (Redacted)

6 (Redacted)

7 THE WITNESS: [11:25:37](Interpretation) Thank you, your Honour. Thank you for
8 your question. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 JUDGE UGALDE: [11:26:10] Thank you, Mr Witness. I have no further questions.

13 PRESIDING JUDGE SAMBA: [11:26:18] Yes, Judge Socorro.

14 JUDGE FLORES LIERA: [11:26:22] Thank you. Thank you very much.

15 Mr Witness, you have provided us a lot of information on your name. I just have a
16 very specific question, and to do that I would like to ask the court clerk to show tab 10,
17 page 2, please, which is your birth certificate. The birth certificate that you have in
18 front of you -- I hope you have it now? It is dated --

19 THE WITNESS: [11:26:57](No interpretation)

20 JUDGE FLORES LIERA: [11:27:00](Microphone not activated) It is on. Can you
21 hear me? Yes. Okay.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 THE WITNESS: [11:27:48](Interpretation) (Redacted). Yes, thank you, your

2 Honour. (Redacted)

3 (Redacted)

4 JUDGE FLORES LIERA: [11:28:19] Okay. Thank you. I then have no more
5 questions to you.

6 PRESIDING JUDGE SAMBA: [11:28:29] Thank you very much.

7 Thank you very much, Mr Witness. We've come to the end of your testimony. We
8 appreciate your help throughout these proceedings and you testifying before us at the
9 International Criminal Court. We wish you well in your future endeavours and we
10 wish you a very safe journey back home.

11 (The witness is excused)

12 PRESIDING JUDGE SAMBA: [11:28:53] And I know we are still in private session,
13 but I rise the court and ask that we come again for -- in 45 minutes.

14 Thank you, counsel, thanks to the court -- thanks to the interpreters, in particular, for
15 your time. And thanks to the security guards. Thank you.

16 THE COURT USHER: [11:29:15] All rise.

17 (Recess taken at 11.29 a.m.)

18 (Upon resuming in open session at 12.15 p.m.)

19 THE COURT USHER: [12:15:39] All rise.

20 Please be seated.

21 PRESIDING JUDGE SAMBA: [12:16:04] Good afternoon, everyone.

22 Madam Court Officer, can you kindly mention this case.

23 THE COURT OFFICER: [12:16:11] Good afternoon, Madam President,
24 your Honours.

25 The situation in the Central African Republic II in the case of the Prosecutor versus

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- 1 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
- 2 And we are in open session.
- 3 PRESIDING JUDGE SAMBA: [12:16:28] Thank you very much, Madam Court
- 4 Officer.
- 5 Can I have representation announced. First, the Prosecution.
- 6 MS MAKWAIA: [12:16:38] Good afternoon, your Honours. For the Prosecution,
- 7 myself, Holo Makwaia, senior trial lawyer; Thomas Bifwoli, trial lawyer; and Alessia
- 8 Vitiello, analysis assistant. Thank you.
- 9 PRESIDING JUDGE SAMBA: [12:16:52] Thank you very much, Ms Makwaia.
- 10 Have some water, Ms Makwaia.
- 11 Ms Walter for the victims, please.
- 12 MS WALTER: [12:17:03] Thank you, Madam President your Honours. For the
- 13 victims, Mr Tars Van Litsenborgh and I am Caroline Walter.
- 14 PRESIDING JUDGE SAMBA: [12:17:10] Thank you very much.
- 15 Ms Naouri for the Defence, please.
- 16 MS NAOURI: [12:17:15](Interpretation) Thank you, Madam President. This time
- 17 my -- to my right, Maître Jacobs and then Léa Allix, and behind, Yael Vias Gvirsman,
- 18 and myself, Jennifer Naouri, lead counsel.
- 19 PRESIDING JUDGE SAMBA: [12:17:39] Thank you very much, Ms Naouri.
- 20 And for the record, I note that Mr Said is in court with us here.
- 21 Good afternoon, Mr Said.
- 22 MR SAID: [12:17:52](Interpretation) Good morning, madam -- good afternoon,
- 23 Madam President.
- 24 PRESIDING JUDGE SAMBA: [12:17:59] Good afternoon.
- 25 The Prosecution is calling P-1967 as its 40th witness. The Chamber previously

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1 granted an application by the Prosecution to introduce P-1967's prior recorded
2 testimony, pursuant to Rule 68(3) of the Rules of Procedure and Evidence in decision
3 numbered 551.

