

Trial Hearing
WITNESS: CAR-OTP-P-0349

(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 Tuesday, 16 July 2024
9 (The hearing starts in open session at 9.45 a.m.)
10 THE COURT USHER: [9:45:38] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:46:05] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case. Thank you.
15 THE COURT OFFICER: [9:46:09] 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: [9:46:25] Thank you very much.
20 Can I ask for representations, starting with the Prosecution, please.
21 MS MAKWAIA: [9:46:30] May it please the Court, for the Prosecution this morning,
22 myself, Holo Makwaia, senior trial lawyer; Thomas Bifwoli, trial lawyer;
23 Sanyu Ndagire; and Alessia Vitiello. Thank you.
24 PRESIDING JUDGE SAMBA: [9:46:43] Thank you, Ms Makwaia.
25 Ms Pellet for the victims please.

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1 MS PELLET: [9:46:51](Interpretation) Thank you, Madam President. The victims
2 are represented by Tars Van Litsenborgh and myself, Sarah Pellet, counsel in the
3 Office of Public Counsel for Victims.

4 PRESIDING JUDGE SAMBA: [9:47:05] Thank you very much, Ms Pellet.
5 Ms Naouri for the Defence, please.

6 MS NAOURI: [9:47:11](Interpretation) Thank you, Madam President. Good
7 morning.

8 To my left, Mr Jacobs; to my right, Capucine Banet; and myself, Jennifer Naouri, lead
9 counsel for Mr Said.

10 PRESIDING JUDGE SAMBA: [9:47:29] Rule 74 counsel, please, can you announce
11 your representation for the record.

12 MR VON BÓNÉ: [9:47:36] Good morning, your Honour, members of the Court.
13 My name is Julius von Bóné. I'm assisting the witness who is on location today.
14 Thank you very much.

15 PRESIDING JUDGE SAMBA: [9:47:44] Thank you very much.
16 And for the record I do take note that Mr Said is in court here with us.
17 Mr Said, a very good morning to you.

18 MR SAID: [9:47:53](Interpretation) Yes. Good morning, Madam President.

19 PRESIDING JUDGE SAMBA: [9:48:01] Good morning.
20 Good morning, Mr Witness. I hope you rested well.

21 Can you hear me, Mr Witness? Can you see me?

22 WITNESS: CAR-OTP-P-0349 (On former oath)
23 (The witness speaks French)

24 (The witness gives evidence via video link)

25 THE WITNESS: [9:48:28](Interpretation) Yes. Good morning, Madam President.

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1 PRESIDING JUDGE SAMBA: [9:48:31] I hope you rested well.

2 THE WITNESS: [9:48:41](Interpretation) Yes, I had a good rest.

3 PRESIDING JUDGE SAMBA: [9:48:43] Good.

4 Now, Mr Witness, we're going to continue with your testimony this morning. And
5 before I ask Defence counsel to put questions to you in cross-examination, I wish to
6 remind you that you're still on oath to tell the truth to this Court.

7 So we'll continue with your testimony in cross, and I'll invite Ms Naouri to put
8 questions to you. We are sorry about the delay.

9 Ms Naouri, I think you did yesterday a little bit over two hours. I think it was
10 two hours, eight minutes, so the rest of your questions should be under one hour.
11 I'm going to ask that you guide the witness in your questions so that he gives accurate
12 answers so we are on time.

13 Thank you very much.

14 MS NAOURI: [9:49:41](Interpretation) Thank you, Madam President.

15 Regarding time, it is true that we had an estimation of three hours, but we have a
16 right to eight hours with that witness. If it had been a viva voce witness, the time
17 indicated would be eight hours. I can reassure you that we will not take eight hours,
18 but one hour really does not seem sufficient given the way the witness is answering
19 and the number of topics that we still have. I hope to do two hours for a total of
20 four hours. It seems to us a realistic estimate.

21 And since this is a 68(3), we have dealt with witness which -- who had less to say to
22 us. And my intention is to go as fast as possible to save time. I will do my best, but
23 it is not really possible in one hour. I wanted to clarify that so that everybody should
24 be aware.

25 PRESIDING JUDGE SAMBA: [9:51:01] Are you suggesting that you asked for

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1 four hours, or was it three hours that you asked for?

