

Trial Hearing

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Friday, 30 August 2024
9 (The hearing starts in open session at 9.41 a.m.)
10 THE COURT USHER: [9:41:56] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:42:23] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case. Thank you.
15 THE COURT OFFICER: [9:42:29] 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: [9:42:43] Thank you very much.
20 Can I ask the parties to -- and participants to introduce themselves, please.
21 MS MAKWAIA: [9:42:52] Thank you, Madam President, your Honours. For the
22 Office of the Prosecutor this morning, Thomas Laugel, Alessia Vitiello, Sanyu Ndagire,
23 Kamran Choudhry, and myself Holo Makwaia. Thank you.
24 PRESIDING JUDGE SAMBA: [9:43:06] Thank you very much, Ms Makwaia.
25 Ms Pellet for the victims, please.

1 MS PELLET: [9:43:11](Interpretation) Thank you, Madam President. The victims
2 are represented by Tars Van Litsenborgh, and myself Sarah Pellet, counsel OPCV.

3 PRESIDING JUDGE SAMBA: [9:43:21] Thank you very much, Ms Pellet.
4 For the Defence, Mr Jacobs, please.

5 MR JACOBS: [9:43:29](Interpretation) Good morning, Madam President.
6 Beside me today, Florian François-Jacquemin. Fiana Gantheret is also with me.
7 And as for myself, I am Dov Jacobs, representing Mr Said.

8 PRESIDING JUDGE SAMBA: [9:43:41] Thank you very much, Mr Jacobs.
9 And, for the record, we do take note that Mr Said is here in court with us.

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

11 MR SAID: [9:43:54](Interpretation) Yes. Good morning, Madam President.

12 PRESIDING JUDGE SAMBA: [9:44:01] Good morning.

13 Now before we bring the witness in, the Chamber notes that there are two
14 outstanding requests in respect of this witness, P-2232.
15 The first relates to the Prosecution's request to add three items to its list of evidence;
16 namely, the items relating to the call data records of P-2232. For the record, this is
17 filing numbered 842.

18 The Chamber would like to deal with this request before the witness leaves.

19 Can I ask the Defence to respond orally to the Prosecution's request now.

20 MR JACOBS: [9:44:51](Interpretation) Of course, your Honour.

21 After an initial analysis of the written application filed by the Prosecution, our
22 position in principle is this. It's the same as what we said yesterday, as what I said
23 yesterday regarding the first oral submissions from the Prosecution. It's rather
24 incomprehensible to us that this application would be coming in so late in the day.
25 It is the responsibility of the Prosecution to prepare their case, to choose their items of

1 evidence, and the witness - we're in open session so I'll stay vague - the witness
2 mentioned this person in 2018. In the year 2018, the witness was questioned
3 regarding this person and his telephone number -- in 2018, six years ago. And if the
4 investigator did not explore this in any greater depth, that's not our fault, and it -- this
5 is not the time to correct that error. That's the first point I'd like to make.

6 Secondly, the Prosecution has a number of call data records for this person. They've
7 had these CDRs for a while now, and in their application they say that up until
8 yesterday they didn't know that they were relevant, that the call data records were
9 relevant.

10 Once again, to our mind, when it comes to relevance, once a witness mentions a
11 person in the year 2018, provides this person's telephone number in 2018, and there
12 are CDR records showing contacts with this person, it seems relevant to me, and
13 I think any lawyer, really, would realise the relevance and begin to delve further into
14 the matter. I think that the Prosecution has woken up rather late in the day and is
15 trying to add additional items.

16 Two final points just in relation to the Prosecution's points. In their application they
17 say that the Defence questioned the witness in this regard. This is incorrect. We
18 tried to clarify the number itself in the transcript. We did not ask any substantive
19 questions of the witness. So that is not at all the exchange that I had with the witness
20 during the hearing.

21 As for prejudice caused, I think we must remember the principle that it is up to the
22 Prosecution to demonstrate their case beyond reasonable doubt. It's up to the
23 Prosecution to choose their items of evidence within a procedural framework set by
24 the Chamber and to disclose items within the set time frame, and these procedural
25 rules have a purpose. They're not technicalities. They are intended to protect the

1 person who has been charged. They are intended to the -- to have the Prosecution
2 ultimately say, "Well, there it is, that's it. That's our case."

3 We believe that in the interests of justice these time frames must be respected and not
4 to allow the Prosecution to proceed in this matter. They could have proceeded
5 earlier, so adding incriminatory elements, items, after examination-in-chief, two years
6 after the trial has begun.

7 The Prosecution also states -- the Prosecution says that there is no prejudice to
8 Mr Said, but the entire application shows the contrary. The Prosecution says that it's
9 important to their case, so obviously there is prejudice to Mr Said to admit this item at
10 this stage in the proceedings. It violates the rules that the Prosecution must disclose
11 all elements by a certain date. So anything that allows the Prosecution to better
12 demonstrate its case is inherently prejudicial to Mr Said, so this is not at all in the
13 interests of justice in a case when the Prosecution has the items.

14 The Prosecution has had the witness statement since 2018, has had information about
15 this person since 2018. They've had a telephone number since 2018. There is
16 absolutely nothing that would justify that on 29 August *2024 the Prosecution would
17 be able to add additional items to make up for the shortcomings of their own
18 investigations.

19 The ship has sailed. It is too late.

20 I'll just check that I have not forgotten any points, if you don't mind.

21 THE INTERPRETER: [9:50:47] Interpreter correction: the last date mentioned was 29
22 August 2024.

23 MR JACOBS: [9:50:55](Interpretation) I think you have -- I think I have made my
24 arguments and, thus, we are opposed to any late disclosure of these items.

25 PRESIDING JUDGE SAMBA: [9:51:08] Thank you very much, Mr Jacobs. I do

1 appreciate your argument in respect of time frame, which must be respected - well,
2 that would be as best as possible - by the parties.

3 As I said yesterday, the Chamber may want to consider these documents that is now
4 requested to be submitted formally when doing an Article 74 determination.

5 And I also said yesterday that we would want to give the Defence an opportunity if
6 these documents go in to put questions to the witness before this Chamber before he
7 leaves the Court and the Netherlands.

8 That said, we thank you very much and we note that two of the items were disclosed
9 in November 2022 and have been in the Defence's possession for a significant period
10 of time.

11 Furthermore, we note that the third item in -- is the source data for one of the items.

12 We -- our position is that we see no prejudice to the Defence and accordingly will
13 allow them to be added to the Prosecution's list of evidence. The Prosecution is
14 ordered to file an updated list as soon as possible.

15 Turning to the formal submission of this evidence, the Chamber finds these items
16 relevant and, therefore, pursuant to its powers under Article 69(3) of the Statute, we
17 consider these items formally submitted.

18 The Court officer is ordered to mark them accordingly.

19 For the record the items are CAR-OTP-00000704, CAR-OTP-00000705, and
20 CAR-OTP-2112-1149.

21 Now, should the Defence wish to conduct any supplementary examination of the
22 witness on these items, you are permitted to do so.

23 We now turn to the Defence's request to add an investigator's report to its list of
24 material and to be allowed to question the witness on it. For the record, this was
25 requested via email yesterday at 3.25 p.m.

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1 Can I ask the Prosecution whether you have any response to the Defence's request?

2 Thank you.

3 MS MAKWAIA: [9:54:26] The Prosecution doesn't have any objection to the Defence
4 cross-examining on this note.

5 PRESIDING JUDGE SAMBA: [9:54:32] Thank you very much, Madam Prosecutor.

6 As noted yesterday, the Chamber indicated that the Defence would be allowed to
7 conduct some further questioning if it wished.

