

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Friday, 12 July 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:07] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:38] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:32:43] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case 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: [9:32:59] Thank you very much.
20 Can I ask the parties to announce their representation, starting with the Prosecution,
21 please.
22 MS MAKWAIA: [9:33:07] Thank you, Madam President. Good morning, your
23 Honours. For the Prosecution, myself, Holo Makwaia, senior trial lawyer;
24 Thomas Bifwoli, trial lawyer; and Alessia Vitiello, analysis assistant. Thank you.
25 PRESIDING JUDGE SAMBA: [9:33:18] Thank you very much, Ms Makwaia.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 Ms Walter for the victims, please.

2 MS WALTER: [9:33:25] Thank you, Madam President. For the victims this
3 morning, Mr Tars Van Litsenborgh, and I am Caroline Walter.

4 PRESIDING JUDGE SAMBA: [9:33:31] Thank you very much.

5 Mr Jacobs for the Defence, please.

6 MR JACOBS: [9:33:39](Interpretation) Yes. Good morning, your Honour. To my
7 right we have Léa Allix, and behind me Yael Vias Gvirsman. And I, myself, am
8 Dov Jacobs, counsel for Mr Said.

9 PRESIDING JUDGE SAMBA: [9:33:52] Thank you very much, Mr Jacobs.

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

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

12 MR SAID: [9:34:04](Interpretation) Yes. Good morning. Thank you, your
13 Honour.

14 PRESIDING JUDGE SAMBA: [9:34:09] Good morning, Mr Witness, I hope you had
15 a restful night.

16 WITNESS: CAR-OTP-P-1967 (On former oath)

17 (The witness speaks Sango)

18 THE WITNESS: [9:34:18](Interpretation) Good morning, your Honour. Yes, I'm
19 well rested.

20 PRESIDING JUDGE SAMBA: [9:34:25] Good.

21 Now, we are going to continue with cross-examination this morning by Mr Jacobs, so
22 that we get your complete testimony. So I'll remind you, as I did yesterday, that
23 you'll still be under oath today to say the truth to this Court as per your undertaking
24 before we started these proceedings.

25 I urge you to respect the five-seconds rule between questions and answers and to

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 speak clearly and -- so that the interpreters can understand your testimony very well.

2 Mr Jacobs, we are in open session and you may continue your cross-examination of
3 this witness. Thank you very much.

4 MR JACOBS: [9:35:34](Interpretation) Thank you, your Honour.

5 QUESTIONED BY MR JACOBS: (Interpretation)(Continuing)

6 Q. [9:35:45] Good morning, Witness.

7 A. [9:35:46] Good morning.

8 Q. [9:35:48] Now we're going to pick up where we left off yesterday.

9 And, your Honour, I think that this means that we need to move into private session,
10 please.

11 PRESIDING JUDGE SAMBA: [9:35:58] Yes.

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

13 (Private session at 9.36 a.m.)

14 THE COURT OFFICER: [9:36:13] We're in private session, Madam President, your
15 Honours.

16 PRESIDING JUDGE SAMBA: [9:36:17] Thank you very much.

17 Mr Jacobs, please.

18 MR JACOBS: [9:36:23](Interpretation) Thank you.

19 Q. [9:36:25] So, witness, yesterday we were discussing your arrival in Bangui and

20 the work you did back then. You were telling us about your work as a (Redacted)

21 and you told us on a number of occasions -- you told us at transcript 93, page 63,

22 line 19, about (Redacted) -- at least in French that was the case. And you told us that

23 the price of (Redacted) Central African francs. Could you explain to us what you

24 mean by (Redacted)?

25 A. [9:37:06] Yes, thank you. You've asked me where I obtained the money to set

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 up my business. I told you I was (Redacted)

2 (Redacted). Clients would pay 250 francs upfront, and after (Redacted)

3 (Redacted) client, the client would pay the balance. Now,

4 I'm not sure if that answers your question.

5 Q. [9:37:53] Yes, I understand the pricing, but what I'd like to understand, what do

6 you mean by "(Redacted)". You said that you had (Redacted), now what was, or

7 what is, a (Redacted)? You're (Redacted), could you tell us what is that? Is it

8 something that you (Redacted)

9 (Redacted)

10 A. [9:38:29] (Redacted). You see, you (Redacted)

11 (Redacted) and then you provide that (Redacted) to the client.

12 Q. [9:38:47] Ah, I understand now. So when you say (Redacted), you mean a

13 (Redacted) that you hand over to the client. I understand now. Thank you,

14 witness.

15 A. [9:39:04] Thank you.

16 Q. [9:39:05] Now, returning to what you said yesterday, you said that you were the

17 first to set up (Redacted).

18 * And you said that, and the reference to the real-time transcript is the following --

19 T-93, page 63, lines 22 to 24.

20 * Now, witness, could you tell us what kind of equipment did you need in order to

21 open (Redacted)?

22 A. [9:39:46] Thank you.

23 Well, the equipment that you need (Redacted), well, first of all, you need a (Redacted),

24 as I told you before. Back then we (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (Redacted). I also had kind of a cupboard which I had a carpenter make for me
2 and I used that to display samples of my work, (Redacted). So that was, if you like,
3 to market my service.

4 Q. [9:40:52] Thank you, witness. That's very clear.

5 In your prior statement -- and, as we're starting a new day, I'll give the reference to
6 that again. That was tab 1 for the English version and 1.1... version, and I'm going to
7 read from the French version, so that's CAR-OTP-2118-6365.

8 And now, at paragraph 11 thereof you explained that your (Redacted)

9 (Redacted). Do you recall

10 telling the investigators that, witness?

11 A. [9:41:55] Yes, I do recall.

12 Q. [9:42:07] Very well. Now, my first question is: Your (Redacted)

13 (Redacted), could you tell me more about him? What was his -- what work did he
14 do (Redacted)?

15 A. [9:42:23] Thank you.

16 (Redacted)

17 (Redacted). And he was an (Redacted)

18 (Redacted)

19 in an artillery regiment, or a company rather. He didn't have a mobile phone. He

20 (Redacted) and I lived in Bangui and he would receive payment each quarter. And

21 it is my telephone number which (Redacted). That was a Telecel telephone number

22 that I had registered in -- in Bangui and was registered at the (Redacted)

23 (Redacted).

24 * And the officials who worked at the pay office, each time there was something that

25 had to do with payment of my (Redacted), they would call me, and I would send

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (Redacted). So my (Redacted) and my (Redacted) would take transportation. There
2 was a coach called (Redacted). They lived (Redacted)
3 (Redacted). He and I would go together to the pay office --
4 j disbursements office. And we dealt with a particular individual there who was
5 called (Redacted). I would go in with my (Redacted), and I would count the money. I
6 would give it to my father, and he would sign for it. He spent most of his time at my
7 home or at one of our relation's, (Redacted).
8 And so it was that he agreed (Redacted). And he also appointed me as his legal
9 representative with relation to (Redacted). And I can also tell you that I actually
10 hold all the relevant documents. Thank you.

11 Q. [9:45:47] Thank you, witness.

12 That was very comprehensive, very detailed.

13 At a number of points there in what we heard from the interpreter, you said that -- on
14 a number of occasions that money was disbursed to you and that you provided it to
15 your "father", but I imagine that you meant your (Redacted) in this context. So, is it
16 true that, in fact, you mean that you provide the money -- provided the money to
17 your (Redacted) rather than your father? I would like to ensure that the record is
18 correct, you see.

19 A. [9:46:23] It's true in Sango, it is the case that (Redacted), you
20 would refer to him as being your father, papa, so I think that that answers your
21 inquiry, does it not?

22 Q. [9:46:45] Yes, it does. Thank you very much. That's nice and clear for the
23 transcript now.

24 So you would collect your (Redacted) and you also said earlier - let me just see if I can
25 find the reference - he, therefore, agreed to give you (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 In your prior written statement you said that he (Redacted). If I remember correctly,
2 you were (Redacted) at the time, so I imagine it wasn't a legal (Redacted), but perhaps
3 I'm wrong. Was there a legal (Redacted) process that you went through or is this just
4 a turn of phrase you're using when you say (Redacted)?

5 A. [9:47:30] Thank you.

6 You know, in French concepts are not necessarily expressed in the same way as in
7 Sango, so let me explain in the same way as I did about my father and (Redacted)
8 who was my (Redacted).
9 (Redacted) - I believe it was in (Redacted) - I went to the (Redacted)
10 (Redacted). And there we had a legal decision issued to us, one of those
11 supplementary legal decisions, because at the time I was already of age and nobody
12 in our family had a job in the Central African administration. I wanted to be hired
13 by the army, but in order to do so I needed to be under 18 years of age in order to -- to
14 enrol for the competitive examination, and that is why I rectified my age with the
15 agreement of my father. He is the one who (Redacted) and that made it possible for
16 me to sit the examination for -- for non-commissioned officers. And, in fact, one had
17 to be under the age of 26 to sit that examination.

18 THE INTERPRETER: [9:49:34] Says the witness.

19 THE WITNESS: [9:49:36](Interpretation) So I wasn't -- I didn't have an opportunity
20 to go (Redacted), and one needs to go to the area where -- where one was born.
21 I actually went to the central office in Bangui and told them that I had been born in
22 the provinces and I was told that I should go to the (Redacted), that's where I was
23 from, and I did that and my father then officially (Redacted).