4 It is the Chamber's understanding that this witness will be testifying in Sango. So I
5 remind everyone of the need and importance to speak slowly and observe the
6 five-second rule between questions and answers.

7 Before commencing, the Chamber notes briefly that protective measures are
8 confirmed for this witness by virtue of decision number 605 and that the VWU does
9 not recommend special measures for this witness.

10 Madam Court Officer, can I ask kindly that you bring the witness in, please.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE SAMBA: [12:20:11] Thank you very much.

13 Mr Witness, good afternoon.

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15 (The witness speaks Sango)

16 THE WITNESS: [12:20:25](Interpretation) Good afternoon, Madam President.

17 PRESIDING JUDGE SAMBA: [12:20:29] Now you are going to testify before the
18 International Criminal Court, and on behalf of this Chamber, I welcome you to the
19 courtroom.

20 THE WITNESS: [12:20:48](Interpretation) Thank you.

21 PRESIDING JUDGE SAMBA: [12:20:50] You should have before you, Mr Witness,
22 the solemn undertaking to tell the truth that every witness who appears before us
23 must agree to.

24 Can you read that out for us now.

25 THE WITNESS: [12:21:18](Interpretation) I solemnly declare that I will speak the

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1 truth, the whole truth and nothing but the truth.

2 PRESIDING JUDGE SAMBA: [12:21:30] Thank you very much, Mr Witness.

3 Do you understand and agree to what you just read out?

4 THE WITNESS: [12:21:40](Interpretation) Yes, I agree.

5 PRESIDING JUDGE SAMBA: [12:21:50] Very good.

6 So now, Mr Witness, let me explain to you the protective measures that we have in

7 place for you for the duration of your testimony. We have in place for you voice and

8 face distortion; this means that no one outside the courtroom can see your face or hear

9 your real voice during your testimony.

10 There will also be the use of pseudonym.

11 THE WITNESS: [12:22:30] (No interpretation)

12 PRESIDING JUDGE SAMBA: [12:22:41] In accordance with that, we will all refer to

13 you only as "Mr Witness" to make sure that the public does not know your name.

14 When you answer questions that will not give away who you are, we will do so in

15 open session, which means that the public can hear what is being said in the

16 courtroom.

17 When you are asked to describe anything that relates specifically to you or you are

18 asked to mention facts that might reveal your identity, we will do so in private

19 session.

20 And lastly, Mr Witness, I have a few practical examples that -- practical matters that I

21 want for you to have in mind when giving your testimony.

22 Everything we say here is written down and interpreted. It is, therefore, important

23 to speak clearly and at a slow pace. Please speak into the microphone that you have

24 before you and only start speaking when the person asking you the question has

25 finished.

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1 To allow for the interpretation --

2 THE WITNESS: [12:24:29](No interpretation)

3 PRESIDING JUDGE SAMBA: [12:24:31] To allow for the interpretation, everyone
4 has to wait a few seconds before starting to speak.

5 If you yourself have any questions that you need to ask us, or if you need a break,
6 please raise your hand so that we know that you want to say something to us.

7 Is all that I have said clear to you, Mr Witness?

8 THE WITNESS: [12:25:05](Interpretation) Yes, Madam President, I have understood
9 you well.

10 PRESIDING JUDGE SAMBA: [12:25:18] Okay, we will then start with your
11 testimony and I'm going to invite the Prosecution to put questions to you in-chief.
12 Yes, Mr Prosecutor, your witness, please.

13 Sorry, I know it's a Rule 68(3) witness, we intend to be done with you before -- or at 1
14 o'clock. Thank you.

15 MR BIFWOLI: [12:25:46] Thank you, Madam President, your Honours, and we are
16 well guided.

17 QUESTIONED BY MR BIFWOLI:

18 Q. [12:25:53] Good afternoon, Mr Witness.

19 A. [12:26:01] Good afternoon.

20 Q. [12:26:03] My names are Thomas Bifwoli, I am a trial lawyer on the Prosecution
21 team.

22 A. [12:26:20] Yes.

23 Q. [12:26:22] And today, I'll be asking you a few questions on behalf of the
24 Prosecution.

25 MR BIFWOLI: [12:26:34] Madam President, your Honours, I kindly request that we

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1 briefly go into private session so that I can elicit information relating to the witness's
2 identity.