8 Accordingly, the Chamber allows the Defence to question the witness on this
9 document. However, mindful of time, we instruct the Defence to be limited in its
10 questions. Thank you.

11 Can the court officer bring in the witness, please. Thank you very much.

12 (The witness enters the courtroom)

13 PRESIDING JUDGE SAMBA: [9:56:13] Now, a very good morning to you,

14 Mr Witness. I hope you rested well.

15 WITNESS: CAR-OTP-P-2232 (On former oath)

16 (The witness speaks Sango)

17 THE WITNESS: [9:56:22](Interpretation) Good morning. Yes, I did rest well.

18 PRESIDING JUDGE SAMBA: [9:56:29] Good. Now we're going to continue with
19 your testimony, as I said yesterday before you left the courtroom.

20 I wish to remind you that you're still on oath to say the truth to this Court. I'll invite
21 the Defence counsel Mr Jacobs to continue putting questions to you. After which, I'll
22 ask the Prosecution if they have any question to put to you in re-examination, they
23 will so do.

24 Mr Jacobs, the witness is here, please. If you have any questions, you may want to
25 do that.

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- 1 MR JACOBS: [09:57:15] (Interpretation) Thank you, Madam President.
- 2 QUESTIONED BY MR JACOBS: (Continuing)(Interpretation)
- 3 Q. [9:57:17] Good morning, once again, Mr Witness.
- 4 A. [9:57:20] Good morning, counsel.
- 5 PRESIDING JUDGE SAMBA: [9:57:22] Mindful that we're in open session,
- 6 Mr Jacobs. Thank you.
- 7 MR JACOBS: [9:57:28](Interpretation) Yes, indeed, I have been looking at my
- 8 questions and perhaps just out of an abundance of caution, it would be better to go
- 9 into private session.
- 10 PRESIDING JUDGE SAMBA: [9:57:38] That's okay.
- 11 Madam Court Officer, can we go into private session, please. Thank you.
- 12 (Private session at 9.57 a.m.)
- 13 THE COURT OFFICER: [9:57:58] We are in private session, Madam President.
- 14 PRESIDING JUDGE SAMBA: [9:58:01] Thank you very much.
- 15 Mr Jacobs, you may continue, please.
- 16 MR JACOBS: [9:58:07](Interpretation) Thank you, Madam President.
- 17 Q. [9:58:09] Mr Witness, I have a few follow-up questions for you regarding your
- 18 contacts with the OTP of the International Criminal Court, okay?
- 19 Yesterday, you explained to us that you gave your previous statement -- I don't have
- 20 the reference unfortunately, but I believe that you then said that you were in touch
- 21 with the Victims and Witnesses Unit regarding transportation and your testimony.
- 22 Can you confirm that that is what you told us yesterday?
- 23 A. [9:58:59] Yes. Yesterday you asked me whether the OTP had given me money
- 24 or anything like that and I said that the OTP did not give any money to me. But I do
- 25 know that when I had finished my statement, the protection unit took care of me so

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1 that they could protect me.

2 (Redacted)

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1 Madam Court Officer, kindly help the Court.

2 THE COURT OFFICER: [10:10:25] Thank you, Madam President. I'm grateful.

3 Yes, we do not have this -- ERN for this what I understand is a Prosecution material.

4 I'm not sure whether the Chamber would like to wait for the Prosecution to disclose

5 with an OPT number the material. And I can, of course, subsequently mark it as

6 formally submitted. Or if the Chamber prefers, I can, of course, also assign a

7 Registry ERN number on the spot.

8 I'm in your hands, Madam President.

9 PRESIDING JUDGE SAMBA: [10:10:55] Do you have any reference for that

10 document, Madam Prosecutor?

11 MS MAKWAIA: [10:11:03] Not yet, but it can be in the system by the end of the day,

12 your Honours, and then we can provide the number.

13 PRESIDING JUDGE SAMBA: [10:11:08] Well, I mean the court officer can give it a

14 number.

15 Can you, Madam Court Officer?

16 THE COURT OFFICER: [10:11:16] Of course I will. I can definitely assign a

17 Registry number. It may be redundant with the additional Prosecution ERN if they

18 intend to disclose the same item later on. But I can definitely provide a Registry

19 number on the spot, Madam President.

20 PRESIDING JUDGE SAMBA: [10:11:33] Yes. Well, let's -- let's have it marked.

21 Let's have a Registry number on it, please. Thank you.

22 THE COURT OFFICER: [10:11:38] So this item will bear the following Registry

23 number, CAR-REG-0002-0125, and will be marked as formally submitted accordingly.

24 PRESIDING JUDGE SAMBA: [10:11:48] Thank you very much.

25 Mr Jacobs, please.

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1 MR JACOBS: [10:12:04](Interpretation) Thank you, Madam President.

2 I think I'll stop here. Mindful of the time, and relating to these questions that we
3 started talking about yesterday, I have no further questions.

4 Q. [10:12:18] Thank you, Mr Witness.

5 PRESIDING JUDGE SAMBA: [10:12:22] Thank you very much, Mr Jacobs.

6 Mr Choudhry.

7 MR CHOUDHRY: [10:12:31] Thank you, your Honours. I had a short
8 re-examination on one discrete topic.

9 PRESIDING JUDGE SAMBA: [10:12:39] Let's hear you please.

10 QUESTIONED BY MR CHOUDHRY:

11 Q. [10:12:47] Good morning, Mr Witness.

12 I will be asking you questions just about some of the things that you said when

13 I questioned you and then some of the things that you said when my learned friend,
14 counsel for Mr Said, questioned you, as well as her Honour.

15 And the topic I really want to cover is I want to make sure that the date of the attack,
16 or the time frame of the attack in which you say was carried out and which failed
17 when Michel Djotodia was elected or inaugurated, is accurate as best as you recall.

18 Mr Witness, you --

19 MR JACOBS: [10:13:29](Interpretation) Madam President.

20 PRESIDING JUDGE SAMBA: [10:13:30] Yes, Mr Jacobs.

21 MR JACOBS: [10:13:34](Interpretation) Well, for us, I think this is not a new

22 question at all which will be raised in redirect. The Prosecutor questioned the
23 witness extensively on the attacks. The witness answered on the attacks. The

24 Prosecutor tried to get a date of the attacks. The Prosecutor had time to dig further.

25 They had all the time. If they wanted the specific dates of the attack, the Prosecutor

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1 has the time to use the transcripts from the Yekatom, Ngaïssona case freely, but they
2 chose not to. They have the prior statement of the witness but opted not to use it.
3 And it is not because we broached the question in cross-examination that the
4 Prosecutor can now attempt to correct their examination-in-chief. It is not a new
5 question, even as the Prosecutor has confessed itself, in relation to matters that were
6 dealt with by the witness. So this is something that was liable to be anticipated,
7 available in prior -- prior statements, in the testimony, and so we cannot revert to it
8 again in redirect, Madam President.

9 PRESIDING JUDGE SAMBA: [10:14:59] Yes, Mr Choudhry.

10 MR CHOUDHRY: [10:15:01] Your Honours, in response to that, I make two points.

11 The first is that the Prosecution's function in this case is not as my learned friend
12 suggests, which is to better its case, it is to assist the Chamber in its truth-seeking
13 function. That's the Prosecution's mindset.

14 In relation to what my friend has suggested in using the Yekatom and -- well, the
15 transcript in the other case, my learned friend did not proceed as what happened by
16 Defence counsel in that case, which is put to the witness what the witness or the date
17 that the witness had said in his statement and then suggested that that date was not
18 correct. What my learned friend did do was to provide an article to the witness and
19 suggest that that article was a certain event.