24 MR JACOBS: [9:50:17](Interpretation)

25 Q. [9:50:17] Very well. So, when you had this judicial decision issued to you, it

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

- 1 was also to have your (Redacted)
- 2 (Redacted); is that correct?
- 3 A. [9:50:40] I'm not sure I have understood your question.
- 4 Q. [9:50:47] You explained that when (Redacted) you, you took or added
- 5 (Redacted); is that correct?
- 6 A. [9:50:59] Yes, yes, that is correct.
- 7 Q. [9:51:07] So my question is: When you went to the town hall to get the -- this
- 8 supplementary judicial decision at the point in time when (Redacted) you, that
- 9 decision also served to officially (Redacted);
- 10 is that correct? Can you confirm that, witness?
- 11 A. [9:51:31] Yes, that is correct. I do confirm it.
- 12 Q. [9:51:38] Thank you, witness.
- 13 Witness, I -- or court officer, I would like us to have tab 268 on our list posted, and
- 14 that is number CAR-OTP-2069-0640. That document can be shown to the witness.
- 15 Do you see the document, witness?
- 16 A. [9:52:37] Yes. Yes, I see it.
- 17 Q. [9:52:50] Do you recognise it?
- 18 A. [9:52:57] Yes, I see it and I recognise it.
- 19 Q. [9:53:04] Could you tell us what it is, witness?
- 20 A. [9:53:15] It is my professional registration (Redacted).
- 21 In fact, in other words, you could say it's my (Redacted).
- 22 Q. [9:53:52] Very well.
- 23 So it is a (Redacted), so I conclude
- 24 from that that back (Redacted) you were already recognised, so to speak, as a -- as a
- 25 (Redacted), there was some organisation that recognised you as such;

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 is that correct?

2 A. [9:54:31] Well, in fact, I was a member of the (Redacted) of the Central African
3 Republic and held such a badge. And it was a (Redacted) from the (Redacted)
4 whose first name was (Redacted), and the badge that I see was issued by the
5 (Redacted), and on it is marked (Redacted)
6 (Redacted) in the Central African Republic.

7 Now, the president of the association has since died, I don't recall his name, but we all
8 worked at (Redacted). And I received my training as -- or to become a (Redacted) at
9 the same time. And that was -- and it was (Redacted) who was a (Redacted)
10 (Redacted) who was head of that organisation. I received my training at the
11 (Redacted). The (Redacted) I referred to worked for (Redacted). I obtained much
12 of my training just on the job, after my (Redacted). So I learnt much alone. Once
13 I arrived in Bangui, I got a certain amount of experience and, later, I actually received
14 a diploma, a diploma was issued to me by
15 the (Redacted).

16 Q. [9:56:46] Thank you, witness. That's very clear. I will return to the matter of
17 that (Redacted) in a just a few moments. But just to return to this identity card, you
18 said it was your (Redacted). Is this the document that you showed to the Office of
19 the Prosecutor -- that is to say, the investigators, when you met with them in
20 2018?

21 A. [9:57:15] Yes, that's right.

22 Q. [9:57:25] The investigators noted this as being a national identity cord -- card,
23 and on the third line it says CNI number which could be national identity card
24 number, so I think that that may be the reason why the investigators referred to this
25 as being your national identity card. And this -- the CNI number indicated on your

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 badge here is (Redacted). * Did you have that national identity card in 2018?

2 A. [9:58:07] Oh, I think I've -- I said -- I made a mix-up there. What we're actually
3 looking at here is my national identity card. I made a mix-up when I was talking
4 about my (Redacted).

5 Q. [9:58:27] Very well. So let's start again.

6 So what we're looking at here is your national identity card, which bears this number;
7 is that correct?

8 A. [9:58:38] Yes; yes, that's right.

9 Q. [9:58:47] Very well. Now, we don't have a copy of the other side of that card.
10 We don't see a logo for the Central African Republic. We don't see a flag, we don't
11 see anything that indicates that this is a national identity card. Witness, is it the case
12 that those features appear on the other side of this card, because we can't -- we don't
13 have a copy of the other side of the card?

14 A. [9:59:21] Yes. On -- on the back, you can see the logo, the logo of the Central
15 African Republic where you see kind of arrows pointing in different directions and
16 that is emblazoned on the other side of the card.

17 Q. [9:59:59] Thank you, witness.

18 I would now request that this document be submitted in evidence, that's the
19 document at tab 268, CAR-OTP-2069-0640.

20 Now, Witness, you referred to your involvement in (Redacted), the Central African
21 (Redacted). Could you tell us in what year you became a member of (Redacted),
22 witness, if you recall?

23 A. [10:00:42] I no longer remember the date, but what I know is that I was a
24 member of (Redacted). When I left (Redacted) to return to Bangui, it was during that
25 time frame.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Q. [10:01:13] Very well.

2 Just to situate our discussion, I would like tab 2 to be displayed.

3 It's CAR-OTP-2069-0598. It is an annex to your statement.

4 And this can be shown to the witness.

5 There it goes.

6 Can you see the document, Mr Witness?

7 A. [10:02:03] Yes, I see it.

8 Q. [10:02:07] Very well. Do you recognise it? Do you know what it is?

9 A. [10:02:17] I recognise this document. It is my badge issued by (Redacted)

10 (Redacted) in the Central African Republic.

11 Q. [10:02:33] Very well. There is no date on that document, so I will put that

12 question to you just to be sure.

13 Do you remember when this badge was issued to you for the first time, month and

14 year?

15 A. [10:02:59] I no longer remember the date. I think that it was between 2008 and

16 2012.

17 Q. [10:03:26] Very well. And a short while ago, if I understood the transcript well,

18 you said you joined the association when you returned (Redacted). Just for

19 clarification, you arrived Bangui (Redacted), and apparently in (Redacted)

20 (Redacted); is that correct?

21 A. [10:03:55] I went to (Redacted), but I no longer remember the month. I spent

22 three or four months there, not six months, but it was (Redacted).

23 Q. [10:04:19] Very well. Can you elaborate a bit on the (Redacted)

24 (Redacted) in the CAR? What was their mandate, what was the objective of that

25 organisation, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 A. [10:04:55] I know that the objective of (Redacted) was to bring together the
2 (Redacted). * Our general (Redacted),
3 who was a (Redacted), who is today deceased. There was also
4 (Redacted). He was also a
5 member and we met at (Redacted). We organised football
6 matches, and cases of ceremonies, (Redacted)
7 (Redacted)
8 (Redacted).
9 That is how it happened.

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

11 Madam Court Officer, I'm done with that document.

12 If we can display tab 137, it is CAR-D33-0014-1017, and that document can be shown
13 to the witness.

14 Mr Witness, I will read the title to you. * It is a press article (Redacted), and
15 the title is "(Redacted)
16 (Redacted)".

17 And if we can go to the next page, court officer, and it's page 1018.

18 THE INTERPRETER: [10:07:24] And that (Redacted).

19 MR JACOBS: [10:07:33] (Interpretation) And if you can scroll down to the last
20 paragraph of the page. Thank you.

21 It is written:

22 "The president of the said (Redacted), seized that opportunity to
23 draw up a list of the achievements by (Redacted) since its creation and it concerned
24 the capacity-building (Redacted)
25 (Redacted)."

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Do you have any comment to make on the activities of (Redacted) as indicated here,
2 Mr Witness?

3 A. [10:08:39] Yes. Yes. During that anniversary -- in fact, that objective of the
4 anniversary was to bring together (Redacted) to relaunch the sporting activities,
5 specifically Central African football. Another objective was to restore a climate of
6 (Redacted) the sportspersons themselves.

7 Q. [10:09:21] Thank you. If we can scroll back up to (Redacted). Perfect.
8 Mr Witness, do you recognise any individuals (Redacted)?

9 A. [10:09:43] Several of them. On the left, that (Redacted); that is, to the left on the
10 screen.

11 Q. [10:10:17] Yes, indeed, (Redacted), Mr Witness. Thank you for
12 confirming. Now, is (Redacted) present (Redacted),
13 (Redacted)?

14 A. [10:10:51] (Redacted) is not very clear, so I have quite some difficulty, but I can
15 recognise (Redacted). You can see that lady standing next -- nearby. This one who is
16 standing up is (Redacted).
17 (Redacted) is small in size, but (Redacted) is not clear. There is the lady with the red
18 bag and (Redacted).

19 But I forget his name.

20 Q. [10:11:45] Thank you, Mr Witness. * I would like to ask for the formal
21 submission of the document at tab 137, CAR-D33-0014-1017.

22 Now we will move forward in time, Mr Witness, and I would like to ask you
23 questions on your attempts for recruitment in the army.

24 PRESIDING JUDGE SAMBA: [10:12:21] I'm sorry, Mr Jacobs, I saw the witness's
25 hand up.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Do you want to say anything to us, Mr Witness?

2 THE WITNESS: [10:12:37](Interpretation) Yes, Madam President, I would like to ask
3 for a bathroom break.

4 PRESIDING JUDGE SAMBA: [10:12:47] Certainly, Mr Witness. We'll wait for you.

5 Madam Court Clerk, can you kindly just point him to the bathroom, thank you.

6 (The witness exits the courtroom)

7 (Pause in proceedings)

8 (Witness enters the courtroom)

9 PRESIDING JUDGE SAMBA: [10:15:55] Welcome back, Mr Witness.

10 Mr Jacobs, please continue with your cross-examination.

11 MR JACOBS: [10:16:11](Interpretation) Thank you, Madam President.

12 Q. [10:16:14] Mr Witness, before the break, I was asking you questions of

13 clarification. I would like to ask you questions of clarification on your attempts to
14 join the army. We have details, but we want just clarifications.

15 In your prior statement you said, paragraph 13, "I always wanted to become a FACA
16 officer".

17 I have a simple question: Why?

18 A. [10:16:51] Thank you. I wanted to be an officer, 2nd lieutenant,

19 non-commissioned officer, or officer, because I was older, and joining the army as a
20 rank-and-file soldier was not a good thing for me. That is why I preferred to write
21 the examination for NCOs.