3 PRESIDING JUDGE SAMBA: [12:26:51] Yes, Madam Court Officer, can we go
4 briefly into private session, please.

5 (Private session at 12.27 p.m.)

6 THE COURT OFFICER: [12:27:01] We are in private session, Madam President.

7 PRESIDING JUDGE SAMBA: [12:27:04] Thank you.

8 Counsel, please carry on.

9 MR BIFWOLI: [12:27:06] Thank you.

10 Q. [12:27:07] Mr Witness, can you tell the witness your full names, please.

11 A. [12:27:14] Thank you. My name is (Redacted)

12 Q. [12:27:30] What is your nationality?

13 A. [12:27:39] I am of Central African nationality.

14 Q. [12:27:45] What is your current occupation?

15 A. [12:27:50] (Redacted)

16 (Redacted)

17 Q. [12:28:27] What was your occupation in the year 2013?

18 A. [12:28:37] In 2013, I was working (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:29:10] And for how long did you work (Redacted)

23 A. [12:29:16] When I was working (Redacted)

24 (Redacted)

25 Q. [12:29:47] And can you tell the Court, a period (Redacted)

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1 month to which month?

2 A. [12:30:09] (Redacted)

3 (Redacted)

4 (Redacted) the Central African Republic.

5 MR BIFWOLI: [12:30:40] Madam President, we can go back to public session.

6 PRESIDING JUDGE SAMBA: [12:30:43] Thank you very much.

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

8 (Open session at 12.30 p.m.)

9 THE COURT OFFICER: [12:30:56] We are back to open session, Madam President,
10 your Honours.

11 PRESIDING JUDGE SAMBA: [12:31:08] Thank you.

12 Counsel, please carry on.

13 MR BIFWOLI: [12:31:13]

14 Q. [12:31:13] Mr Witness, do you recall being interviewed by investigators from the
15 Office of the Prosecutor in relation to what happened in the Central African Republic
16 during the 2013 conflict?

17 A. [12:31:30] Please kindly repeat the question - I did not understand you well - so
18 that I can answer the question appropriately.

19 Q. [12:31:55] Thank you. I will repeat my question slowly so that you can
20 understand.

21 Do you recall being interviewed by investigators from the Office of the Prosecutor of
22 the International Criminal Court in relation to the events of 2013 in the Central
23 African Republic?

24 A. [12:32:27] Yes. I remember those interviews and I also remember everything
25 that I said.

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1 Q. [12:32:44] Were your answers recorded down in a document?

2 A. [12:32:59] Yes, they noted down everything and then I had to sign the
3 document.

4 Q. [12:33:10] And before you signed the document, was your statement read back
5 to you by the said investigators?

6 A. [12:33:34] Well, I am literate and I can read. Before signing the document, they
7 read the document to me, they reread it to me and that is what I said before, because
8 after that, I signed the document.

9 Q. [12:34:02] And just to confirm, it was read back to you in a language that you
10 understand?

11 A. [12:34:19] Yes, the document was reread to me by them in French, and while
12 they read the document to me, I realised that it was what I had told them. There was
13 nothing else other than what I had told them. Thereafter, I signed the document.

14 MR BIFWOLI: [12:34:55] Madam Court Officer, I kindly request you to display -- I
15 kindly request you to display tab 1, which is CAR-OTP-2069-0498.

16 Can you kindly zoom a little bit so that the witness can be able to ...

17 PRESIDING JUDGE SAMBA: [12:35:47] Counsel, can you tilt your ...

18 Thank you.

19 MR BIFWOLI: [12:35:51] Thank you, Madam President.

20 Q. [12:35:52] Mr Witness, can you see the document displayed on your screen?

21 A. [12:36:06] Yes, I can see the document.

22 Q. [12:36:09] Now, without mentioning the names appearing on your screen now,
23 can you tell us whose names are those?

24 A. [12:36:28] It is indeed my name and my first name.

25 MR BIFWOLI: [12:36:44] Madam Court Officer, I request you to display page 2 of

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1 the same document.

2 Q. [12:36:57] Mr Witness, can you see the document appearing on your screen
3 now?

4 A. [12:37:09] Yes, I can see it.

5 Q. [12:37:14] Can you see the signatures on that document?

6 A. [12:37:19] Yes, I can see it.

7 Q. [12:37:31] Without mentioning names, do you recognise any of the signatures
8 appearing on that document?

9 A. [12:37:42] I think I will start with those who signed the document, there was
10 a lady and a man, but my own signature also is on that document.