2 MS NAOURI: [9:51:12](Interpretation) I did not ask. If it was a viva voce witness,
3 the estimate would be eight hours. I was asked how much time I would like without
4 having listened to the witness and the length of his answers. I said approximately
5 three hours. But I repeat, we have a right to eight hours. We estimated eight hours
6 on the basis of previous testimonies. Even though I mentioned eight, we are not
7 going to take eight. But three now seems to us too short. I think we will need four,
8 so two hours today would be fine with us.

9 PRESIDING JUDGE SAMBA: [9:52:04] Well, yes, I was of the impression that, you
10 know, you were -- you had asked for three hours. And I do take note of time spent
11 in questions in-chief, so that's why I give you that estimation. But I'll urge you to
12 guide the witness so we don't have a lot of maybe what should not be on the record
13 and then we'll manage the time as best as we possibly can.
14 Let's move on. Thank you.

15 MS NAOURI: [9:52:35](Interpretation) Thank you very much, Madam President.
16 Duly noted, and I will try my very best.

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

18 Q. [9:52:48] Good morning, Mr Witness.

19 A. [9:52:50] Good morning.

20 Q. [9:52:47] We are still in open session, and we are going to complete a topic that
21 we started yesterday in open session, and we will probably move on to private
22 session for another topic that could be identifying to you. Okay?
23 Yesterday we talked about the people who made up the various groups and
24 tendencies that were part of the Seleka. And if I understood you well, the loyalties
25 of the elements from the various groups of the coalition were loyalties that were

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1 based on their regions, on their respective regions of origin; is that correct?

2 A. [9:53:54] Thank you, counsel.

3 Yesterday, I, myself, I observed from my counsel and yourself, you recommended
4 that I should speak slowly, step by step. And I think today we will go phase by
5 phase - first, second and so on and so forth - in order to complete my answers.

6 Now, following the question of yesterday, the composition of the military hierarchy --

7 * Q. [9:54:41] I am terribly sorry, Mr Witness, but that will not work at all. I have told
8 you, and you have also heard the Presiding Judge. She asked me to lead you, to guide
9 you, and that is my job. She is absolutely right. You really have to pay attention to my
10 questions and answer only my question. I did not talk to you about military hierarchy.
11 I asked you whether the elements of the groups that made up the coalition were loyal
12 to the chiefs from their regions of origin. This is a simple question and it requires a
13 simple answer, otherwise we will not go anywhere today, Mr Witness.

14 A. [9:55:27] Not loyal to their regions, but, rather, to their own leaders who
15 belonged to their ethnic groups.

16 Q. [9:55:46] Very well. Now that is clear.

17 My next question is: The civilian authorities, that is the political leaders, they had very
18 little impact on those elements who were loyal to their ethnic leaders; is that correct?

19 A. [9:56:10] There were civilian authorities who were very influential within Seleka,
20 such as the close person -- the close people to President Michel Djotodia.

21 Q. [9:56:38] Very well. I will read to you an excerpt of your prior statement,
22 Mr Witness.

23 Paragraph 36 of your prior statement, tab 1 of our list, paragraph 36, which is
24 CAR-OTP-2074-0047.

25 The document is CAR-OTP-2074-0041. And I would like page 0047. Thank you.

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1 And you said the following:

2 "In Bria, I found out from Seleka officers that Djotodia had to face opposition from
3 several Seleka when he tried to restore order amongst the Seleka troops.
4 Colonel Kader Abchanab had, for example, told Djotodia that he wouldn't take any
5 orders from him insofar as Djotodia had not supplied the Seleka with weapons
6 during the rebellion and was only a president on paper because he was the most
7 educated of the Seleka. Similarly, Djotodia was denied a luxury presidential car by
8 the Seleka generals, which led to a degree of discontent amongst his entourage."
9 You are giving us an example.

10 I am done with the document. Thank you.

11 You gave us an example whereby Seleka generals were not heeding orders from
12 Djotodia. Can you confirm that?

13 *A. [9:59:02] Thank you, counsel. I confirm what I said. And yesterday – {ICR:
14 (Redacted)} Djotodia was refused a vehicle by one of the Seleka
15 officers, a Prado vehicle -- and it was still this Colonel Kader Abchanab. I said that
16 yesterday. Secondly, given the statement that you have just read out, in light of that
17 statement, everyone knew that the real problem within the Seleka coalition and which
18 persists up to this day in the various movements belonging to the Seleka coalition,
19 each president who is a leader of a movement belonging -- belonging to the Seleka
20 coalition, when they give any instructions he -- they will tell him, "It is not you who
21 provided weapons to us." So Mr Djotodia was a victim of that.