22 (Redacted)

23 (Redacted)

24 (Redacted). So we wrote with police, gendarmes, soldiers

25 and so on. (Redacted), I wanted to be a soldier.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 If I had been 18 years' old, I would have accepted to start as a rank-and-file soldier,
2 but given that I was older, I wanted to start in the army with an officer rank.
3 I hope I answered your question.

4 Q. [10:18:41] It is very clear. Regarding your age, from your statement, it appears
5 on -- in paragraph 15 that you had to have false documents issued, reducing your age.
6 Can you confirm that, Mr Witness?

7 A. [10:19:05] Yes, I confirm that I defended my thesis in the Central African
8 Republic. And as you know in African countries -- well, not only in the Central
9 African Republic, but in Africa in general the fact of changing one's age is quite
10 widespread. People are compelled to adjust their ages so as to join the
11 administrative services if they have nothing else to do.

12 Q. [10:20:09] Very well. It is very clear, Mr Witness.

13 In the transcript, you have just said that "I defended my thesis" in the CAR. Can you
14 clarify? Did you write a thesis or is that an expression that means something else?

15 A. [10:20:31] No, it is just an expression that I used. Maybe I used the expression
16 wrongly. As you know, we learnt French at school. It is not our mother tongue.
17 I wanted to say that, generally speaking, Africans have the habit of reducing their
18 ages so as to apply for jobs in the civil service, and I am specifying that that is for the
19 civil service.

20 I would like -- can I add something else?

21 Q. [10:21:20] Absolutely, Mr Witness. Please proceed.

22 A. [10:21:27] I can also tell you that a child who is 15 years' old can have his or her
23 age reduced so as to start primary school. This is an example that I simply wanted
24 to give you.

25 Q. [10:21:59] Thank you, Mr Witness. It is quite understandable.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (Counsel confers)

2 MR JACOBS: [10:22:11](Interpretation)

3 Q. [10:22:13] Very well.

4 Court officer, if you can display the prior statement of the witness, tab 1.1. English is
5 tab 1.

6 Page 6370, paragraph 22.

7 Thank you, court officer.

8 Can you see that excerpt, Mr Witness?

9 A. [10:23:07] Yes, I can see it.

10 Q. [10:23:10] My question is simple. Can you confirm the phone numbers
11 indicated here? There are three numbers. I just wanted you to confirm that those
12 numbers are the right ones.

13 I will read the numbers, (Redacted), and you say that it was the number that you used
14 in 2016. Can you confirm that, Mr Witness?

15 A. [10:24:09] Yes, I can confirm that. I have the same number for the three phone
16 companies. I have the same number.

17 PRESIDING JUDGE SAMBA: [10:24:23] Mr Jacobs, what came up on the
18 English transcript - and I don't know whether that's the year you want - is 2016, but
19 what I'm seeing from the witness's prior recorded testimony at paragraph 22 is "2013".
20 Could we clarify that, please, for the record.

21 MR JACOBS: [10:24:58](Interpretation) Thank you, Madam President. Maybe
22 I didn't talk about it well. I said 2013, you said 2016, and in the French transcript it is
23 2015, but in the end it is 2013.

24 So I will repeat that question to the witness.

25 Q. [10:25:25] Do you confirm that it was your number in 2013 -- that is, as in 1-3?

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 A. [10:25:33] Yes, I confirm that those were my numbers in the CAR. Apart from
2 that number, I have another Azure number. I also have the number (Redacted).

3 The Azure number (Redacted), but it is not in this statement.

4 Q. [10:26:14] I was waiting for the end of the interpretation. I was -- if you read
5 the numbers too fast, they cannot be captured. You read the Azure number too fast
6 and so it was not caught in the transcript. Can you say it more slowly, Mr Witness?

7 A. [10:26:38] Thank you. Let me repeat. Before 2013, I had Telecel number
8 (Redacted). I had the same number on Azure and Orange. Apart from that, I have
9 another Azure number. That is the number that I use for my business. It is
10 (Redacted).

11 THE INTERPRETER: [10:27:29] (Redacted), repeats the Sango interpreter.

12 MR JACOBS: [10:27:35](Interpretation)

13 Q. [10:27:35] Very well. Is it (Redacted), Mr Witness?

14 A. [10:27:47] Yes.

15 Q. [10:27:49] So I'll repeat for the record, (Redacted), just to be sure that it is
16 correctly captured.

17 It is well understood. You said you had a second Telecel number. You confirmed
18 that (Redacted) was the number that you used in 2013, Mr Witness. Is that correct?

19 A. [10:28:28] Yes, that is correct. That was the number that I also used.

20 Q. [10:28:47] Thank you, Mr Witness. It is very clear.

21 Mr Witness, we will make progress to 2013, and, as I explained to you, is -- the idea is
22 not to give your statement once again, it is just for clarification purposes. Correct?

23 A. [10:29:46] Yes, I agree.

24 Q. [10:29:47] Paragraph 75 of your statement - I'm giving you the information for
25 the record, tab 1 for the English, 1.1 for the French, so page 6377 - you said:

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 "Prior to me officially becoming (Redacted), I had other duties. (Redacted)

2 (Redacted)

3 (Redacted)

4 My question is: To begin with, do you remember having said that to the
5 investigators, Mr Witness?

6 A. [10:30:43] Yes, I recall.

7 Q. [10:30:51] Okay, very well. Can you tell us more about (Redacted)

8 (Redacted)

9 (Redacted) that's the wording you

10 used in your prior written statement.

11 A. [10:31:15] Thank you.

12 When we (Redacted)

13 (Redacted)

14 (Redacted). He was still at the Ledger at that time.

15 (Redacted)

16 (Redacted)

17 Now, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted). That was my job.

22 Q. [10:32:55] Okay. I've understood your role well. Could you tell us when this
23 was -- was it in April, perhaps May?

24 A. [10:33:12] Thank you. I've forgotten the exact date, but, if I remember correctly,
25 I was assigned (Redacted). And,

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 subsequently, I was assigned (Redacted) later we were

2 assigned to -- to the location I just described.

3 Now, I remember it was (Redacted).

4 THE INTERPRETER: [10:34:05] The interpreter corrects.

5 THE WITNESS: [10:34:09](Interpretation) Originally I was assigned (Redacted)

6 (Redacted).

7 MR JACOBS: [10:34:15](Interpretation)

8 Q. [10:34:15] Now, in this paragraph you say that one of your jobs was (Redacted)

9 (Redacted). And you said that there was a

10 rotation where one would be on duty for two days and then have two days of rest,

11 and that you were (Redacted)

12 (Redacted).

13 Now, witness, do you recall relating that to the investigators?

14 A. [10:34:53] Thank you. Yes, that is indeed what I said.

15 Q. [10:35:05] Thank you. And just some follow-up questions. Could you tell us

16 how many people were (Redacted), if you recall?

17 A. [10:35:26] Yes, thank you.

18 At the stage where the list had not yet been drawn up, we were with (Redacted)

19 and it was (Redacted)

20 (Redacted)

21 There was never a general assembly, so to speak, so I never had the opportunity to

22 apprise the full size of the staff. There was never such an assembly.

23 (Redacted)

24 (Redacted), but I don't know how many people

25 made up (Redacted). What I do know is, of course, (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (Redacted).

2 Q. [10:37:06] So you said that each time (Redacted)

3 (Redacted). Now, we're going to return to (Redacted) in a few

4 moments, but, for instance, (Redacted)

5 (Redacted)?

6 A. [10:37:33] At that point in time, the person who (Redacted)

7 (Redacted) Minister

8 Mboli-Goumba, Minister Mboli-Goumba. He was also called *Maître* Mboli-Goumba,

9 and there was also a minister called Djono Ahaba. He was also a minister at the time.

10 Now, those two would be with (Redacted). Prime

11 Minister Tiangaye would come from time to time, but he didn't spent a lot of time.

12 And if people were brought who were suspected such as being Anti-Balaka -- and

13 I can give you some examples, for instance, (Redacted)

14 (Redacted). Now, those

15 two important ministers that I mentioned earlier would come from time to time, but

16 Mboli-Goumba, Ahaba Djono who was at the ministry of justice, they would come,

17 (Redacted)

18 (Redacted)

19 THE INTERPRETER: [10:39:27] To repeat those names: Mboli-Goumba, Djono

20 Ahaba, Abazene Djoubaye would come and (Redacted).

21 MR JACOBS: [10:39:34](Interpretation)

22 Q. [10:39:35] Okay, thank you for those details, witness.

23 So we're going to return to your (Redacted). Let's go back to what

24 you were saying yesterday.

25 (Redacted). At some point in

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 time did you (Redacted)?

2 A. [10:40:20] Well, back then, from '89 till '93, or even '96, we used (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted). And there was also (Redacted).

6 It was called (Redacted). And there was also a -- another (Redacted)

7 (Redacted). So I was using

8 this type of device at the time, (Redacted), of course, were not out yet.

9 Q. [10:41:30] And what (Redacted) using in 2013 when you were

10 (Redacted)?

11 A. [10:41:48] (Redacted). It might have

12 been (Redacted), but I -- I don't want to say anything that isn't truthful here. I just

13 recall that I had (Redacted) and it wasn't a small model.

14 Q. [10:42:29] Very well. Now, in your prior written statement you said at one

15 point in time that (Redacted), and I'll see if I can find that reference now.

16 So, as -- the reference, it's at paragraph 74. And you say that (Redacted) when

17 you -- when you -- you were fleeing and that you never found it.

18 THE INTERPRETER: [10:42:57] Oh, 174 -- the interpreter corrects.

19 MR JACOBS: [10:43:00](Interpretation)

20 Q. [10:43:02] Now, when you (Redacted)

21 (Redacted)?

22 A. [10:43:17] Indeed. When we left to (Redacted)

23 (Redacted)

24 (Redacted). And then on the 5th - that is to say the date that the Anti-Balaka

25 attacked us - as we were fleeing, spontaneously, it was in the morning and I was a

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 member of (Redacted).