11 PRESIDING JUDGE SAMBA: [12:38:15] Can you get him to just identify his
12 signature as he's testified, Counsel, so we move on.

13 MR BIFWOLI: [12:38:23] Yes.

14 Q. [12:38:23] And can you tell the Court your signature from the top, which one is
15 your signature?

16 A. [12:38:44] Am I supposed to point my signature out with my finger?

17 Q. [12:38:54] I think you can mark it.
18 If you can assist.

19 PRESIDING JUDGE SAMBA: [12:39:03] He can also say whether it's the third, the
20 second, the fourth, the fifth.

21 Just say whether it's the sixth, the fifth, the first, the third. Which one is your
22 signature, please?

23 THE WITNESS: [12:39:19](Interpretation) The first signature that is at the top of the
24 other two signatures below, is, in fact, my signature.

25 MR BIFWOLI: [12:39:37] Madam Court Officer, can you kindly display page 98 of

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1 the same document, please, which is CAR-OTP-2069-0595.

2 Q. [12:39:59] Mr Witness, can you see the document displayed on your screen now?

3 A. [12:40:06] Yes, I can see the document in question.

4 Q. [12:40:13] Whose signature is that?

5 A. [12:40:18] It is my signature.

6 Q. [12:40:24] And when is it dated?

7 A. [12:40:31] I signed that document on 11 February 2018.

8 Q. [12:40:50] Mr Witness, I will now ask you questions about your meeting with
9 members of the Prosecution.

10 When you came to The Hague, did you have an opportunity to go through your
11 witness statement and annexes?

12 A. [12:41:19] Yes. I was given the opportunity to reread and confirm my
13 statement, so I confirm that the document was consistent with what I had said before.

14 Q. [12:41:47] On that occasion, did you make any clarifications or corrections to
15 your witness statement?

16 A. [12:42:09] Yes, indeed. I made some additions, and there were some names
17 that had been inaccurately spelt and I was able to make some corrections; that is what
18 was done.

19 Q. [12:42:34] Were the said additions, corrections or clarifications noted down in
20 a document?

21 A. [12:42:53] Yes, I confirm that the corrections were noted down. They read
22 those corrections out to me, after which I appended my signature to the document.
23 And this was done here in the country where I currently reside.

24 MR BIFWOLI: [12:43:24] Madam Court Officer, I kindly request you to display tab
25 136, which is CAR-OTP-00036751, at page 18.

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1 Q. [12:43:53] Mr Witness, can you see the document displayed on your screen?

2 A. [12:43:59] Yes, I see it.

3 Q. [12:44:07] Can you see the signature appearing on that document?

4 A. [12:44:20] Yes, I see it.

5 Q. [12:44:25] Again, without mentioning names, can you tell the Court whose
6 signature is that?

7 A. [12:44:34] It is, in fact, my signature.

8 Q. [12:44:48] Mr Witness, do you agree to the Judges using your witness statement
9 and annexes in this case?

10 A. [12:45:03] Yes, I do agree.

11 MR BIFWOLI: [12:45:24] Your Honours, the Prosecution requests that tabs 1 to tab
12 137 on the Prosecution's list of materials for the examination of P-1967 be formally
13 submitted into evidence.

14 In addition, the Prosecution requests that witness P-1967's prior recorded testimony
15 and associated materials be formally submitted into evidence since the requirements
16 of Rule 68(3) are met.

17 I have no further questions.

18 PRESIDING JUDGE SAMBA: [12:46:08] Thank you very much, Counsel. You may
19 be seated.

20 And the witness, being present before this Trial Chamber, him not objecting to the
21 submission of his prior recorded testimony and associated materials, the Prosecution
22 having put questions to this witness and the Chamber and the Defence having an
23 opportunity to examine this witness during these proceedings, this witness's prior
24 recorded testimony, together with its annexes and associated materials, are allowed
25 into evidence.