22 Q. [10:00:41] Very well. Thank you for your clarification, Mr Witness.

23 I would like now to come back to the question of billeting.

24 *There were attempts to billet people who were bearing weapons because of their lack
25 of discipline and in particular, because of hold-ups and robberies; is that correct?

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1 A. [10:01:27] Yes.

2 Q. [10:01:34] So this became even more disorganised once these people got to

3 Bangui; is that correct?

4 A. [10:01:40] Yes. Of course.

5 Q. [10:01:44] Now I want to read an excerpt from a report for you. The general

6 secretary -- the Secretary-General of the United Nations on the Situation in the Central

7 African Republic, 3 May 2013, that's the date and the report is addressed to the UN

8 Security Council.

9 It's at tab 86 -- 76 of our notifications. CAR-D33-0008-0019. This is not yet

10 submitted, but it can be shown to the public and to the witness.

11 I'm interested in page 0024, at paragraph 34. That's what interests me.

12 The document is in English. I will read it out and you will receive an interpretation

13 thereof.

14 There we have it.

15 I'm sorry, Mr Witness, I -- let me check the paragraph.

16 Correct, that was the right paragraph, but when it's blown out like this I was unable

17 to recognise the paragraph that I was interested in, which is what I'm going to read to

18 you from the beginning.

19 (Speaks English) "Since Seleka seized Bangui, it has taken control of the entire

20 territory politically and militarily, yet it is unable to restore law and order across the

21 country. Fractures have deepened within the coalition, hampering the Seleka

22 leadership's control over its own elements. Seleka fighters refuse to be cantoned.

23 In addition, there are persistent tensions between the different factions of the Seleka

24 coalition, each recruiting more elements, raising the risk of an all-out confrontation

25 among them."

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1 (Interpretation) End of quote.

2 And I am done with this document. Thank you.

3 So, the Secretary-General of the UN states here that there were often confrontations
4 between where -- weapons-bearing factions. Can you confirm that, Mr Witness?

5 A. [10:05:11] Yes, madam, I can confirm that.

6 Q. [10:05:17] Thank you very much.

7 And I will now request submission, formal submission of tab 76.

8 By the way, there have been significant efforts by the government to check these types
9 of events; is that correct?

10 A. [10:05:36] Yes, of course.

11 Q. [10:05:48] That is to deal with the billeting of these elements.

12 Now let me refer to a note from the government, "Strategy to Provide Security for the
13 Central African Republic".

14 That's at tab 78 of our list, CAR-OTP-2034-2204. That is an item that can be shown to
15 the witness, although it's classified as confidential.

16 Now, can you see on the first page, that's the title. But I'm interested in page 2205.

17 And there you can see point "C", under "administration", and I'm interested in the
18 first line of the first paragraph, which states:

19 "Several radio announcements called to order the former rebels of the Seleka and
20 requested that they identify themselves for the purposes of an eventual billeting to be
21 conducted by the Ministry of Security, Emigration, Immigration and Public Order."

22 Thank you, that will be all for that document.

23 So my question to you is as follows: Can you confirm that there were radio
24 announcements calling on the indisciplined elements to report for billeting?

25 A. [10:07:28] Yes, counsel, I can confirm what that document states. With your

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1 leave I can also add some details to the information on that document.

2 That document, if I recall correctly, was proposed by the minister Josue

3 Binoua -- Josue Binoua, who was minister at the time. {ICR: (Redacted)}

4 (Redacted)} and Djotodia had expressed goodwill --

5 *Q. [10:08:14] Wait, Mr Witness, I have to stop you.

6 Wait. Just for this point that you are dealing with, I would like to ask the president to

7 let us go into private session, and I would also like to ask for a redaction of what you

8 just said. Okay?

9 PRESIDING JUDGE SAMBA: [10:08:29] Certainly.

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

11 (Private session at 10.08 a.m.)

12 THE COURT OFFICER: [10:08:47] We are in private session, Madam President.

13 PRESIDING JUDGE SAMBA: [10:08:49] Thank you very much.

14 Ms Naouri, please continue.

15 MS NAOURI: [10:08:53](Interpretation) Thank you very much, Madam President.

16 Q. [10:08:56] Please proceed, Mr Witness. You were about to provide us with

17 some details on the document we have just looked at. Feel free now to express your

18 views, because we would be the only ones who can hear you.