2 Maybe I mixed those two up just there.

3 But when I was fleeing, I (Redacted)

4 (Redacted).

5 PRESIDING JUDGE SAMBA: [10:44:39] Mr Jacobs, which paragraph of his
6 statement are you referring to? Which paragraph?

7 MR JACOBS: [10:44:50](Interpretation) Yes, your Honour, I was referring to
8 paragraph 174 -- 164 --

9 THE INTERPRETER: [10:45:02] The interpreter corrects.

10 MR JACOBS: [10:45:04](Interpretation) -- where the witness says what he's just
11 confirmed to us now in court.

12 PRESIDING JUDGE SAMBA: [10:45:10] Thank you very much. Because I was
13 looking at 174, and there is no such details therein. But thank you very much.

14 MR JACOBS: [10:45:27](Interpretation) Thank you, your Honour.

15 Q. [10:45:40] So, you were using (Redacted) across the whole period in 2013 until
16 the point of time when you lost it; is that correct, witness?

17 A. [10:45:55] Yes, that is correct.

18 Q. [10:46:07] Now, to understand -- to understand something correctly, let me take
19 this in the right order now.

20 (Redacted) did you provide (Redacted) to the Office of the Prosecutor?

21 A. [10:46:36] I had (Redacted). I had one that I'd used a long time previously and
22 others to which I (Redacted)
23 (Redacted).

24 That's what I needed to do.

25 Q. [10:47:24] So how (Redacted) did you provide to the investigators,

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 witness?

2 A. [10:47:34] I think it was three, because I still have a (Redacted)
3 today, but I believe I provided (Redacted) to them. I have others that I have
4 (Redacted). I have (Redacted) which I don't recall,
5 but I think I provided (Redacted) to them
6 and I also had (Redacted).

7 Q. [10:48:29] So you provided (Redacted) to them. And -- and what happened
8 then? Did they keep (Redacted)?
9 Can you explain exactly how the handover (Redacted) between you and the
10 investigators?

11 A. [10:49:01] Well, I own the (Redacted). I showed them (Redacted) and
12 they (Redacted)
13 (Redacted).

14 Q. [10:49:18] Okay. And just to make sure we understand well, the movements of
15 (Redacted)
16 (Redacted)
17 elsewhere?

18 I'm not sure if my question was clear to you. If not, I'll reword it.

19 A. [10:49:48] I think I said to you that (Redacted)
20 that's the one that I kept (Redacted)
21 (Redacted)
22 (Redacted).

23 THE INTERPRETER: [10:50:22] The interpreter corrects: (Redacted)
24 (Redacted).

25 MR JACOBS: [10:50:32](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Q. [10:50:32] Very well. So, in 2013, you (Redacted)
2 (Redacted). And then, between 2013 and 2018 - that's the point in time in which you
3 saw the investigators - where were (Redacted)? Were they on the (Redacted)
4 (Redacted)
5 (Redacted) between 2013 and 2018?

6 A. [10:51:01] I had (Redacted) between 2014 and 2017 when I was (Redacted) and
7 I was working (Redacted). I was involved in (Redacted)
8 (Redacted) Muslim who was selling them in the
9 market. He was selling (Redacted) the market. So I used that (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted).
14 I recall that I went to that (Redacted), if my memory is correct.

15 Q. [10:52:27] Thank you, witness.
16 Court officer, I would like to have the witness's statement displayed. That's at tab 1
17 for the English version, and tab 1.12 for the French version. And I would like to
18 have displayed page 6416. And I can't give you a paragraph number because there's
19 no paragraph number at that -- in that part of the statement. It's a passage of text
20 where the (Redacted) are being discussed.

21 I am looking for the number in -- page number in the English version, if you would
22 just give me one moment.

23 (Counsel confers)

24 MR JACOBS: [10:53:43](Interpretation) So, your Honour, it is page 0543 in the
25 English version.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [10:53:56] Thank you very much. Thank you very
2 much, Mr Jacobs.

3 MR JACOBS: [10:54:04](Interpretation)

4 Q. [10:54:07] Witness, do you see there at the top of the page it says "(Redacted)

5 And it is stated that (Redacted)

6 (Redacted)

7 Do you see that, witness?

8 A. [10:54:34] Yes, I see that.

9 Q. [10:54:40] Very well.

10 I'm going to have another page shown, and that's page 6435 in the French version.

11 And this is a page in the prior written statement as before.

12 And it is at page 0561 in the English version, your Honour.

13 If you could actually show us the previous page in the French version, 6435, please.

14 Perfect. Thank you.

15 And, in fact, the piece of text I'm interested in is on the screen right now.

16 So, witness, if you see here it says "(Redacted)". It's at the bottom of your page there.

17 It says:

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 So, witness, my question to you is: If we look at (Redacted), it seems to indicate that

23 there were several (Redacted). We had the first reference to (Redacted)

24 (Redacted), so the names of various

25 (Redacted). So why are there (Redacted) with the names of various (Redacted) if,

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 in fact, you only had one?

2 A. [10:57:39] Thank you. I think I may have forgotten certain things, but when
3 you ask me questions it refreshes my memory. Before I got (Redacted)
4 (Redacted). And when I arrived in Bangui in July 2017, I had a (Redacted) that I was
5 using. And when I no longer (Redacted)
6 (Redacted). It was opposite the (Redacted), and I would go there
7 when I came -- when I was back (Redacted), I couldn't go working in Bangui because
8 things were still rather unsafe there. But colleagues had agreed to help me and
9 (Redacted) to me, which I used. And it was when I got some money that I bought
10 (Redacted)
11 that I continued to use.

12 I don't know if that answers your question, if I've understood -- if I've answered
13 correctly your question.

14 Q. [10:59:31] Yes, that -- that's very clear, witness. My question was very specific,
15 because I had understood from your prior statement and analysis of your description
16 that in 2013 -- and I'm not talking about 2017 or earlier, but that (Redacted) that you
17 (Redacted) --
18 not in 2017 or in any other time.

19 So, in fact, my question is very specific: When you (Redacted)
20 back in 2013, were you using (Redacted), if you recall?

21 A. [11:00:19] Well, to be honest with you, I don't remember. It's a long time ago
22 now and I just don't remember.

23 Q. [11:00:29] No problem, witness. It's just important that you tell us what you do
24 recall.

25 MR JACOBS: [11:00:34](Interpretation) Your Honour, I have an eye on the clock.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [11:00:39] Yes, certainly.
- 2 Mr Witness, we're going to break off here and we'll come back in 30 minutes.
- 3 And just to remind the Defence that you've used an hour 36 minutes of your time.
- 4 You have an hour 24 minutes remaining when we come back. I'm sure you could do
- 5 with that time.
- 6 I rise the Court for 11:30, please. Thanks.
- 7 THE COURT USHER: [11:01:10] All rise.
- 8 (Recess taken at 11.01 a.m.)
- 9 (Upon resuming in open session at 11.34 a.m.)
- 10 THE COURT USHER: [11:34:17] All rise.
- 11 Please be seated.
- 12 PRESIDING JUDGE SAMBA: [11:34:41] Good morning again, everyone.
- 13 Now, Mr Jacobs, can you continue with your cross-examination, please. Thank you.
- 14 MR JACOBS: [11:34:54](Interpretation) Thank you, Madam President.
- 15 Since we went to open session, I think I'm afraid I will have to ask to return to private
- 16 session.
- 17 PRESIDING JUDGE SAMBA: [11:35:09] 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: [11:35:23] We are in private session, Madam President.
- 21 PRESIDING JUDGE SAMBA: [11:35:26] Thank you very much.
- 22 Mr Jacobs, please.
- 23 MR JACOBS: [11:35:38](Interpretation) Thank you, Madam President.
- 24 Q. [11:35:42] Good morning once again, Mr Witness.
- 25 A. [11:35:46] Good morning.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Q. [11:35:52] Now that we have clarified the (Redacted)
2 (Redacted), I would like to talk about (Redacted) that you took in 2013,
3 the circumstances and consequences (Redacted). I will show you some of (Redacted)
4 and put some questions to you.

5 A. [11:36:18] Yes, I've understood you well.

6 Q. [11:36:22] Well, Court Officer, please can you display tab 256, which is
7 CAR-OTP-2069-0664. And -- or, rather, 2069-0664. And everything can be shown
8 to the witness.

9 Can you see (Redacted), Mr Witness?

10 A. [11:37:06] Yes, I see it.

11 Q. [11:37:12] Very well. This is one (Redacted) that you gave to the investigators.
12 Can you confirm that?

13 A. [11:37:26] Yes, I am the one who gave them (Redacted).

14 Q. [11:37:38] (Redacted), if I'm not mistaken, (Redacted) a white
15 person. Can you tell us who is that white person, if you know?

16 A. [11:37:52] Thank you. (Redacted) this white
17 person is a Frenchman, he is a captain. (Redacted)
18 (Redacted)
19 (Redacted)

20 Q. [11:38:47] You said this is a Frenchman and he is a captain. Is he a captain in
21 the French army, Mr Witness?

22 A. [11:39:02] What I know is that the white people who (Redacted)
23 (Redacted), if I am not
24 mistaken, I think there were (Redacted) white people. There was a leader and that
25 he -- this one is one of the (Redacted). He was the one who (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 He kept the documents. He was a French person of the French army, but
2 the military uniform that he is wearing, he was given -- was given to him by
3 the Seleka. I don't know whether that rank of captain was given back in his own
4 country, but the uniform he is wearing was given to him by the Seleka.

5 Q. [11:40:17] Very well. And were there any other trainings of the FACA carried
6 out by French people, that is if you know, Mr Witness?

7 A. [11:40:41] During that period, that is the Seleka regime, well, this was the first
8 training (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [11:41:30] Very well. So I understand that this was the first training. This
14 means that there were other training exercises after that; is that correct, Mr Witness?