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- 1 Thank you very much, Counsel.
- 2 Mr Witness, we're going to allow questions from the Defence. We have lawyers here
- 3 who are representing Mr Said before us. So we're going to allow questions to be put
- 4 to you by the Defence in respect of your testimony, which is in the document that we
- 5 have just allowed into evidence.
- 6 Counsel, for the Defence, Ms Naouri or Mr Jacobs, cross-examination, please.
- 7 MS NAOURI: [12:47:25](Interpretation) Yes, thank you, your Honour. It's
- 8 Mr Jacobs who shall be cross-examining the witness.
- 9 PRESIDING JUDGE SAMBA: [12:47:38] Thank you.
- 10 Mr Jacobs, your witness, please.
- 11 We are in open session.
- 12 Sorry, Mr Jacobs, before you start, Mr Prosecutor, do you have your mic on? Okay.
- 13 No? Okay, thank you.
- 14 Mr Jacobs, please put your questions.
- 15 MR JACOBS: [12:48:43](Interpretation) Thank you, your Honour.
- 16 QUESTIONED BY MR JACOBS: (Interpretation)
- 17 Q. [12:48:45] Good afternoon, Witness.
- 18 A. [12:48:50] Good afternoon.
- 19 Q. [12:48:54] My name is Dov Jacobs and today I shall be putting some questions to
- 20 you on behalf of the Defence of Mr Said.
- 21 Now, as the Presiding Judge has reminded you, all that we say here is interpreted into
- 22 French, and also into English for the Judges also. I shall be speaking in French, but I
- 23 shall speak at a reasonable pace to assist the interpreters in their work.
- 24 And when I put a question to you, perhaps you can wait five seconds before
- 25 answering, and I, too, shall wait five seconds after hearing your answer. So if you

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- 1 sometimes see me waiting before I speak, you'll understand why.
- 2 Do you understand, Witness?
- 3 A. [12:49:45] Yes, I understand well. Thank you.
- 4 Q. [12:49:50] Very good.
- 5 MR JACOBS: [12:49:55](Interpretation) Now, your Honour, for my initial questions
- 6 could we move into private session, please.
- 7 PRESIDING JUDGE SAMBA: [12:49:59] Certainly.
- 8 Madam Court Officer, can we go into private session, please.
- 9 (Private session at 12.50 p.m.)
- 10 THE COURT OFFICER: [12:50:17] We're in private session, Madam President.
- 11 PRESIDING JUDGE SAMBA: [12:50:19] Thank you.
- 12 Mr Jacobs, please continue.
- 13 MR JACOBS: [12:50:24](Interpretation) Thank you, your Honour.
- 14 Q. [12:50:30] Witness, can you confirm your date of birth, please?
- 15 A. [12:50:38] I was born in the Central African Republic (Redacted).
- 16 Q. [12:50:52] Very well. And we have your prior written statement, so what we
- 17 want to do today is ask you for some clarifications.
- 18 Now, in paragraph 11 at your -- in your prior written statement - and this is tab 1 for
- 19 the English version and 1.1 for the French version - that's CAR-OTP-2118-6365.
- 20 So, at paragraph 11 you say that you did not complete your secondary education. So
- 21 my request -- or my question to you is in what year did you finish your schooling, or
- 22 cease being a pupil?
- 23 A. [12:51:49] (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 THE INTERPRETER: [12:52:49] Note from the Sango interpreter: "if I have
2 understood", says the Sango interpreter.

3 MR JACOBS: [12:52:58](Interpretation)

4 Q. [12:52:58] Okay. Thank you, Witness. So if I've understood correctly what
5 you have just said, you had your secondary education (Redacted). Did you then go
6 to Bangui or did you remain (Redacted) few years?

7 * A. [12:53:12] (Redacted)

8 (Redacted),

9 during the holidays, I asked my father if I could receive medical treatment at the
10 (Redacted). It was (Redacted) that I arrived in Bangui, but I didn't stay in Bangui. I
11 arrived there (Redacted) of that year, but I returned from Bangui thereafter.

12 Q. [12:54:17] Thank you, Witness.

13 I understand that (Redacted) visited Bangui and returned, but in paragraph 11, I'd
14 like to read your statement if I might.

15 You told me -- or it says:

16 "I did not complete my secondary education, but began to work (Redacted)

17 (Redacted)

18 Bangui."

19 So my question to you is: You had your secondary -- you attended secondary school
20 (Redacted), and then you said you (Redacted) in Bangui. So I'd just like to know
21 when you moved to Bangui to work there? Not just to visit.