20 My questioning seeks to clarify that and simply seeks to put -- I could ask a very blunt
21 question to the witness, your Honour, which is a "do you remember what you said"
22 type question, which would reveal an answer and then the witness would be free to
23 answer. But in my submission this did arise as a result of the questioning yesterday.
24 Your Honours will note that when I questioned the witness, a different time frame
25 was given. When my learned friend put an article in front of the witness, a different

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1 time frame was given. There is an avenue for re-examination as a

2 result -- (Overlapping speakers)

3 MR JACOBS: [10:16:35](Interpretation) Madam President, I think that what the

4 Prosecutor is doing now is influencing the witness irrespective of the outcome,

5 because he's already telling the witness what he should say. He's explaining what he

6 wants to do and what -- what answers he expects. So I think that if my learned

7 colleague continues - and I'm sorry for interrupting - we would need to take the

8 witness out of the courtroom, otherwise we will be over-explaining what my learned

9 colleague is seeking if he were authorised to proceed with redirect.

10 MR CHOUDHRY: [10:17:14] Your Honour, I accept that that's a fair criticism, and

11 perhaps I could make that submission in the witness's absence.

12 PRESIDING JUDGE SAMBA: [10:17:22] But do we really need all of this? Do we

13 need the witness out and coming in again? Do we really need all of this? We all

14 know the rules when it comes to re-examination.

15 As far as I know it's those questions or the issues in respect of attacks were not new

16 issues put in by the Defence. You dealt with it. If you want to deal further with it

17 as to clarity to help the Chamber, appreciating that we also have an opportunity to

18 put questions to this witness -- I mean, as you said, there's an article that the Defence

19 referred to which, as far as I know it, is something that they brought up that was new.

20 Maybe you want to refer to that and put a broader question. But, really, wanting to

21 go over again like litigating the whole issue again, in my mind that's new -- that's not

22 new, sorry, and it is not allowed in re-examination, honestly, and you know it,

23 counsel.

24 MR CHOUDHRY: [10:18:31] Your Honour, just -- just to inform the Bench as to

25 what I propose to do was, in fact, exactly that. What I propose to do was to refer the

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1 witness to what he had said yesterday to my learned friend's questions in order to
2 situate the witness, to refer the witness to what he said on Wednesday in relation to
3 my questions, and then clarify --

4 PRESIDING JUDGE SAMBA: [10:18:52] Yes, but the witness cannot go -- because
5 you, you yourself are saying that you asked the witness questions in respect of attacks.
6 You're not going to litigate that again, you're not going to be -- because it's not new.
7 In re-examination, what comes up is what is new that may have come out of
8 cross-examination. And I'm again referring you to an article that the Defence
9 referred to which brought up issues as to dates, to your mind, I'm sure, as it would
10 have been to -- to my mind. So why not take that angle and put your question if,
11 really, you want clarity to that.

12 MR CHOUDHRY: [10:19:37] Your Honour, thank you. I'm guided by that.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SAMBA: [10:20:55] Well, that's your -- that was -- those were
23 answers to your question, as far as I remember it, in chief.

24 MR CHOUDHRY: [10:21:03] Yes, your Honour. I was going to put the article to
25 him, your Honour.

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1 PRESIDING JUDGE SAMBA: [10:21:07] Well, why not do that so that we avoid
2 delays.

3 MR CHOUDHRY: [10:21:11] With that then, your Honours, could I kindly ask the
4 Court to please display the article used by the Defence, which was
5 CAR-OTP-2050-0989.

6 PRESIDING JUDGE SAMBA: [10:21:28] Is there a tab number for that, please?

7 MR CHOUDHRY: [10:21:57] It's tab 36 of the Defence list of materials, your Honour.
8 Perhaps we could -- thank you.

9 Q. [10:22:54] Mr Witness, this article is an article that was written in August 2013
10 and it relates to the inauguration of Djotodia. What I'm seeking to clarify for the
11 benefit of the Chamber is the date or the time frame that you recall the failed attempt
12 by the Anti-Balaka to disrupt the inauguration. And what I wish to clarify is: In
13 your statement -- in your testimony, when I questioned you, you mentioned the
14 month of April, and yesterday -- and this article mentions the month of August.
15 Can you please assist the Chamber as to what you recall when these events occurred,
16 when that failed attempt occurred, please.

17 A. [10:24:15] (Redacted)

18 (Redacted)

19 (Redacted)

20 Djotodia. That attack occurred very early in the morning. Then the Seleka
21 organised a punitive expedition to Boy-Rabe, where they pillaged and killed people.
22 Djotodia was supposed to have been sworn in in the morning and the attack took
23 place at 3 a.m. but did not meet its objectives. So, by way of reprisal, the Seleka went
24 into Boy-Rabe.

25 (Redacted)

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9 Q. [10:26:17] Do you remember providing the Prosecutor with any date of these
10 events?

11 PRESIDING JUDGE SAMBA: [10:26:30] The Prosecutor? The investigators?

12 MR CHOUDHRY: [10:26:36] I'll rephrase, your Honours.

13 Q. [10:26:38] Do you remember providing the Office of the Prosecutor any date in
14 relation to these events when you provided your statement?

15 A. [10:26:53] Yes. Yes, I gave them some dates.

16 Q. [10:27:01] Would it assist you and refresh your memory to read what you said to
17 the Office of the Prosecutor when you provided your statement?

18 A. [10:27:21] Yes.

19 MR CHOUDHRY: [10:27:24] Your Honours, with that I kindly ask that the witness
20 be shown what he said in his statement, and that's tab 1. And perhaps the witness
21 can be shown the French version, your Honour, which is in a different tab, and the
22 ERN for that is CAR-OTP-2107-6147. The English is in tab 1.

23 MR JACOBS: [10:28:02](Interpretation) French version, 1.3, to assist the Court.

24 MR CHOUDHRY: [10:28:08] Thank you.

25 PRESIDING JUDGE SAMBA: [10:28:08] Thank you, Mr Jacobs.

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1 Yes, Mr Choudhry, please go on and refresh his memory.

2 MR CHOUDHRY: [10:28:16] And if I can take the Chamber's -- ask the court clerk to
3 please go to CAR-OTP-2090 -- oops! Sorry. I think it is page 8, sorry. That's it.
4 Sorry, page 9, and it's paragraph 48.

5 Q. [10:28:44] Mr Witness, are you able to see paragraph 48 in front of you? And
6 are you able to read it? If you could please confirm that you are able to read
7 that -- it's in French.

8 A. [10:29:06] Yes.

9 Yes, that is what I said.

10 Q. [10:29:35] Now, my final question for you is that at paragraph 48 you provide a
11 date of 13 April 2013. Does that refresh your memory?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 MR CHOUDHRY: [10:30:52] Your Honours, the Prosecution has no further
18 questions in re-examination.

19 PRESIDING JUDGE SAMBA: [10:30:56] Thank you very much.

20 Thank you very much, Mr Witness.

21 I'm going to allow my colleagues to now put questions to you.

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

23 (Open session at 10.31 a.m.)

24 THE COURT OFFICER: [10:31:23] We are back to open session, Madam President.

25 PRESIDING JUDGE SAMBA: [10:31:26] Thank you very much.

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1 Judge Ugalde, may I ask that you put questions to this witness.

2 JUDGE UGALDE: [10:31:34] Thank you, Madam Presiding Judge.

3 Mr Witness, I know it is difficult for you to recall the specific dates of events in 2013.

4 But the timeline of events is very important to us. We would ask if you could assist

5 us by trying to remember when certain events took place and to be as accurate as

6 possible in your answers. If you cannot remember, please do tell us.