15 A. [11:41:43] Yes, indeed. This was the first training (Redacted)

16 Those people had to be trained to be (Redacted)

17 (Redacted). Subsequently, the other elements had to be sent to Camp Kassai, others
18 to Sudan, some of them to Berengo and some to Sibut. That is what happened
19 during that period.

20 Q. [11:42:25] Very well, Mr Witness.

21 I have (Redacted) the same training to display to the witness.

22 I don't know, Madam President, whether I should ask for formal submission after
23 (Redacted) or I should wait until the end and ask (Redacted).

24 Now, tab 257. Just to go rapidly, Mr Witness, I just want you to confirm that

25 (Redacted) during the same training. Can you confirm that (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (Redacted) during that same training period?

2 A. [11:43:28] Yes, indeed. I had said that it was an obstacle course training and

3 (Redacted)

4 Q. [11:43:44] Thank you, Mr Witness.

5 If tab 258 can be displayed, it is CAR-OTP-2069-0707.

6 Do you confirm that (Redacted) during the same training,

7 Mr Witness?

8 A. [11:44:22] Yes, indeed. What I can add is that those who are dressed in black,

9 the two people on the right and the one on the left, were FACA officers who were

10 (Redacted). They were supervisors or trainers.

11 Q. [11:44:51] Thank you, Mr Witness.

12 Page -- tab 260, CAR-OTP -- it is tab 260, CAR-OTP-2069-0790.

13 Do you confirm is -- (Redacted) and during the same training?

14 A. [11:45:26] Yes. (Redacted)

15 during the training.

16 Q. [11:45:48] I'm sorry, I made -- I created some confusion regarding the tab

17 number and the ERN number that corresponds to it. It was confusing.

18 I am being told (Redacted) tab 25 -- (Redacted)

19 that is on 2 -- tab 259, which is number 2069-0709.

20 Mr Witness, do you confirm that (Redacted) for the same training?

21 A. [11:46:46] Yes, yes, of course. (Redacted), because the lady who is at the

22 forefront there amongst the two FACAs dressed in black, she was a member

23 (Redacted).

24 Q. [11:47:10] Thank you, Mr Witness, for that clarification.

25 Now, tab 261, CAR-OTP-2069-0734.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Mr Witness, same question, (Redacted) the same training; is that

2 correct?

3 A. [11:47:50] (Redacted). And, in fact,

4 the soldier crouching near this soldier are -- is a member of the FACA. On the left,

5 the two white people are there, one wearing a cap and the other is wearing sunglasses.

6 The one wearing the sunglasses was the chief or the commander of all the white

7 trainers. I believe it was him.

8 Q. [11:48:30] Thank you for that clarification, Mr Witness.

9 Do you remember his name? If you don't, no problem. That is the name of
10 the chief of all the trainers?

11 A. [11:48:53] I do not know his name. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Secondly, I had many (Redacted), outside of

16 the training. (Redacted).

17 That is what I can add.

18 Q. [11:49:47] Proceed, Mr Witness.

19 A. [11:49:55] He usually was dressed in a suit. He rarely dresses like that. Most
20 of the time he is dressed in a suit.

21 Q. [11:50:11] And, to your knowledge, did he carry out training with other units of
22 the FACA during that period?

23 A. [11:50:24] He was the person responsible for all the white instructors or trainers.

24 He would just come there just to observe or supervise the conduct of the activities.

25 So he visited from time to time only, so he was the supervisor, and from time to time

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 he would come to see what was going on.

2 Q. [11:50:51] Thank you, Mr Witness.

3 Now, tab 262, CAR-OTP-2069-0736.

4 Same question, Mr Witness. (Redacted) training?

5 A. [11:51:22] Yes, it is still the same training course.

6 Q. [11:51:29] Thank you, Mr Witness.

7 The next tab is 263, CAR-OTP-2069-0755.

8 Is it the same training, Mr Witness?

9 A. [11:51:52] Yes, it was in fact the same training.

10 Q. [11:52:00] Thank you for your cooperation.

11 Next tab, 264.

12 PRESIDING JUDGE SAMBA: [11:52:08] Sorry, can we hear the witness.

13 Can you put the exhibit on the screen again, please, Madam Court Officer.

14 Mr Witness, did you want to say something more?

15 THE WITNESS: [11:52:35](Interpretation) What I can add concerns the vehicle,

16 the Toyota vehicle parked further away. That was the service vehicle of the head of

17 the instructors. The head of the trainers, that was his service vehicle. That is what I

18 wanted to add.

19 PRESIDING JUDGE SAMBA: [11:53:05] Thank you very much.

20 Mr Jacobs, please continue.

21 MR JACOBS: [11:53:12](Interpretation)

22 Q. [11:53:12] Thank you for that clarification, Mr Witness.

23 I think I was at tab 263? That is 264, I believe.

24 So, now, 264, 2069-0787. Same question. Was that the same training, Mr Witness?

25 A. [11:53:42] Yes, I do so confirm.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Q. [11:53:51] Wonderful.

2 And the last tab is 265. Is 2069-0804.

3 Same question, Mr Witness. Is it the same training?

4 A. [11:54:20] Yes, I confirm it was part of the same training.

5 Q. [11:54:29] Thank you.

6 Madam Court Officer, I would like to ask for the formal submission of tabs 256 to 265,

7 (Redacted).

8 THE INTERPRETER: [11:54:53] Counsel said 266 to 265.

9 MR JACOBS: [11:55:01](Interpretation)

10 Q. [11:55:02] We will move on to another event (Redacted),

11 Mr Witness.

12 Tab 142, CAR-OTP-2069-2338.

13 Mr Witness, a short while ago I was asking you to explain (Redacted), what

14 it was all about. Now, look at this one, can you explain to us what it involved?

15 A. [11:56:01] Thank you. This was the arrival of President Michel Djotodia, who is

16 dressed in a suit. And just behind him it was his aide-de-camp, Abdoulaye. To

17 the right, the one with the cap -- with a cap is his aide-de-camp of the president of

18 the republic. The person who is -- (Redacted) is prime minister

19 Tiangaye. On the left, the person wearing sunglasses is the chief of protocol of

20 the president of the republic. I believe he had just returned from a mission in

21 Brazzaville. Or maybe it was his departure or return from Brazzaville, because he

22 went -- travelled to Brazzaville on mission at that time, several missions.

23 Q. [11:57:26] Thank you, Mr Witness.

24 If you can scroll down to the bottom (Redacted) for the date, 1 August 2013. Can

25 that refresh your memory as to what it was all about?

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 A. [11:57:50] This was at the airport, he was on board AfriJet. He went on several
2 missions, if I remember correctly. General Arda was part of the mission team,
3 because between the two missions carried out by the president, Arda was in one of
4 them, he was part of the mission to Congo-Brazzaville to meet with
5 President Sassou Nguesso.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [11:59:13] Thank you, Mr Witness.

11 Now, tab 143, CAR-OTP-1669-2340.

12 PRESIDING JUDGE SAMBA: [11:59:34] Mr Jacobs, Mr Jacobs, do you want us to
13 still remain in private session for these? I mean, this part of the proceeding?

14 MR JACOBS: [11:59:50](Interpretation) I could try to go to open session,

15 Madam President, (Redacted)

16 (Redacted)

17 (Redacted). But I'm in your hands,

18 Madam President.

19 PRESIDING JUDGE SAMBA: [12:00:15] Well, he has heard that now, so he knows
20 he should not say that. What I've -- what we observe is that he is just identifying
21 people and places.

22 So, Mr Witness, you are cautioned so that we are able to go into open session and just
23 answer the questions. When Mr Jacobs wants to ask you (Redacted), we will go into
24 private session so that your identity is not exposed. Do you understand me,
25 Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 THE WITNESS: [12:00:55](Interpretation) Yes, I've understood well. Thank you,
2 your Honour.

3 PRESIDING JUDGE SAMBA: [12:01:01] Thank you very much.

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

5 (Open session at 12.01 p.m.)

6 THE COURT OFFICER: [12:01:23] We are back to open session, Madam President.

7 PRESIDING JUDGE SAMBA: [12:01:27] Thank you very much.

8 Mr Jacobs, with caution, please, let's move on.

9 MR JACOBS: [12:01:42](Interpretation) Thank you, your Honour.

10 Q. [12:01:46] Witness, can you confirm that this is the same event as on

11 {PFR: (Redacted)}?

12 And, court officer, could we move down so that we can see the date on {PFR:

13 (Redacted)}. Thank you.

14 A. [12:02:20] Yes, indeed, {PFR: (Redacted)}. On the side, the person with the blue
15 beret on, beside the president, is a member of the air force. And he's part of the state
16 protocol, or was at that time. And then behind the president, you have his second
17 aide-de-camp, an adjutant, but I don't recall his name. The person with the red beret,
18 beside the person who is beating a drum, is a member of the Central African armed
19 forces. And the person who is behind the head of protocol is a former corporal of
20 the Central African armed forces. He's behind on -- to the right-hand side of
21 the protocol person, wearing a dark jacket, a black jacket. That's what I can relay
22 regarding {PFR: (Redacted)}.

23 Q. [12:03:44] Thank you, witness. If we could {PFR: (Redacted)} at tab 145, and that
24 is CAR-OTP-2069-2342.

25 Witness, my question to you is the same. {PFR: (Redacted)} of the same event?

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 A. [12:04:21] Yes, this is when he returned. And the soldier with the red beret is
2 called Baraba and the president has extended his hand to greet a gendarme. It's
3 a colonel from the gendarmerie. I don't recall his name. And beside him, you have
4 the director general of police. That's what I can tell you about that.
5 The adjutant is just behind the president, the adjutant of the gendarmerie, he's just
6 behind the president.