19 A. [10:09:08] Thank you. Thank you, counsel. I hope that -- well, this document

20 was, as I was saying, was proposed by Mr Josue Binoua, former minister for security.

21 When he proposed that document, Mr Djotodia had the goodwill to mobilise

22 resources within his powers, and so the minister for security was able to bring

23 together influential generals of the Seleka around him. (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 Q. [10:11:53] Very well. A. [10:11:54] Can I proceed?

11 Q. [10:11:55] No, I want to stop you there, but you have given us information, and
12 context and details about how the government functioned. But I think that's just
13 enough, so I will stop you here and I would like to guide you further.

14 A. [10:12:09] Thank you. Thank you very much.

15 Q. [10:12:14] I would, therefore, like to request formal mission of tab 78.

16 Now, to hop back a little back to what you mentioned about Binoua. But that -- that
17 was very, very early in March. 28 March 2013, there was a speech by one
18 Gazam-Betty. Would you recall that, Mr Witness? Do you remember that?

19 A. [10:12:45] Yes. Mr Gazam-Betty was minister of state, minister for
20 communication and government spokesperson.

21 Q. [10:12:55] Very well. Do you recall that he made some announcements at the
22 very beginning, that is in March 2013?

23 A. [10:13:05] Yes, indeed.

24 Q. [10:13:11] Thank you.

25 Now, we are in private session. We will remain in private session for a bit, and

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1 I want to talk to you a little bit about your (Redacted).

2 Now, you, you (Redacted)

3 (Redacted); is that correct?

4 A. [10:13:31] Yes, that is correct.

5 Q. [10:13:37] Very well. In that context of your specific (Redacted), I have a small
6 question in relation to your statement to the -- your statement to the investigators of
7 the OTP.

8 Tab 27, CAR-OTP-2083 -- from page 15 to 17. That's tab 27.

9 And this document should not be shown to the witness, please.

10 Page 1015, from lines 17 --

11 THE INTERPRETER: [10:14:24] Interpreters didn't get the figures.

12 MS NAOURI: [10:14:27](Interpretation)

13 Q. [10:14:27] (Redacted)?

14 PRESIDING JUDGE SAMBA: [10:14:34] Ms Naouri, for the interpreters, can you put
15 on the record the lines that you want to refer to in that document. The interpreters
16 did not get that. Thank you.

17 MS NAOURI: [10:14:47](Interpretation) I will provide -- in any event, it's a very long
18 document and I will read, and they would interpret what I would say. *But maybe,
19 sorry -- pages 1015 and 1016, lines 1078 to 1094. And I will begin at line 1078.

20 Q. [10:15:25] So I start at line 1778 and I would read all over, Mr Witness:

21 "[Question] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 End of what this person said.

4 Now, my question to you is as follows: As far as you know, (Redacted)

5 (Redacted)

6 A. [10:16:31] Thank you, counsel. I think we are in private session.

7 Q. [10:16:34] Yes, we are in private session, yes.

8 A. [10:16:37] Okay. Thank you, madam.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:18:03] Thank you. Let me hop back to two small things you have just said.

17 First of all, the Sangaris mission, when did it start activities in the Central African

18 Republic, from what date?

19 *A. [10:18:23] The Sangaris forces intervened in the Central African Republic, if I

20 remember correctly, on 9 December.

21 If I'm not mistaken, it was 9 December 2005.

22 THE INTERPRETER: [10:18:49] That's all the interpreters got. There might have

23 been a loss of content.

24 MS NAOURI: [10:18:55](Interpretation)

25 Q. [10:18:55] We have Charles Malinas, but the transcript says "Madenas". Can

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1 you confirm what the name is? Charles Malinas, when did he become French
2 Ambassador?

3 A. [10:19:15] I believe it was in the middle of the crisis. That is when Charles
4 Malinas took up office, but I don't remember which month it was. All I know is that
5 the (Redacted)
6 (Redacted)

7 Q. [10:19:47] Very well. But we do agree that the (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted), if you allow me to.

12 Q. [10:20:25] Please proceed, Mr Witness.

13 *A. [10:20:29] (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 (Redacted)

10 Q. [10:23:49] Thank you very much, Mr Witness. This is very clear and it's very
11 helpful.

12 I want to hop back to the names that you mentioned so that we can be clear about
13 what goes on the transcript.

14 Now, I will read the transcript and I will stop where there's some doubt.

15 Page 15, from page 15, line 19: (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 A. [10:25:27] I will start with General Dolle-Waya. He was the chief of general
2 staff for the Central African army during the Seleka regime. He was appointed by
3 Djotodia.