7 Now, you refer to an attack on the swearing-in ceremony of Djotodia in your

8 testimony on Wednesday, yesterday and today, which you cannot remember the

9 exact date. This notwithstanding, you stated on Wednesday that the Seleka attacked

10 Boy-Rabe after this and that it's when some soldiers, including Dedane, left Bangui

11 and went to the provinces and from there created a self-defence movement. We are

12 interested in when this attack on Boy-Rabe happened and when this self-defence

13 movement started to emerge.

14 Can you describe what you mean when you say "a self-defence movement was

15 created", including the name of the persons who were the main organisers?

16 THE WITNESS: [10:33:52](Interpretation) Yes. I can give some details, but I would

17 like to do so in private session, please.

18 PRESIDING JUDGE SAMBA: [10:34:06] Definitely.

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

20 (Private session at 10.34 a.m.)

21 THE COURT OFFICER: [10:34:20] We are in private session, Madam President, your

22 Honours.

23 PRESIDING JUDGE SAMBA: [10:34:24] Thank you very much.

24 Mr Witness, we are listening to you please.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 JUDGE UGALDE: [10:38:09] Thank you, Mr Witness. But just this very quick short
25 answer, what I'm seeking.

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1 What I wanted to know is the organising of the movement in the provinces, not the
2 attack on Djotodia's swearing-in. My question was referring to the organisation of
3 the self-defence groups in the provinces.

4 So what I wanted to ask you is: Do you remember who were the main organisers of
5 those self-defence groups in the provinces?

6 THE WITNESS: [10:38:57](Interpretation) The person who led the small group, or
7 who was the leader of operations, was Maxime Mokom, because he is the one who
8 was in charge of operations. The one who initially -- who created the movement was
9 Dedane. He was with Hyppolite Azounou and Richard Bozouan. Bozouan is from
10 Bozoum, you see. They attacked the Seleka who were at the gendarmerie station in
11 Bozoum. After their attack failed, they regrouped in Gobere. It was a kind of
12 self-defence group. So they contacted Maxime Mokom and then groups began to
13 form. And these groups contacted Dedane, and Dedane would report to Maxime
14 Mokom, and Maxime Mokom led the operations until the Bangui attack.

15 JUDGE UGALDE: [10:40:27] Thank you, Mr Witness. I think I don't have more
16 questions for the time being, Madam Presiding Judge.

17 Thank you, Mr Witness.

18 PRESIDING JUDGE SAMBA: [10:40:36] Judge Flores, please.

19 JUDGE FLORES LIERA: [10:40:40] Thank you, Madam President.

20 And thank you very much, Mr Witness, for your testimony.

21 I have just two questions. I think you have touched a bit on some of them, but I
22 want to ask you more precisely about Seleka incursions in Boy-Rabe.

23 You mentioned during your testimony - I am referring to transcript 102, page 37 - that
24 the Seleka carried out several incursions into Boy-Rabe.

25 Can you tell us to the best of your recollections how many of these incursions you

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1 recall -- any information you can provide us, approximate dates would be useful, but
2 I know it is difficult for you to remember the date? So, what can you tell us about
3 Seleka incursions in Boy-Rabe? You mentioned one, but I would like to know about
4 others.

5 THE WITNESS: [10:41:51](Interpretation) You know, Boy-Rabe is a neighbourhood
6 where at the time there were many soldiers and the neighbourhood was thought of as
7 the headquarters of soldiers who were close to Bozizé. Boy-Rabe is the only
8 neighbourhood who resisted the exactions of the Seleka, so the Seleka carried out
9 several incursions into Boy-Rabe. After the swearing-in ceremony, they set up a
10 base at the Boganda *lycée* and the *lycée* Boganda is at the entrance into Boy-Rabe. So
11 each time they would carry out incursions into Boy-Rabe. They attacked Boy-Rabe
12 more than once because most of the young people who crossed were young people
13 from Boy-Rabe.

14 JUDGE FLORES LIERA: [10:43:01] Thank you -- thank you very much for those
15 comments then.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 JUDGE FLORES LIERA: [10:46:05] Okay. Thank you very much, Mr Witness.

11 I don't have more questions for you.

12 Thank you.

13 PRESIDING JUDGE SAMBA: [10:46:09] Mr Witness, just a short one so you assist us

14 with the spelling of a particular location where you said the Anti-Balaka made an

15 attack. What we have in the French transcript -- we do not have a reference point yet

16 for the English transcript. But in the French transcript, T-102, the edited version,

17 page 47, line 10, you spoke about the Anti-Balaka attack on Ndjo -- Ndjo, Ndjo. Do

18 you recall that attack?

19 THE WITNESS: [10:46:56](Interpretation) Yes, I remember that. I mentioned an

20 attack by the Anti-Balaka at Ndjo.

21 PRESIDING JUDGE SAMBA: [10:47:06] Can you spell that for us, please?

22 THE WITNESS: [10:47:14](Interpretation) N-D-J-O -- Ndjo.

23 PRESIDING JUDGE SAMBA: [10:47:28] Thank you very much.

24 Mr Jacobs, do you have any question further for this witness, please, based on the

25 questions put by the Chamber of course?

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1 MR JACOBS: [10:47:46](Interpretation) No, no further question, Madam President.

2 Thank you.

3 PRESIDING JUDGE SAMBA: [10:47:52] Thank you very much.

4 Can we go into open session, Madam Court Officer.

5 (Open session at 10.48 a.m.)

6 THE COURT OFFICER: [10:48:13] We are back to open session, Madam President.

7 PRESIDING JUDGE SAMBA: [10:48:17] Thank you very much.

8 Mr Witness, we are very grateful to you for your presence here these days that you've

9 testified before this Chamber. We thank you very much and wish you well in your

10 future endeavours. We wish you safe travelling mercies when you leave here for the

11 location where you will be at. Thank you very much.

12 (The witness is excused.)

13 PRESIDING JUDGE SAMBA: [10:48:55] With that, I note that we have the next

14 Prosecution witness 45 minutes from now. So to allow for the Registry to make

15 preparations for the next testimony of the 47th Prosecution witness, I'll rise the Court

16 for 45 minutes from now for the next session. Thank you.

17 THE COURT USHER: [10:49:17] All rise.

18 (Recess taken at 10.49 a.m.)

19 (Upon resuming in open session at 11.39 a.m.)

20 THE COURT USHER: [11:40:07] All rise.

21 Please be seated.

22 PRESIDING JUDGE SAMBA: [11:40:36] Good morning, again.

23 And I think -- is it the same representation for the Prosecution, no? If not, can I have

24 representation. Is it the same representation as this morning?

25 MS MAKWAIA: [11:41:10] Yes, your Honours, except Mr Choudhry has now left

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1 and Ms Sardachti has joined the team.

2 PRESIDING JUDGE SAMBA: [11:41:16] Okay, that's noted.

3 And I see it's the same representation for the victims.

4 And Mr Jacobs, the same representation. We welcome Mr François-Jacquemin again
5 into court.

6 And I note that Mr Said is here in court with us.

7 So the Prosecution we note is calling P-1263 as its 47th witness.

8 It is the Chamber's understanding that this witness will be testifying in Sango, so I
9 remind everyone of the importance of the need to speak slowly and to observe the
10 five-seconds rule between questions and answers.

11 The Chamber notes briefly that protective measures are confirmed for this witness by
12 virtue of decision numbered 481 and that the VWU recommends certain special
13 measures which the Chamber approves.