7 Q. [12:05:13] Witness, if I were to give you a name, Wanzet-Linguissara, does that
8 refresh your memory as regards the colonel who's a gendarme?

9 A. [12:05:31] Yes, that's him. {PFR: (Redacted)}.
10 And in fact I can add, the director general of police, he's -- he has a moustache and
11 he's to the right of Linguissara. He's the gentleman with a moustache.

12 Q. [12:06:04] Thank you, witness.

13 So if we could {PFR: (Redacted)} at tab 146, that's CAR-OTP-2069-2345.

14 Now, witness, can you confirm that this is the same event?

15 A. [12:06:49] Yes, this is his arrival. It's the same situation. He's extending his
16 hand in greeting.

17 And we have Abdoulaye Hissène here, the minister for sport. That's the gentleman
18 with the dark glasses.

19 {PFR: (Redacted)}.

20 Q. [12:07:17] Thank you, witness.

21 And now {PFR: (Redacted)} is at tab 149, that's CAR-OTP-2069-2377,
22 court officer.

23 Now, witness, is this the same event still?

24 A. [12:07:54] Yes, this is the same ceremony. This is at the airport. You have
25 the cameraman from the Central African television broadcasting company. He's

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 the gentleman with the white shirt on. And there is a colonel who is a FACA
2 corporal, he has been promoted to colonel. And then you have the -- the deputy
3 head of gendarmerie here and the second aide-de-camp of the president. I think that
4 this is just at the exit to the ceremonial room, the VIP room.

5 Q. [12:08:49] I would request {PFR: (Redacted)} tabs 142, 143, 144, 145 and 146, which
6 {PFR: (Redacted)} be formally submitted.

7 So, witness, we're now going to look at another series --

8 THE COURT OFFICER: [12:09:27] Just for the record, because I see that one item
9 was not reported in the English transcript, tab 149 is also part of the item tendered for
10 formal submission by the Defence.

11 PRESIDING JUDGE SAMBA: [12:09:48] Please carry on, Mr Jacobs.

12 MR JACOBS: [12:09:57](Interpretation) Yes, thank you, Court Officer. I see that
13 the French transcript is not entirely correct. I see 142, 143, 145, 146 and 149. So those
14 figures are not correct, it should be correct throughout.

15 I see that the figures are still not captured on the transcript. I imagine that will be
16 corrected afterwards. But to save the correction, let me repeat, 142, 143, 145, 146 and
17 149. Very good.

18 Q. [12:11:31] Now, witness, we're going to move {PFR: (Redacted)}.

19 Court officer, could {PFR: (Redacted)} at tab 152,
20 that's CAR-OTP-2069-2575.

21 Now, witness, what we're looking at here are FOMAC soldiers, I believe; is that
22 correct?

23 A. [12:12:22] Yes, indeed. That is the Chadian contingent, so they are FOMAC
24 soldiers.

25 Q. [12:12:37] Could you tell us more, in general, about the FOMAC and its role

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 back then.

2 A. [12:12:54] Well, to answer your question with regard {PFR: (Redacted)}, the one
3 we're on now, before the Seleka took power, they were the ones that protected all
4 strategic locations in the city of Bangui. For instance, the Camp de Roux, the airport,
5 the palace, the radio station and the Central African television station, all of those
6 were protected by FOMAC.

7 Now, when Djotodia left the Ledger for Camp de Roux, they were already there.

8 {PFR: (Redacted)},

9 they had left, but they had previously been located there and had protected that site.

10 Soon after the arrival of the president at that site, they departed. So that's what they
11 do. That's my knowledge of their function.

12 Q. [12:14:10] So you said that when they -- when Djotodia went to Camp de Roux
13 they were there. But here {PFR: (Redacted)} from August 2013, which was a little bit
14 later. So this is August 2013. Did FOMAC still play a role in securing certain places
15 in Bangui, witness?

16 A. [12:14:41] Back then, the president of Chad, Idriss Deby, had travelled in for
17 the -- the investiture, the inauguration ceremony for Djotodia, and -- as did
18 the president of the Congo.

19 There were FOMAC there at that time, maybe they were there when he president was
20 taking the oath. There was also the close protection of the president of Chad that
21 was present during that ceremony. {ICR: (Redacted)}.

22 After the tendering or taking of the oath, {ICR: (Redacted)}
23 (Redacted)}

24 Q. [12:15:41] Thank you, witness. Court officer, could you display {PFR: (Redacted)}
25 tab 153, that's CAR-OTP-2069-2584.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 Now, witness, can you confirm that what we're looking at here is a FOMAC vehicle?

2 A. [12:16:19] Yes, that is indeed a FOMAC vehicle. And, indeed, the trucks that
3 you see to the rear in the background of {PFR: (Redacted)} look like trucks that were
4 provided by Sudan during the -- during Djotodia's administration. And this {PFR:
5 (Redacted)} taken at Camp de Roux. And you can also see military -- a gentlemen in
6 a military -- or people in military attire and ranger boots.

7 Q. [12:17:13] Thank you very much, witness.

8 I would like to put a question to you, but first I would like to ask the court officer to
9 formally submit tabs 152 and 153.

10 We're now going to move to {PFR: (Redacted)}. I'm trying to be selective so that we
11 can make headway.

12 Court officer, could you display {PFR: (Redacted)} at tab 154, that's
13 CAR-OTP-2069-2823.

14 Witness, do you see {PFR: (Redacted)}? You see the date at the bottom, {PFR:
15 (Redacted)} 2013. Can you tell us, what is this event?

16 A. [12:18:41] Well, that is the swearing-in ceremony. His wife, Chantal, is beside
17 him. She's from Benin. And we also have Abdoulaye, his aide-de-camp behind
18 him. {ICR: (Redacted)}
19 (Redacted).}

20 MR JACOBS: [12:19:20](Interpretation) Your Honour, could we move back into
21 private session, please.

22 PRESIDING JUDGE SAMBA: [12:19:23] Certainly.

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

24 (Private session at 12.19 p.m.)

25 THE COURT OFFICER: [12:19:43] We are back to private session, Madam President.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [12:19:48] Thank you very much.

2 Mr Jacobs, continue, please.

3 MR JACOBS: [12:19:55](Interpretation) Thank you, your Honour.

4 Q. [12:19:58] Now, witness, we're now in private session. I know it's difficult not

5 to say that (Redacted). That's why I moved

6 back into private session, to tell you that.

7 And now I'd like to put a question to you directly, and that is, did you (Redacted)

8 (Redacted), witness?

9 A. [12:20:23] Yes, of course, (Redacted).

10 Q. [12:20:37] And the person who is shaking the president's hand, (Redacted)

11 (Redacted)?

12 A. [12:20:46] It's not very (Redacted)

13 (Redacted) in order to be able to identify the person correctly.

14 Q. [12:21:00] Court officer, perhaps we could (Redacted) the person who is shaking

15 President Djotodia's hand there in the centre (Redacted).

16 Now, witness, I don't know if that's helped you at all, the fact that we've (Redacted) in

17 this way?

18 A. [12:21:18] Yes, it's now easier to see. The two white gentlemen there, who are

19 moving to shake the president's hand, I'm afraid I don't know their identity, I don't

20 know their name. However, I do know one of the people who (Redacted), it's

21 a woman who's right at the back there, at the back there.

22 Q. [12:21:51] Could you zoom out again, please, court officer, so that that lady is

23 visible.

24 Witness, is it the woman right at the back there that you're referring to?

25 A. [12:22:06] Yes. The woman who's in a white dress wearing a white scarf, she is

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 related to President Djotodia. And you will (Redacted), she appears with
2 the president's children. She's Elsie Kala (phon), she's seated in an armchair. Now,
3 she lives in Brazzaville, in the Congo.

4 Q. [12:23:02] Thank you, witness.

5 Could we now view tab 163, please. So the ERN is CAR-OTP-2069-2862.

6 Now, witness, this is after the swearing-in ceremony; is that correct?

7 A. [12:23:47] Yes, this is after the inauguration ceremony. The individuals are
8 leaving the premises to board their vehicles and go to Camp de Roux. Now,
9 the person in a black suit with a white shirt there, he was a colonel back then and he's
10 carrying -- he always carries a Motorola radio and (Redacted)
11 (Redacted).

12 Q. [12:24:32] Now, witness, as we have a limited amount of time, but I need to
13 formally submit various items, what I suggest is that I just have (Redacted) presented
14 on the screen and I'd like you to simply tell me if I get something wrong, if I refer to
15 the wrong event, for instance. So I think it's the only way to get this done in
16 the time.

17 You should tell me if ever you (Redacted)
18 or if the event is not the right event.

19 Perhaps I could have the authorisation of the Court to proceed in this way.

20 PRESIDING JUDGE SAMBA: [12:25:11] Certainly, proceed. And let's see.

21 The witness is comfortable with that, it seems.

22 MR JACOBS: [12:25:21](Interpretation) Court officer, I'm going to give you a series
23 of tab numbers, tab 155, please, CAR-OTP-2069-2830 -- sorry, 2828. Thank you.

24 And could you also show tab 156, CAR-OTP-2069-2830. Thank you.

25 And tab 157, 2069-2833. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 And tab 158, 2069-2835.

2 MS MAKWAIA: [12:26:43] Madam President, sorry, just for the record, because
3 the witness is doing a thumbs up that it's not reflected on the record. Perhaps he
4 could say yes or no.

5 PRESIDING JUDGE SAMBA: [12:26:53] Well -- no, well, my understanding is that
6 Mr Jacobs wants him to -- if there (Redacted) -- at the end of all this exercise, if there
7 (Redacted), he could say so.