4 The ambassador from Chad is General Mahamat Bechir. General Mahamat Bechir.
5 Mr Babacar Gaye was the UN Secretary-General's representative to the Central
6 African Republic.

7 Q. [10:26:16] Perfect. You also said --

8 A. [10:26:18] (Overlapping speakers)

9 Q. [10:26:20] Sorry. Sorry, we're overlapping, Mr Witness. Let's keep it straight,
10 Mr Witness. We cannot speak over each other, otherwise everybody will go into
11 panic mode. So, please, let me finish my sentence and then you can go on, otherwise
12 we will not have a clean transcript.

13 So I can see here in the transcript mentioned General Mokoko of the African Union; is
14 that correct?

15 A. [10:26:55] Sorry, I didn't hear you.

16 Q. [10:26:58] I repeat. The transcript reads "General Mokoko of the African
17 Union" and (Redacted); is that correct?

18 A. [10:27:18] General Mokoko was the representative of the African Union and
19 then also (Redacted)

20 Q. [10:27:33] Very well. Now I have all the names that were missing, so the doubt
21 is now clarified.

22 So let us proceed in relation to (Redacted)

23 Now, we're still in private session and I hope we can speak in a more focused manner
24 about yourself.

25 (Redacted)

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1 (Redacted); is that correct?

2 A. [10:28:09] Yes, that is correct, madam.

3 Q. [10:28:13] Do you remember the name of (Redacted)

4 A. [10:28:28] Yes, I still remember the (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:30:04] Very well. That is very clear. But let us hop back to a few names.

13 Transcript, page 18, line 18: "I do -- I still recall or remember the (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:31:30] Thank you for having clarified. Can you please spell the name of the

25 Congolese general?

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- 1 A. [10:31:43] N --
- 2 THE INTERPRETER: [10:31:52] There is a problem, but it is (Redacted)
- 3 Q. [10:32:01] Thank you. In your previous prior statement, tab 1 on our list,
- 4 CAR-OTP-2074-0041, on page 0078, you said on paragraph 41, that serious -- "
- 5 (Redacted)
- 6 Do you remember the name of that official?
- 7 A. [10:32:36] Thank you, counsel.
- 8 When I gave that statement, I said that (Redacted)
- 9 (Redacted)
- 10 Q. [10:32:59] I'm sorry, but I know what you said in your statement. We all have
- 11 it with us. I'm simply asking for clarification. The name of that person, do you
- 12 know his name or not? That is all I'm asking.
- 13 A. [10:33:21] (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. [10:33:49] Very well. That's all I wanted to know. He did not tell you the
- 19 name.
- 20 Now let us come back to (Redacted)
- 21 I will read an excerpt from tab 28 of our list, CAR-OTP-2005-2962.
- 22 It can be shown to the witness but not to the public. It is not yet submitted.
- 23 *(Redacted)
- 24 (Redacted). I want to go first of all to page 2972 please,
- 25 because the pages are in disorder.

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- 1 (Redacted)
- 2 It is actually 2972.
- 3 Not 62, 72 -- 2972.
- 4 THE INTERPRETER: [10:35:17] Emphasises counsel.
- 5 MS NAOURI: [10:35:23](Interpretation)
- 6 Q. [10:35:23] Can you see the document, Mr Witness?
- 7 A. [10:35:28] I can see the document, but it is a bit blurry. I cannot read it.
- 8 Q. [10:35:40] We are at the beginning of the
- 9 document -- "(Redacted)
- 10 There is -- to the bottom left there is a signature and it is stated, "(Redacted)
- 11 (Redacted)
- 12 Do you recognise that?
- 13 A. [10:36:19] Yes, it is my signature.
- 14 Q. [10:36:21] So it was (Redacted)
- 15 Now, page 2979 is the page I'm really interested in.
- 16 At the top of the document the first question - very well - and the answer -- the
- 17 question is:
- 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). End of quote.

9 Now, to start with, can you confirm what you stated here, Mr Witness?

10 A. [10:39:26] Yes, I confirm that, definitely.

11 Q. [10:39:29] Thank you.

12 I'm done with that document. It can be taken away.

13 Now, you talked about a (Redacted)

14 (Redacted). Where was that? FOMAC was located where?