14 The parties are instructed to bear these special measures in mind during the
15 questioning of this witness.

16 Mr Witness, a very good morning to you. I hope you rested well.

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

18 Can you hear me?

19 WITNESS: CAR-OTP-P-1263

20 (The witness speaks Sango)

21 THE WITNESS: [11:43:04](Interpretation) I can hear you, Madam President, but the
22 volume is a bit low.

23 PRESIDING JUDGE SAMBA: [11:43:11] Okay, the court clerk will help you so that
24 he increases your volume so you can hear me properly.

25 Good morning, can you hear me now properly? Is that volume okay?

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1 THE WITNESS: [11:43:37](Interpretation) Good morning, Madam President, I can
2 hear you very clearly now.

3 PRESIDING JUDGE SAMBA: [11:43:44] Very well.

4 I hope you rested well, Mr Witness.

5 Can you hear me well, Mr Witness? I hope you rested well.

6 THE WITNESS: [11:44:10](Interpretation) Yes, I rested very well, Madam President.

7 PRESIDING JUDGE SAMBA: [11:44:16] Good.

8 Now, Mr Witness, you are going to testify before the International Criminal Court.

9 On behalf of this Chamber I welcome you to the courtroom.

10 You should have before you, Mr Witness, the solemn undertaking that any witness
11 who appears before us must agree to. Now I'm going to read it out for you:

12 I solemnly declare that I will speak the truth, the whole truth and nothing but the
13 truth. Do you understand and agree to what I just read out, Mr Witness?

14 THE WITNESS: [11:45:05](Interpretation) Yes, Madam President, I accept.

15 PRESIDING JUDGE SAMBA: [11:45:16] Thank you very much.

16 Let me now explain to you, Mr Witness, the protective measures that we have put in
17 place for you for the duration of your testimony.

18 We have in place for you voice and face distortion. Now this means that no one
19 outside the courtroom can see your face or hear your real voice during your
20 testimony.

21 We also have in place for you the use of pseudonym.

22 Now in connection with that, we will all refer to you only as "Mr Witness" so that the
23 public does not know your name.

24 When you answer questions that will not give away who you are, we will do so in
25 open session. Now this means that the public can hear what is being said inside the

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1 courtroom.

2 When you are asked to describe anything that relates specifically to you or if you are
3 asked questions that will reveal your identity, we will do so in private session.

4 Now I have a few practical matters you should have in mind when giving your
5 testimony.

6 Everything we say here is written down and interpreted. It is, therefore, important
7 to speak clearly and at a slow pace. Speak into the microphone that you have before
8 you and only start speaking when the person asking you the question has finished,
9 because to allow for the interpretation, we all have to wait a few seconds before we
10 start to speak.

11 Now if you have any question yourself or if you need a break, raise your hand so we
12 know that you want to say something to us.

13 Have you understood all that I've said, Mr Witness?

14 THE WITNESS: [11:47:58](Interpretation) Yes, Madam President, I have understood
15 everything.

16 PRESIDING JUDGE SAMBA: [11:48:12] Thank you very much.

17 I am sure you have some water by your side. If you need a drink of water, please do
18 so. If not, you can ask for some water and calm down.

19 So we are going to start with your testimony and I'm going to invite the Prosecution
20 to put questions to you in chief. Thank you very much.

21 Madam Prosecutor, your witness, please.

22 MS SARDACHTI: [11:48:38](Interpretation) Thank you, Madam President.

23 Good morning to your Honours. Good morning to the witness.

24 QUESTIONED BY MS SARDACHTI: (Interpretation)

25 Q. [11:48:52] Good morning, Mr Witness.

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1 A. [11:49:04] Good morning.

2 Q. [11:49:07] We met during the preparation session for your testimony, but for the
3 purpose of the record and the hearing I want to remind you that my name is
4 Marie-Jeanne Sardachti and I'll be examining you on behalf of the Prosecutor.

5 MS SARDACHTI: [11:49:45](Interpretation) Madam President, with your leave,
6 could we go into private session so that I might deal with questions that may identify
7 the witness.

8 PRESIDING JUDGE SAMBA: [11:49:56] Certainly.

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

10 (Private session at 11.50 a.m.)

11 THE COURT OFFICER: [11:50:07] We are in private session, Madam President.

12 PRESIDING JUDGE SAMBA: [11:50:16] Madam Prosecutor, your witness, please.

13 MS SARDACHTI: [11:50:23](Interpretation)

14 Q. [11:50:29] Mr Witness, could you give us your name, please.

15 A. [11:50:34] Yes, I can give you my name.

16 Q. [11:50:43] What is your name?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:51:31] What is your ethnicity?

23 A. [11:51:43] I am of Mbaya ethnicity.

24 Q. [11:51:55] Do you have a religion or a belief?

25 A. [11:52:05] I'm a Christian.

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1 Q. [11:52:17] Mr Witness, did you attend school?

2 A. [11:52:23] Yes. I went to school up until *sixième*.

3 Q. [11:52:44] Where were you when you attended school?

4 A. [11:52:47] That was in Bangui. The capital, Bangui.

5 Q. [11:53:01] In 2012-2013, where were you living?

6 A. [11:53:11] 2012-2013 I was in Bangui.

7 Q. [11:53:31] Mr Witness, you told us that (Redacted) and that in 2012-2013 you
8 were in Bangui. At what time did you go to Bangui?

9 A. [11:53:51] I have not understood your question, please.

10 Q. [11:53:58] You told us that (Redacted); is that correct?

11 A. [11:54:10] Yes, that is correct. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [11:56:50] You have just said that you went from village to village. Were there
3 any problems travelling around at that time?

4 A. [11:57:05] When I would buy those goods, you see, the rebels at some point
5 blocked the road and I was unable to return to Bangui. So I remained where I was
6 while waiting for things to improve and that's how I was able to take my goods back
7 to Bangui.

8 Q. [11:57:40] You have just mentioned rebels. Which rebels are you talking about?
9 Could you be more specific.

10 A. [11:57:49] Yes. These are the Seleka rebels.

11 Q. [11:58:03] You told us that they had blocked. What do you mean by "blocked"
12 the roads? And how did that happen?

13 A. [11:58:19] When I finished buying my goods and I wanted to return to Bangui,
14 the rebels were already at Damara, they had already arrived at Damara where there
15 was a red line. The idea of the red line was to stop the rebels from moving on
16 Bangui. The regular army was also not allowed to cross the red line into the rebel
17 zones. And that's how I remained in Sibut.

18 PRESIDING JUDGE SAMBA: [11:58:53] Do you still want us to be in private session,
19 counsel?

20 MS SARDACHTI: [11:58:59](Interpretation) We can go into open session now, but
21 maybe at some point I will need to go to private session again. Thank you very
22 much for your observation, Madam President.

23 PRESIDING JUDGE SAMBA: [11:59:17] Definitely. When you want to go into
24 private session do let us know.

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

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1 (Open session at 11.59 a.m.)

2 THE COURT OFFICER: [11:59:35] We are back to open session, Madam President,
3 your Honours.

4 PRESIDING JUDGE SAMBA: [11:59:38] I thank you very much.

5 Counsel, continue, please. Ms Sardachti.

6 MS SARDACHTI: [11:59:50](Interpretation)

7 Q. [11:59:51] Now, Mr Witness, you mentioned a red line. Can you give us
8 a time frame in which that happened?

9 A. [12:00:10] The red line was drawn with a view to stopping the rebels from
10 entering into the city of Bangui.

11 Q. [12:00:27] How much time before the entry into Bangui by the rebels did this
12 happen? More or less, approximately.