8 Is that my understanding, Mr Jacobs?

9 MR JACOBS: [12:27:14](Interpretation) Yes, yes, indeed at the end of the exercise or
10 during the exercise. The idea is to present (Redacted) with a certain rapidity and
11 only if the witness has a comment to make or indicates that there is a problem, but
12 I don't think that we need to note in the transcript that the -- that the witness gives
13 a positive signal after (Redacted), although I have no preference personally.

14 MS MAKWAIA: [12:27:46] Sorry, your Honours, I don't want to belabour the point,
15 but then the transcript -- for the transcript we'll be hearing counsel, "*Merci*", and
16 nothing else, (Redacted). We wouldn't know
17 what exactly was being shown.

18 PRESIDING JUDGE SAMBA: [12:28:02] We will know what is being shown because
19 the tab numbers will be reflected in the transcript and the witness has an opportunity
20 to (Redacted), or if he wants to make
21 special comments, he can do so (Redacted).

22 Otherwise, as far as I understand it, all these that have been shown now, he certainly
23 recognises (Redacted) that he gave to the OTP. That's my understanding.

24 Thank you.

25 Mr Jacobs, please continue.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

- 1 MR JACOBS: [12:28:54](Interpretation) Thank you. Let's continue on.
- 2 I would like (Redacted) tab 160 displayed, CAR-OTP-2049-2847. Thank you.
- 3 And if (Redacted) at tab 161, that's 2069-2852. Thank you.
- 4 And now tab 162, 2069-2857. Thank you.
- 5 Now I request (Redacted) tabs 1 -- or, in tabs 154 to 162 included be submitted
- 6 formally.
- 7 PRESIDING JUDGE SAMBA: [12:30:14] Well, before we do that, does the witness
- 8 have anything to say in respect of (Redacted) that have been shown
- 9 to you?
- 10 Did you do (Redacted), Mr Witness?
- 11 THE WITNESS: [12:30:42](Interpretation) Thank you, your Honour. (Redacted)
- 12 (Redacted) -- I have some observations to make regarding
- 13 (Redacted) the mayor, Ms Samba-Panza.
- 14 At the time she was the mayor of Bangui.
- 15 And then (Redacted) the president shaking hands with
- 16 the prosecutor, the prosecutor is wearing a black suit.
- 17 (Redacted) the president shaking hands with his children, Elsie Amkala (phon), and
- 18 his son-in-law, the husband of Elsie, and he was wearing a traditional shirt called
- 19 abacos.
- 20 Today Elsie and her husband live in France.
- 21 These are my observations (Redacted).
- 22 PRESIDING JUDGE SAMBA: [12:31:49] Okay, thank you very much, Mr Witness.
- 23 Thank you.
- 24 Mr Jacobs, please, please continue your questions.
- 25 MR JACOBS: [12:32:12](Interpretation) Thank you, Madam President.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 Q. [12:32:13] I will move on to another series.

2 164, the next series, 164, that's CAR-OTP-2069-2900.

3 Mr Witness, it is the celebration of the installation of Mr Michel Djotodia; is that
4 correct?

5 A. [12:32:47] Yes. That was the ceremony that took place after the inauguration of
6 the president. You have president Sassou Nguesso in a red tie, then there is
7 the president's wife, Chantal Djotodia, who is from Benin, of Benin nationality.
8 Let me specify, the president of Chad had already left, but Sassou had stayed back.

9 Q. [12:33:24] Thank you, Mr Witness.

10 Tab 165, 2069-2903.

11 Is it the same ceremony, Mr Witness?

12 A. [12:33:51] Yes. In fact, there is the prime minister in the middle with the red tie.
13 I recognise (Redacted).

14 MR JACOBS: [12:34:20](Interpretation) Madam President, I would like to know how
15 to proceed. I wanted to submit (Redacted)

16 (Redacted). But the witness is giving very useful clarifications,
17 so I really do not know how to proceed, given the 25 minutes we have left to submit
18 (Redacted).

19 It wouldn't be possible for me to do that in the hearing. But I do not know whether

20 I can do that by a Bar table motion indicating (Redacted)

21 (Redacted). If I have to do this in hearing, it would be impossible for me for -- to

22 have the witness ascertain that there are -- (Redacted). But if there is no dispute that
23 this is the case, then I have no problem with them being

24 submitted in another manner.

25 PRESIDING JUDGE SAMBA: [12:35:38] Do we have (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 the witness's prior recorded testimony? The annexes that were allowed in under
2 86(3).

3 MR JACOBS: [12:35:57](Interpretation) Madam President, no.

4 The Prosecutor asked for the submission (Redacted) under 68(3). So in
5 order not to waste time, I was focusing (Redacted) had not yet been
6 submitted.

7 (Redacted), I am only selecting those that have not been

8 submitted yet under Rule 68(3). And some of them were discussed with the witness
9 in his prior statement, but some of them were not commented in his prior statement.

10 So this is the difficult situation in which I find myself, that is why I put myself in your
11 hands.

12 PRESIDING JUDGE SAMBA: [12:36:54] Are you suggesting (Redacted) you

13 want to deal with, he did not comment on in his prior statement, which is already

14 allowed in under 68(3)? Because I know that he commented (Redacted)

15 in his statement.

16 In any event, are those the last set of questions you want to ask or -- because I want to

17 ask whether or not you could -- we could give you time after, in the afternoon, to deal

18 just with these state -- (Redacted). I mean -- and your client need not be here, if

19 that's okay, just dealing with (Redacted), so that we can at least wrap up for

20 1 o'clock.

21 MR JACOBS: [12:37:54](Interpretation) I am sorry, I was listening in French.

22 I didn't quite understand your request, whether you were suggesting that we should

23 come back this afternoon for the submission (Redacted);

24 is that what you are saying?

25 PRESIDING JUDGE SAMBA: [12:38:13] Because it's not too crucial, that's just an

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 offer I made to you, that we could accommodate you, if you want to. And since it's
2 just for submission (Redacted), your client maybe need not be here, if that's okay by
3 you.

4 If not, let's move on within the limited time we have and see what you can do. He
5 did comment (Redacted) in his statement.

6 But let's move on, we are wasting time, Mr Jacobs.

7 MR JACOBS: [12:38:49](Interpretation) Very well, Madam President. I will do
8 what I can. It is part of the cross-examination and the witness was commenting on
9 the substance, but I don't think it is possible to proceed without Mr Said's presence.
10 I will go on, but it is certain that I cannot finish.

11 Q. [12:39:17] Mr Witness --

12 Tab 166, court officer, please.

13 Thank you.

14 Then we will move on, like we did before, Mr Witness, I will display (Redacted). If
15 you don't have a comment, we will just move on.

16 Now, tab 167.

17 Tab 168.

18 MS MAKWAIA: [12:40:14] Sorry, Madam President, perhaps if we can be of
19 assistance to the Chamber. If counsel can show us, let's say, (Redacted) and they're
20 all about this dinner banquet, then we can stipulate to that and
21 accelerate the process.

22 PRESIDING JUDGE SAMBA: [12:40:37] I think the essence -- the essence of this
23 particular line of cross-examination by Mr Jacobs is for the witness to tell the Court
24 whether (Redacted); is that your intention, Mr Jacobs?

25 MR JACOBS: [12:41:02](Interpretation) Yes, Madam President, it is a formal exercise.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 I cannot submit (Redacted)-- in fact, the best way to submit is through the witness,
2 but if we all agree on a Bar table procedure later, it will be fine with me. But to have
3 the witness comment them, that would be fine with me, but doing it also afterwards is
4 also possible.

5 I don't see any other way of proceeding.

6 PRESIDING JUDGE SAMBA: [12:41:48] Yes, Madam Prosecutor, in respect of
7 Mr Jacobs' suggestion as to a Bar table motion submission?

8 MS MAKWAIA: [12:41:58] That could be done. It just depends on (Redacted)
9 (Redacted). Like if they're the dinner banquet type, yeah, we can stipulate to that.
10 But if it's other, like with military vehicles and things like that that he has shown
11 before, then perhaps the witness is best placed to comment on those.

12 MR JACOBS: [12:42:28](Interpretation) Just to be clear, the issue is not necessarily
13 the substance, it is the authenticity. I don't think that the Prosecution disputes at this
14 stage, because they disclosed them to us, they did not dispute the fact that all
15 (Redacted).

16 Commenting (Redacted), the parties can do it, but this is simply for
17 submission.

18 If the OTP accepts that they gave -- they received (Redacted) from the witness who is
19 their witness - I don't know whether (Redacted), I no longer remember the number
20 (Redacted) - if their authenticity is accepted, do we agree that (Redacted) submitted
21 by the OTP and disclosed to us are indeed from
22 the witness?

23 If that is agreed, then I think we have no problem with that and I think it is a good
24 foundation to do a Bar table.

25 MS MAKWAIA: [12:43:54] Your Honours, there's (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 and something. We're relying (Redacted) which we estimate or allege are
2 material to the charges against Mr Said. We cannot stipulate to the (Redacted)
3 (Redacted).

4 PRESIDING JUDGE SAMBA: [12:44:15] But your -- I mean your case is that all those
5 (Redacted)

6 MS MAKWAIA: [12:44:28] That is the case, Madam President.

7 PRESIDING JUDGE SAMBA: [12:44:31] Then I don't see anything wrong with
8 dealing with those through a Bar table motion. I think let's move on, let's deal with
9 that (Overlapping speakers)

10 MS MAKWAIA: [12:44:39](Overlapping speakers)

11 PRESIDING JUDGE SAMBA: [12:44:41] Yes, please.

12 Carry on, Mr Jacobs.

13 MR JACOBS: [12:44:53](Interpretation) Thank you very much.

14 Thank you. I just want to be sure. Did you say -- I was following the interpretation,
15 did you say it could be done through a Bar table motion?