15 A. [10:39:58] Thank you, counsel. The FOMAC is the multidimensional force and

16 its headquarters was right next to the Bangui-M'Poko airport. That was the base of

17 the FOMAC forces, not far away from the airport.

18 Q. [10:40:25] Very well. And do you remember (Redacted)

19 A. [10:40:40] (Redacted)

20 (Redacted)

21 Q. [10:40:52] Very well.

22 And before (Redacted)

23 (Redacted)

24 A. [10:41:07] Thank you very much for that question, counsel.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:42:33] Thank you. And I will ask for this tab 28 document to be formally
10 submitted.

11 Now, for the next topic, we can go back to open session, Madam President.

12 PRESIDING JUDGE SAMBA: [10:42:50] Madam Court Officer, can we go back to
13 open session, please.

14 (Open session at 10.43 a.m.)

15 THE COURT OFFICER: [10:43:06] We are back to open session, Madam President,
16 your Honours.

17 PRESIDING JUDGE SAMBA: [10:43:09] Thank you very much.

18 Ms Naouri, continue.

19 MS NAOURI: [10:43:14](Interpretation) Thank you, Madam President.

20 Q. [10:43:16] There were talk of hold-ups. In open session we will talk generally
21 on hold-ups. You talked about stealing in paragraphs 82 and 85 -- stealing and

22 hold-ups. And you talked specifically about the {PFR: (Redacted)}

23 To your knowledge, can you tell us {PFR: (Redacted)},

24 to the best of your knowledge?

25 A. [10:43:57] Thank you, counsel.

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1 If you will allow me, I can ask for a private session in order for me to give details on
2 that, if the Presiding Judge can grant me that authorisation.

3 PRESIDING JUDGE SAMBA: [10:44:14] Yes, certainly. We can do that.

4 But, Ms Naouri, do you mean paragraphs 82 and 85 of his prior recorded testimony,
5 for the record?

6 MS NAOURI: [10:44:25](Interpretation) Yes, indeed; yes, indeed.

7 PRESIDING JUDGE SAMBA: [10:44:30] Okay. Thank you very much.

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

9 (Private session at 10.44 a.m.)

10 THE COURT OFFICER: [10:44:47] We are back to private session, Madam President.

11 PRESIDING JUDGE SAMBA: [10:44:50] Thank you very much.

12 Ms Naouri, please continue.

13 MS NAOURI: [10:44:54](Interpretation) Thank you very much, Madam President.

14 Q. [10:44:58] Please proceed, Mr Witness, if you know (Redacted)

15 (Redacted)

16 A. [10:45:08] Thank you, counsel.

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 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:49:23] Mr Witness, please wait. It was perfect. We will leave it there.

21 And the connection on your side was a bit spotty, so we will take a second to breathe.

22 And I will read the transcript once again.

23 And it is the last sentence that is of interest to me. Please -- and repeat, clearly:

24 "(Redacted)

25 (Redacted)

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1 there -- "on the television". If you can repeat what you said there.

2 *A. [10:50:22] (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:50:43] And the name that you gave, (Redacted) who?

6 A. [10:50:48] (Redacted)

7 Q. [10:50:54] And if I understand you well, Djotodia said that on television; is that
8 what you said?

9 THE INTERPRETER: [10:51:02] From the interpreter: The name is (Redacted)

10 THE WITNESS: [10:51:10](Interpretation) I believe he said that both over the radio
11 and on the television. I think he said that. He really underscored that excerpt, and
12 if you look at Djotodia's speeches, you'll find it amongst them.

13 Q. [10:51:31] Very well. That is enough on that point.

14 Last question: To your knowledge, where other wealthy personalities of Boy-Rabe
15 pillaged upon the arrival of this group claiming to be Seleka, that is rogue elements
16 within that group; is that correct?

17 A. [10:51:59] Yes. I do not know whether I mentioned rich or wealthy individuals
18 in my statement. I might have overlooked that. But we all know that Boy-Rabe
19 was attacked two or three times, so hold-ups were on a daily basis in Boy-Rabe, and
20 elsewhere in Bangui as well as in the hinterland.

21 * Q. [10:52:29] Very well.

22 But there is wealth in Boy-Rabe.

23 Major personalities like Ngaissona live in Boy-Rabe,
24 and one can say that it is a neighborhood of wealthy people;
25 isn't that so?