13 A. [12:00:40] I no longer remember the dates.

14 Q. [12:00:52] Can you mention a year. Maybe 2012, 2013?

15 A. [12:01:02] It was between 2012 and 2013.

16 Q. [12:01:13] (Overlapping speakers)

17 PRESIDING JUDGE SAMBA: [12:01:19] Counsel -- counsel, we're going to avoid
18 suggesting answers to the witness. I mean, if he remembers the year -- you can ask
19 him, you know, whether he remembers the year. But don't suggest answers to him,
20 please.

21 Thank you very much for your understanding.

22 MS SARDACHTI: [12:01:39](Interpretation)

23 Q. [12:01:47] So you told us that you (Redacted). What was the consequence of
24 the red line on your activities? And please, remain general in your answers. But if
25 you want to be a little more specific, then I will have to ask that we go back to private

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1 session.

2 A. [12:02:15] I'm sorry, please, can you repeat your question.

3 Q. [12:02:20] Now, during that period, you told us that you {ICR: (Redacted)} and
4 you also said that there was a red line in existence. Now, I want to find out from
5 you what the impact and consequences of that red line -- the existence of that red line
6 was on your activities, on your business?

7 (Redacted), {ICR: (Redacted)}

8 (Redacted)

9 (Redacted))

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:05:53] Well, we'll be talking about Bangui later. For the time being, let's
10 discuss Sibut. You say that they set up operations there. Where did they set up
11 their operations? Could you be more specific?

12 PRESIDING JUDGE SAMBA: [12:06:17] Mr Witness, before you give that answer,
13 can I ask that you pull your chair may be closer so that you speak directly into the
14 microphones and you raise your voice a little bit so as to help the interpreters get
15 what you're saying.

16 Thank you very much.

17 You can now give your answer, please.

18 THE INTERPRETER: [12:06:45] Many thanks from the interpreters.

19 MS SARDACHTI: [12:06:58](Interpretation)

20 Q. [12:06:59] Would you like me to repeat my question, Mr Witness?

21 A. [12:07:03] Yes, please.

22 Q. [12:07:07] I was saying that we would talk about Bangui later. For the time
23 being let's focus on Sibut. You said that the Seleka set up their operations in the
24 town. Where did they set up their operations?

25 A. [12:07:26] They had a base behind the police station in Sibut. They were

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1 foreigners -- foreign rebels from Chad, from Sudan. They were based behind the
2 premises of the police station in Sibut.

3 Q. [12:07:54] Could you tell us how many there were at that base in approximate
4 terms?

5 A. [12:08:14] There were many of them. I couldn't give you a specific figure, but
6 there were many of them.

7 MS SARDACHTI: [12:08:26] (Interpretation) For a few questions I believe we can go
8 back into open session, your Honour.

9 PRESIDING JUDGE SAMBA: [12:08:31] That's fine.

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

11 (Open session at 12.08 p.m.)

12 THE COURT OFFICER: [12:08:39] We are back to open session, Madam President.

13 PRESIDING JUDGE SAMBA: [12:08:45] Thank you very much.

14 Ms Sardachti, can you continue with your questions.

15 MS SARDACHTI: [12:08:49](Interpretation)

16 Q. [12:08:52] How did you know that they were the Seleka?

17 A. [12:09:04] I know so because at that time, the rebels were just the Seleka.

18 What's more, on their vehicles, there were -- well, their vehicles were marked

19 "Seleka."

20 Q. [12:09:31] What kind of vehicles did they have? Do you remember what make
21 the vehicles were?

22 A. [12:09:43] Yes. They were Hiluxes. There were -- they also had some BJ75s.

23 Q. [12:10:01] And in approximate terms, how many vehicles did they have, if you
24 remember?

25 A. [12:10:09] I don't remember, but there were several vehicles. Some others came.

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1 Because in Sibut, you see, it -- there's the road that goes to Bambari and then there's
2 a road that goes to Bandoro and there's an intersection, so they came by way of those
3 two roads to set up their operations in Sibut. But I couldn't tell you how many
4 vehicles they had.

5 One thing for sure is that they were moving about the town of Sibut.

6 Q. [12:11:00] And how do you know that they came by way of these two roads that
7 lead to Bambari, how did you know that?

8 A. [12:11:13] I know that because the rebels took those two roads. I was at the
9 centre of Sibut, and we could see the ones coming from Bandoro and we could see the
10 ones coming from Bambari, and they gathered at the centre of Sibut.

11 Q. [12:11:44] Now you say that they had some vehicles. Did they have other
12 equipment?

13 A. [12:11:52] Could you please repeat your question.

14 Q. [12:12:06] You told us -- well, you described the vehicles to us. Did they have
15 anything else other than vehicles? Weapons, for example?

16 A. [12:12:22] Yes, they were armed. They had weapons, and they were wearing
17 military uniforms.

18 PRESIDING JUDGE SAMBA: [12:12:31] Ms Sardachti, I'm going to ask that you
19 refrain from putting leading questions to the witness. Don't suggest answers.

20 MS SARDACHTI: [12:12:45](Interpretation) It seems to me that the question, were
21 they weapons -- did they have weapons, I wouldn't say that question was leading.
22 Such questions have been asked countless times. Given the context, I think it's
23 quite -- it seems to me that the question was not leading, but if you believe that it is
24 leading, I shall refrain.

25 But at other points in time, there were no objections made to such questions.

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- 1 PRESIDING JUDGE SAMBA: [12:13:18] Yes, but you could -- as you are saying, you
2 could phrase it in such a way that before you put the question -- and the witness will
3 understand exactly the answer, maybe, that you want: "You say that they were
4 Seleka."
5 He said that they were rebels. "What did they have?" "How were they dressed?" you
6 can ask.
7 Are you going to suggest to him, "Were they dressed in military uniforms?" No.
8 You are going to ask: How were they dressed? What else did they have? How do
9 they -- you say they were rebels, what were they there for? How did they do what
10 they were there for? And you'll get the answer.
11 Thank you very much.
12 You see, let's just try, because if not, we are going to cause delays with objections and
13 responses and rulings, you know. Thank you.
14 MS SARDACHTI: [12:14:11](Interpretation) I'm guided, your Honour.
15 Q. [12:14:32] Now during this period of time when you were in Sibut, did you meet
16 any Seleka rebels?
17 A. [12:14:42] There were Seleka members, we would meet them, they were
18 travelling about the town and we would see them and run into them in the town.
19 Q. [12:14:56] Did you meet a Seleka leader?
20 A. [12:15:07] I haven't quite understood your question.
21 Q. [12:15:12] Amongst the Seleka that you observed and met, were there one - were
22 there any leaders? One leader, several leaders going by your observations?
23 A. [12:15:27] There were leaders amongst them.
24 Q. [12:15:40] Did you learn their names?
25 A. [12:15:46] The leader I knew was called Salvador. I was told that he was the

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1 nephew of Djotodia and his name was Salvador.

2 Q. [12:16:07] Could you describe to us how tall was he? What did he wear?

3 What was his skin colour?

4 A. [12:16:17] He is tall. He is black and he always wore military attire.

5 Q. [12:16:46] So you told us that the leader you knew was named Salvador. Had
6 you met him in the past, and, if so, under what circumstances?

7 A. [12:17:01] It was when the rebels invaded Sibut. That is when I met him. But
8 I didn't know him before that.

9 Q. [12:17:19] Did you speak to him?

10 A. [12:17:28] No. We never spoke to one another. I always saw him from
11 a distance.

12 We didn't have any conversations.

13 {ICR: (Redacted)

14 (Redacted)

15 (Redacted)}

16 (Redacted)

17 (Redacted)

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12 (Redacted)

13 (Redacted)

14 Q. [12:20:21] Now you told us that the telephone network had been cut off by the
15 rebels. How do you know that?

16 A. [12:20:33] When they invaded Sibut, shortly thereafter there was no longer any
17 telephone connections. And then later on we were told that the Orange telephone
18 network had been cut off. We couldn't make calls and we couldn't receive calls
19 either.