16 PRESIDING JUDGE SAMBA: [12:45:11] Yes, indeed. That's what I said. Thank
17 you.

18 MR JACOBS: [12:45:15](Interpretation) Perfect. I will move on and I will finish
19 within the 15 minutes, Madam President.

20 (No interpretation)

21 PRESIDING JUDGE SAMBA: [12:45:41] Sorry, Mr Jacobs.

22 Yes, Mr Witness, I see your hand up?

23 THE WITNESS: [12:45:56](Interpretation) I wanted another bathroom break, please.

24 PRESIDING JUDGE SAMBA: [12:46:06] Certainly. We'll wait for you. Please go
25 on.

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (The witness exits the courtroom)

2 PRESIDING JUDGE SAMBA: [12:46:28] While the witness is -- you know, while
3 we're waiting on the witness, shall we agree, Mr Jacobs, on receiving the Bar table
4 motion, could we suggest today, at close of business today?

5 My understanding is it's just for purposes of submission of those documents, of those
6 (Redacted).

7 MR JACOBS: [12:47:04](Interpretation) Just to understand, that I will give to you at
8 the end of the hearing the numbers, the numbers -- the tab numbers of (Redacted) that
9 I would like to submit? Is that what I -- am I understanding correctly, like
10 the Prosecution does?

11 PRESIDING JUDGE SAMBA: [12:47:31] Via this Bar table motion, yes.

12 MR JACOBS: [12:47:43](Interpretation) Very well. At the end of the hearing, I will
13 say from tab this to that, or can I do a written Bar table later, as the Prosecution did?
14 I can already give you the tabs now, because we already know which (Redacted) we
15 want to submit, so during this break
16 I can give the numbers.

17 PRESIDING JUDGE SAMBA: [12:48:19] I think there was a little bit of a translation
18 problem there. I meant the close of business today, not the end of this session. So
19 that means I want something in writing.

20 (The witness enters the courtroom)

21 MR JACOBS: [12:48:41](Interpretation) I'm sorry, I had misunderstood,
22 Madam President, but -- I had thought I understood that we had to draft a motion,
23 but it's just to give the tab numbers. I think that's possible, but if -- we are okay with
24 doing what you are asking.

25 PRESIDING JUDGE SAMBA: [12:49:12] That's certainly what we want. Give

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 the tab numbers, just that we want something in writing. It's just for submission of
2 those documents.

3 MR JACOBS: [12:49:21](Interpretation) Yes.

4 PRESIDING JUDGE SAMBA: [12:49:22] Yes.

5 So carry on with your questions.

6 Welcome back, Mr Witness.

7 THE WITNESS: [12:49:33](Interpretation) Thank you.

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

9 Q. [12:49:51] Mr Witness, I would like to ask you comment (Redacted),
10 tab 266, 266.

11 And that is CAR-OTP-2069-1629.

12 Mr Witness, we can see the date, (Redacted). Do you confirm that this is a list of
13 the people recruited to be trained in the FACA; is that correct?

14 A. [12:50:48] Yes. It is the list of the candidates who were successful and sent for
15 training. It is the service numbers or matriculation numbers that were given to all
16 the candidates who went for training. (Redacted)
17 (Redacted)
18 (Redacted)

19 Q. [12:51:35] Very well.

20 Now, can we display tab 267, CAR-OTP-2069-1628.

21 I think, yes, it is correct. We can still (Redacted)
22 (Redacted).

23 Do you confirm that it (Redacted)?

24 A. [12:52:47] (Redacted).

25 Q. [12:52:56] And so if I understand correctly, just to link up with the prior

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 statement, on (Redacted) there was this decision or the beginning of the training and
2 then, thereafter, the people on that list could begin training at the Camp Kassai; is that
3 correct?

4 A. [12:53:30] To be very clear, so that you should understand well, (Redacted),

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted). And those who came from different regions after the fighting and who
14 were registered from the time of the Seleka arrival have *matricule* numbers from 2013.
15 And those who had joined the Seleka but who not did not want to accept that -- did
16 not accept that their ranks should be reduced, that is why their names were deleted,
17 were crossed out from the list.

18 Q. [12:55:45] Thank you, Mr Witness.

19 I would like to ask for the formal submission of these two elements, 266 and 267.

20 Mr Witness, I have one last point of clarification concerning your prior statement.

21 Paragraph 179 in your prior statement you talk about the time from January 2014 and
22 you say that the French allowed the Anti-Balaka to "loot our" property, and that is
23 what they did. That is paragraph 179.

24 So I want to know whether you can tell us something about the role of the interaction
25 between the French, and I am assuming the French soldiers, and the Anti-Balaka

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 during that period, Mr Witness.

2 A. [12:57:06] Thank you for that question. Thank you for the question.

3 Before answering that question, I would like to comment (Redacted)

4 (Redacted)

5 (Redacted), but there were never any transfers to

6 those bank accounts right to the end of that regime. This is the comment I wanted to

7 make regarding that list.

8 Now, in answer to your question, after the resignation of Michel Djotodia in Chad,

9 (Redacted)

10 The radio, the palace and the airport were (Redacted). The Sangaris had come to

11 negotiate with (Redacted). When that team was in N'Djamena,

12 Abdoulaye was in Bangui and was living at the residence of the president.

13 (Redacted). Those were the only ones -- (Redacted)

14 (Redacted). So when (Redacted) returned to the Camp de Roux he was

15 influential. The Sangaris had come to discuss with him after Djotodia had resigned.

16 So the control of the camps had to be recovered and transferred to

17 President Samba-Panza. So the issue was (Redacted) the camp, the RDOT camp.

18 I don't remember -- I don't remember the date, but it was in the afternoon, between

19 1 p.m. and 3 p.m. (Redacted)

20 (Redacted)

21 (Redacted). All those who were in the Camp Beal

22 were transferred to that camp. (Redacted). There

23 were also agricultural materials that had been delivered to Djotodia to relaunch

24 the agricultural sector and these items were (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [13:02:20] Thank you very much, witness, for that very comprehensive answer.

15 And, your Honour, that was my last question.

16 PRESIDING JUDGE SAMBA: [13:02:29] Thank you very much, Mr Jacobs.

17 Maybe before you take your seat let's deal with this issue of the items you wanted to
18 submit formally to the Chamber.

19 I know that we have (Redacted), the Prosecutor could confirm that.

20 But I also know that the OTP had -- the Prosecutor had put in 137, and you have also
21 formally submitted some (Redacted). So approximately how much more
22 (Redacted) do you want formally submitted? Because maybe we could read that
23 into the record now.

24 MR JACOBS: [13:03:18](Interpretation) I'm told that it's 89. In addition to those
25 that I have submitted, we still have 89 outstanding to submit. I can give

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Private Session)

ICC-01/14-01/21

1 the tab numbers, that's not a problem.

2 PRESIDING JUDGE SAMBA: [13:03:31] Yes, maybe let's do that so that we have that
3 on the records and we have that over and done with. I'm sure the Court's registry
4 would accommodate us a few minutes. And if the Prosecution has anything to say
5 in reaction to what you have to say, then we are fine to do that. Let's take a little bit
6 of time.

7 Mr Witness, please bear us, thank you.

8 And Mr Said, also please bear with us just a few minutes.

9 Yes, Mr Jacobs.

10 MR JACOBS: [13:04:14](Interpretation) Well, this will go quite quickly, I think,
11 because we will be just running down our list of evidence from 167 to 255. These are
12 the tabs which we wish to submit, so all of the tabs from 167 to 255 included. And
13 (Redacted) which were disclosed to us as (Redacted) which were provided by
14 the witness to the Prosecution when he gave his prior statement.

15 PRESIDING JUDGE SAMBA: [13:04:57] Can the Prosecutor please go through, as
16 Mr Jacobs is -- can you just go through (Redacted) on your screen.

17 (Pause in proceedings)

18 PRESIDING JUDGE SAMBA: [13:08:03] Can the Prosecutor please confirm receipt of
19 those documents from the witness on the understanding that he did (Redacted). I
20 think that is what the Defence wants you to -- to say -- or that's what they want to
21 know.

22 MS MAKWAIA: [13:08:21] We can confirm that, Madam President, your Honours.

23 PRESIDING JUDGE SAMBA: [13:08:24] Thank you very much.

24 And so we deem these items formally submitted, please.

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

Trial Hearing
WITNESS: CAR-OTP-P-1967

(Open Session)

ICC-01/14-01/21

1 (Open session at 1.08 p.m.)

2 THE COURT OFFICER: [13:08:50] We're in open session, Madam President.

3 And just for the record, tabs 167 to tab 255 will be considered as formally submitted
4 by the Chamber.

5 Thank you.

6 PRESIDING JUDGE SAMBA: [13:09:04] Thank you very much, Madam Court
7 Officer.

8 Now, Mr Witness, we have come to the end of your testimony. On behalf of
9 the Chamber, I wish to thank you very much for your support in us soliciting what
10 happened -- the truth of what happened in your country.

11 Yes, maybe before I round up, let me ask the Prosecution whether you have any -- but
12 it's a 68(3), do you have anything to say in re-examination?

13 MS MAKWAIA: [13:09:42](Microphone not activated) re-examination.

14 PRESIDING JUDGE SAMBA: [13:09:44] Okay, thank you very much.

15 As I was saying, Mr Witness, we appreciate your help to the Chamber in our
16 solicitation of the truth of what happened in your country.

17 On behalf of the Chamber, I wish you the best of luck in all your endeavours and we
18 wish you a very safe flight back home.

19 (The witness is excused)

20 PRESIDING JUDGE SAMBA: [13:10:11] We note that the 41st witness for
21 the Prosecution will be P-0349, who we'll hear on Monday. So I'm going to rise
22 the Court and ask that we come here on Monday at 9.30. Thank you all very much.

23 THE COURT USHER: [13:10:29] All rise.

24 (The hearing ends in open session at 1.10 p.m.)