22 A. [12:55:05] I didn't say it was -- that it (Redacted) when I went to Bangui for the
23 first time. It was (Redacted) that I went to Bangui for the first time and I spent two
24 weeks there and then returned (Redacted).

25 And then I went back to Bangui (Redacted), and that time I went there to stay. And

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1 that's when I started (Redacted) I set up (Redacted). And I later started working
2 (Redacted) in different places, such as (Redacted)
3 (Redacted)

4 Q. [12:56:08] Okay, that's clear. So (Redacted), you went to Bangui to start
5 working there. And you say that you had (Redacted). And where did you get the
6 money to (Redacted), Mr Witness?

7 A. [12:56:31] My father, my father was (Redacted), first of all, and when I -- I was
8 (Redacted).

9 And I also had (Redacted) which allowed me to save a little bit of money. So when I
10 went back to Bangui, I set myself up as (Redacted), and I continued putting money
11 aside, and that made it possible for me to (Redacted)
12 (Redacted)

13 Q. [12:57:26] Very good.
14 I'll get back to what I wanted to ask you now, and that was that you started working
15 (Redacted). Now, did you have a (Redacted) when you first arrived into Bangui,
16 (Redacted)?

17 A. [12:57:49] When I was in secondary school in (Redacted)
18 (Redacted). And I arrived in Bangui (Redacted).
19 It was -- I wasn't (Redacted). I just learnt as I went.

20 Q. [12:58:19] Okay, very good.
21 And so you -- (Redacted).

22 Did you receive payment (Redacted), as you mentioned?

23 A. [12:58:41] Yes, yes, indeed, when I arrived into Bangui, I was living not far from
24 (Redacted). And after setting up and (Redacted), I had this (Redacted)
25 (Redacted)

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1 and then I would (Redacted)

2 I -- I used to (Redacted)

3 and -- with an advance payment involved as well.

4 Q. [12:59:35] Witness, it's possible that you are speaking a little bit too fast because

5 I see that the people who are writing down what you are saying may be missing little

6 bits, or perhaps the interpreters are not hearing all of what you're saying.

7 So could you repeat the sums of money.

8 You said you would receive an advance payment, but we don't have the figure of

9 money, and then you said that that was -- that was paid to you before you provided

10 (Redacted)

11 So could you give those figures again.

12 A. [13:00:18] Yes, thank you. So I was saying, well, when I arrived in Bangui, I

13 (Redacted)

14 (Redacted). And customers would pay 50 CFA upfront, and then when I would

15 provide them with (Redacted), they would pay me the balance.

16 And the (Redacted).

17 (Redacted)

18 (Redacted)

19 During the Christmas holidays and the New Year period, parents would have me

20 (Redacted)-- or, on Mother's Day, it was I who would

21 (Redacted) of all my clients.

22 I once received a sum of 200,000 CFA. I was -- my brother was with me and he, too,

23 was collecting money and I managed to earn 200,000 CFA. I had bought a small

24 (Redacted). And I also bought

25 (Redacted).

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1 MR JACOBS: [13:02:08] (Interpretation) Your Honour, I would like to ask some
2 follow-up questions, but I have an eye on the clock too. Please advise.

3 PRESIDING JUDGE SAMBA: [13:02:14] Yes, I think we'll have to stop there for
4 today, Mr Jacobs. The interpreters have done a lot -- a little bit too much today. So
5 we'll end there for today.

6 Mr Witness, we are going to end with your testimony here for today, but we shall
7 continue tomorrow at 9.30.

8 So I'm going to ask that we go into open session.

9 (Open session at 1.02 p.m.)

10 THE COURT OFFICER: [13:02:57] And we are back to open session,
11 Madam President, your Honours.

12 PRESIDING JUDGE SAMBA: [13:03:00] Yes, as I was saying, Mr Witness, we are
13 going to end your testimony here for today, but we're going to continue with it
14 tomorrow at 9.30 in the morning. But before you go, I'm going to ask that you do
15 not discuss your testimony that you have given so far here today with anybody when
16 you leave this courtroom.

17 And I wish to remind you also that you'll still be on oath to tell the truth when you
18 come back tomorrow; so be guided.

19 So I rise the Court for tomorrow at 9.30, please.

20 Thank you.

21 THE COURT USHER: [13:03:37] All rise.

22 (The hearing ends in open session at 1.03 p.m.)