20 Q. [12:20:57] So you told us that they cut the Orange network.

21 Did they do anything else, the rebels -- the rebels, the Seleka, in Sibut?

22 A. [12:21:23] Well, they got into Sibut and they went to the police station and they
23 did break a solar panel that was used to generate electricity for the police station.
24 And so they broke that solar panel and, later on, they began to sell fuel to the people,
25 the local people.

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1 Q. [12:21:57] And judging by what you saw and heard, how did the population
2 respond to the arrival of the Seleka?

3 A. [12:22:12] The people were frightened. Why? Because they were committing
4 acts of violence and abuse. When they got certain items, they would try to find out if
5 you had motorbikes or anything like that. So they would ask about things like that,
6 investigate, so to speak, and then they would try to take these items by force. So the
7 entire population was afraid. The population was living in fear.

8 Q. [12:22:53] You said that they committed exactions, acts of violence and abuse.
9 What kinds of things are you talking about?

10 A. [12:23:11] They committed exactions. Sometimes they would take other
11 people's possessions forcibly. That's what I saw and that's what I said. When you
12 had something like a motorbike or mills for grinding manioc, if they knew about that
13 they would try to take those things away from you forcibly.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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3 Q. [12:28:50] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Could you give us the rest of your answer.

8 A. [12:29:16] I was saying that once the roads were open again, large trucks going
9 to Sibut, I approached a driver and I asked if I could charter a truck and if they could
10 take my goods to Bangui. They agreed. So we went to the villages, we got the
11 goods, we loaded up the goods on to the truck - trucks, in plural - and we went to
12 Bangui.

13 Q. [12:29:54] How did that journey unfold all the way to Bangui?

14 A. [12:30:15] Well, nothing happened on the way. The red line was in Damara; so
15 when we got to Damara, we crossed the red line. And after Damara, you had FACA
16 soldiers. So we went on all the way to Sibut -- rather, we went all the way to PK12,
17 where we unloaded or offloaded the goods.

18 Q. [12:30:46] Could you give us a time frame, if you recall. Was it -- how long was
19 it before the Seleka arrived in Bangui?

20 A. [12:31:02] I haven't understood your question, please.

21 Q. [12:31:07] If you remember, can you tell us when this offloading and arrival in
22 Bangui, PK12, happened. What time?

23 A. [12:31:21] I'm not able to remember the date. I don't remember the date.

24 Q. [12:31:30] When you got to PK12, what did you observe? What was the
25 situation like at PK12 in Bangui?

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1 A. [12:31:50] When we arrived at PK12, I saw FACA soldiers who were there and
2 they were heavily armed. I also saw the South Africans who had come to support
3 the FACA. They were also patrolling the area, heavily armed.

4 Q. [12:32:32] You said "heavily armed", can you describe the weapons they were
5 bearing, if you can remember?

6 A. [12:32:41] They had weapons mounted on some vehicles, well -- but, you see, I
7 really cannot tell you the type of weapons. I saw them with some Kalashnikovs,
8 they also had some tanks and I also noticed that they had some large-calibre weapons,
9 but I'm not a soldier to be able to identify the various types of weapons.

10 Q. [12:33:15] Now once you got your goods back, what happened? Did you
11 continue to go on with (Redacted) normally or what happened?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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6 Q. [12:36:40] Mr Witness, I will be putting a few questions to you regarding what
7 you observed at that time and so I'll be going -- asking us to go into open session.

8 But please be careful not to say anything that would identify you.

9 But if before answering a question you are of the view that you might say something
10 that is likely to identify you, please, do so -- raise your hand, tell me and then we will
11 go into private session.

12 A. [12:37:14] I have understood you very well.

13 Q. [12:37:17] Thank you very much, Mr Witness.

14 PRESIDING JUDGE SAMBA: [12:37:29] Madam Court Officer, can we go into open
15 session, please.

16 (Open session at 12.37 p.m.)

17 THE COURT OFFICER: [12:37:35] We are back to open session, Madam President.

18 PRESIDING JUDGE SAMBA: [12:37:38] Yes, thank you very much.

19 Counsel, please continue with your questions.

20 MS SARDACHTI: [12:37:45](Interpretation)

21 Q. [12:37:48] Mr Witness, before we went into open session, you were describing
22 what had happened on that Sunday morning. You said you were at your home, and
23 then you heard gunfire proceeding towards the city centre.

24 So now can you describe to us everything that you heard and saw so that we can
25 grasp what context you're talking about.

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1 A. [12:38:33] I have not understood your question, please.

2 Q. [12:38:37] Now, Mr Witness, you say that you heard gunfire. What did you see
3 after that?

4 A. [12:38:54] When I heard the gunshots and movement towards the city centre,
5 many people had come out along the road while the Seleka was moving towards the
6 city centre. So people came out, people were clapping for Seleka, they were going by
7 on foot, they were armed, while others were in vehicles. So I also went out to see
8 what was happening, and people were applauding or acclaiming them as they moved
9 towards the city centre.

10 Q. [12:39:45] How were they dressed?

11 A. [12:39:52] Some of them were in military uniforms, and others were wearing all
12 types of outfits, mixed outfits with a military top and civilian trousers, while others
13 were fully dressed in military uniforms.

14 Q. [12:40:31] You told us that some of them were on foot and were bearing
15 weapons. What kind of weapons were they carrying?

16 A. [12:40:42] They had AK-47s and they had some weapons mounted on their
17 vehicles. They also had rocket launchers.

18 Q. [12:41:04] What type of vehicles did they have?

19 A. [12:41:09] They had BJ75 vehicles as well as Hilux.

20 Q. [12:41:29] Can you give us an idea of the number of them? How many did you
21 see arriving?

22 A. [12:41:40] I haven't understood your question.

23 Q. [12:41:45] For example, how many vehicles did you see, if you recall?

24 A. [12:41:55] There were many vehicles and I don't remember the number, I cannot
25 remember the number of vehicles. They were driving along the highway and I was

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1 at the roadside and I just saw vehicles going by, but I don't know the number. I
2 didn't count.

3 Q. [12:42:19] Where were they based, the Seleka? Where were they?

4 A. [12:42:35] After they took power, the roadblock, which was previously manned
5 by FACA, was taken over by the Seleka. They set up a base at the 4th and also near
6 the compound of former President Patassé. In many other neighbourhoods -- they
7 had also set up some bases in a number of neighbourhoods.

8 Q. [12:43:18] Were you able to see any or some bases?

9 A. [12:43:35] I have told you that one base was set up near President Patassé's
10 compound and then there was another one at the 4th arrondissement.

11 MS SARDACHTI: [12:44:03](Interpretation) Madam President, could we go into
12 private session, please.

13 PRESIDING JUDGE SAMBA: [12:44:13] Madam Court Officer, can we go into
14 private session, please.

15 (Private session at 12.44 p.m.)

16 THE COURT OFFICER: [12:44:19] We are in private session, Madam President.

17 PRESIDING JUDGE SAMBA: [12:44:22] Carry on, counsel.

18 MS SARDACHTI: [12:44:25](Interpretation)

19 (Redacted)

20 (Redacted)

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1 Q. [12:45:15] Can you describe that base for us, please.

2 A. [12:45:27] Well, I -- I really cannot talk to you about that base. I know that they
3 had set up their base there, but I don't have anything particular or any specific
4 information to give you about that base.

5 Q. [12:45:47] Mr Witness, you told us that you arrived on a Sunday morning and
6 you remember very well. Why do you remember that so clearly, that it was
7 a Sunday morning?

8 PRESIDING JUDGE SAMBA: [12:46:10] Was it his testimony that he arrived -- he,
9 the witness, arrived? Where?

10 MS SARDACHTI: [12:46:20](Interpretation) I don't have the translation before me,
11 but it's the Seleka -- he said:

12 I remember clearly when the Seleka arrived, it was a Sunday morning, I remember
13 very well.

14 So I'm referring here to the Seleka and not to the witness, but I don't have the
15 translation before me.

16 PRESIDING JUDGE SAMBA: [12:46:43] Yes, it is his testimony that the Seleka
17 arrived on a Sunday. It was translated differently that he arrived, so I just wanted
18 that clarification.

19 Yes, Mr François-Jacquemin?

20 MR FRANÇOIS-JACQUEMIN: [12:47:11](Interpretation) Thank you,
21 Madam President. I just want to specify that at page 51 of the transcript the witness
22 did not say that he clearly remembered that it was a Sunday morning. I think he
23 simply said he remembered that it was a Sunday morning, if that's what he said.

24 PRESIDING JUDGE SAMBA: [12:47:30] Wasn't it his testimony that as far as he
25 remembers, the Seleka arrived in Bangui on a Sunday morning, Mr

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1 François-Jacquemin, because that's what we got with the English translation.

2 MR FRANÇOIS-JACQUEMIN: [12:47:51](Interpretation) I just want to specify in
3 relation to the certainty that the learned colleague refers to. I don't challenge that he
4 said here it was a Sunday. But on page 51 of the transcript of today, line 23 to 25, it
5 states that, "When the Seleka entered Bangui, if I recall well, it was a Sunday
6 morning." So -- end of quote.

7 I just want to point out that contrary to the manner in which the question was raised,
8 he didn't say it was a certainty. He said he believed and that that was his recollection.

9 MS SARDACHTI: [12:48:45](Interpretation) I'll move on to another question.

10 That's not very important.

11 Q. [12:48:52] So, Mr Witness, can you tell us what happened to you personally?

12 A. [12:49:00] Well, what happened to me, it was on 20 August 2013, we had spent
13 the night and in the morning, we heard gunshots. We could hear the gunshots all
14 the way from the market, the Boy-Rabe market. There were gunshots and there was
15 firing almost throughout the entire day - even in the afternoon - and we could feel
16 that it was spreading into the neighbourhood.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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22 (Redacted)

23 (Redacted)

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1 And we saw people fleeing. We remained in that bar, which is near Mr Patassé's
2 compound, called Océan. We saw people running away from PK12 and going
3 towards the 4th. Then we saw a young man and we asked him why people were
4 fleeing and he told us that Nouradine -- Nouradine, that is the leader of the Seleka,
5 was asking people not to flee, he was telling civilians not to flee because if they fled,
6 they would be considered as enemies and that they will be shot at.

7 So that's what he told us, and he left.

8 Then shortly thereafter, Nouradine's vehicle went by. I saw -- we saw the vehicle,
9 but we remained at our position. In the vehicle, there were some soldiers.

10 Nouradine himself was in the vehicle. They went by and then stopped near the
11 handicap centre or in front of the handicap centre. There was a distance of some 400
12 metres between our position and the place where they stopped.

13 PRESIDING JUDGE SAMBA: [12:52:41] Mr Witness, I just want to suggest that you
14 speak a bit slow, not too fast so that the interpreters can get what you're saying. So
15 carry on, but slower.

16 THE WITNESS: [12:53:08](Interpretation) So from our position, at Océan, which is
17 near the former President Patassé's residence or compound, the Seleka vehicle in
18 which Nouradine was had gone by and stopped in front of the handicap centre. The
19 distance was about 400 metres, and it was raining at that time.

20 So the vehicle stopped and another vehicle, BJ75, drove by from the
21 4th arrondissement and also stopped near Nouradine's vehicle. We could see them.
22 They came out of the vehicles and we could see them, but we could not hear what
23 they were saying to each other.

24 Shortly thereafter, the BJ75 vehicle drove in our direction and because it was driving
25 towards us - and Nouradine himself, going by what he had told that young man, had

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1 said we shouldn't flee when we see Seleka because they would be tempted to shoot at
2 us - based on that, because the -- as the vehicle was coming, we did not flee.
3 So the vehicle drove by and stopped at our position. The Seleka, who were in the
4 vehicle, came out and started shooting at us. Some people -- some of us fled.
5 And so they came and took us, four of us, and they brought us on to the road.
6 Then, we saw Nouradine's vehicle coming to meet up with them at the position
7 where we had been arrested. He remained in the vehicle and was speaking on the
8 phone. The one who was in the cabin of the BJ75 vehicle then went to Nouradine's
9 vehicle and talked with him, but we don't know what they discussed. And shortly
10 thereafter, the one who was in the pickup vehicle came back to where we were. We
11 had been surrounded by the Seleka, by the way. So the one who was in the pickup
12 vehicle came and gave instructions, gave instructions to finish us off.
13 So they asked us to go down into a channel or a ditch along the road, so I went in and
14 some of us did not want to go into that ditch.

15 (Redacted)

16 (Redacted)

17 (Redacted)

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5 * THE INTERPRETER: [12:58:25] Message from the Sango booth: Could the witness be
6 reminded to slow down.

7 THE WITNESS: [12:58:31](Interpretation) So what I did was I moved closer to --

8 (Overlapping speakers)

9 MS SARDACHTI: [12:58:33] Mr Witness, I am going to have to interrupt you for a
10 moment. We have received a message from the interpreters asking you to slow down
11 please. Because everything you are saying is being interpreted at the same time, and
12 what you are saying is very important, but if you could say it more slowly, that
13 would assist the Court. Thank you in advance.

14 Q. [12:58:37] (Interpretation) You may continue.

15 (Redacted)

16 (Redacted)

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14 PRESIDING JUDGE SAMBA: [13:02:13] Yes. Did you see this happen? Did you
15 see them selling fuel to the local population? Where did they get the fuel from?

16 THE WITNESS: [13:02:25](Interpretation) It was a gas station, so they took that gas
17 station and they started to sell the fuel. The people would come with -- with
18 containers and they would buy the gas from the Seleka.

19 PRESIDING JUDGE SAMBA: [13:02:57] Okay. Thank you very much.

20 THE WITNESS: [13:02:59](Interpretation) They would come with jerrycans.

21 PRESIDING JUDGE SAMBA: [13:03:04] Okay. Thank you very much, Mr Witness.

22 We're going to stop with your testimony here for today, but we'll come back on
23 Monday, as the Prosecutor said, and we'll continue from where you left off with your
24 testimony. So I rise the Court for -- but before we do that, Mr Witness.

25 Are we in private session?

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1 Can we go into open session, please.

2 (Open session at 1.03 p.m.)

3 THE COURT OFFICER: [13:03:31] And we are back to open, Madam President,
4 your Honours.

5 PRESIDING JUDGE SAMBA: [13:03:40] Yes. Thank you very much, Madam Court
6 Officer.

7 So, Mr Witness, we're going to stop with your testimony today at this point. But, on
8 Monday, we will meet again at 9.30 to continue from where you left off today.

9 But I want to remind you, or urge you, not to discuss your testimony here in this
10 courtroom today when you leave this location, with anybody. When we meet on
11 Monday, you will still be on oath to tell the truth to this Court.

12 So I rise the Court and ask that we meet again on Monday at 9.30. Thank you very
13 much.

14 THE COURT USHER: [13:04:22] All rise.

15 (The hearing ends in open session at 1.04 p.m.)