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1 A. [10:52:56] Of course,

2 of course.

3 Q. [10:52:57] We will move on to something else, Mr Witness.

4 Still concerning (Redacted)

5 (Redacted). And it is at paragraph 15 of your prior statement, tab 1 of your -- of my

6 list.

7 My question is: How many times did you (Redacted) and for how long

8 approximately?

9 A. [10:53:24] Thank you, counsel. I believe that (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:54:18] Mr Witness, for that question I really want you to be precise. Do not

15 describe each (Redacted). I asked you how many times. Because we don't have the

16 time to enter into details, approximately how many (Redacted),

17 and -- and how long did you stay, one week, two weeks and so on? Please, that is

18 the question.

19 A. [10:54:47] (Redacted)

20 (Redacted)

21 Q. [10:54:56] Very well. And how many -- how much time did you spend on

22 (Redacted)

23 A. [10:55:10] (Redacted)

24 (Redacted), that is if

25 I remember correctly.

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1 Q. [10:55:35] Yes, yes, yes. Just tell us what you remember.

2 Now, I'll come back to another element in your previous statement, and it is still
3 paragraph 15.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Now, do you remember the date of that (Redacted), Mr Witness?

8 A. [10:56:16] Thank you very much, counsel.

9 As you are taking into consideration the allocated time, it seems a bit difficult to
10 answer in detail. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:57:15] Mr Witness, I really understand that you want to give us details and
15 clarifications, but I'm asking you very clear and targeted questions.

16 Were you the one who (Redacted)

17 (Redacted), yes or no?

18 A. [10:57:35] I did not say that that I (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:58:03] Really, come on. Come on, Mr Witness. I'm sorry, please.

23 You said, "(Redacted)". That is enough.

24 You say, "It was not me" and we don't go into the details. That is enough for me.

25 Now, (Redacted), do you

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1 remember when; and, if you do not remember, just say so.

2 A. [10:58:39] I do not remember the date.

3 Q. [10:58:42] Very well.

4 PRESIDING JUDGE SAMBA: [10:58:44] So, Ms Naouri, can I just ask the witness a
5 follow-up question to what he was saying.

6 You said you were (Redacted); is that correct, Mr Witness? Did you say you were
7 attacked during this particular (Redacted)?

8 THE WITNESS: [10:59:02](Interpretation) Yes, indeed, Madam President, your
9 Honour. (Redacted).

10 PRESIDING JUDGE SAMBA: [10:59:12] By who? Can you give a little bit more
11 detail, just a little bit more.

12 THE WITNESS: [10:59:26](Interpretation) Thank you, Madam Presiding Judge, for
13 giving me that opportunity.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SAMBA: [11:01:01] Okay. Thank you very much, Mr Witness.

24 Ms Naouri, maybe two minutes more for the time I used.

25 MS NAOURI: [11:01:17](Interpretation) Thank you, Madam President.

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1 Q. [11:01:17] Just to clarify, Abdoulaye Miskine was the leader of the FDPC; is that
2 correct?

3 A. [11:01:24] Yes, that's correct.

4 Q. [11:01:26] Very well. So, I need further clarification on this point. In your
5 previous statement at paragraph 50, you talked about the arrest of Dhaffane. Do you
6 remember on which date it occurred?

7 A. [11:01:51] I don't remember the date, but it was in 2013.

8 Q. [11:02:02] Very well. So now I will show you a document at -- at tab 35 of our
9 list, CAR-D33-0004-0447, which has not yet been submitted.

10 It's a public document, and it's a press article published in Chad Info on 10 July 2013,

11 titled, as you can see on the screen, "CAR: Former Minister Mohamed Moussa

12 Dhaffane detained and starts a hunger strike".

13 If you scroll down, I will read an excerpt for you.

14 There you have it. There we have it:

15 "Mohamed Moussa Dhaffane, former minister of state for water and forests, and a

16 heavyweight in the transitional government and in Seleka, has undertaken a hunger

17 strike since three days within the Camp de Roux prison where he has been detained

18 since end of June and accused of having the intention to overthrow the regime of the

19 transitional president in the Central African Republic, that is Mr Michel Djotodia".

20 End of quote.

21 I no longer need that document, thank you.

22 Now, is this information able to provide you with information about the date,

23 specifically end of June, Mr Witness? Does that help you? Does that jog your

24 memory?

25 A. [11:03:49] Yes, counsel. What I can say is that I do not remember the exact date,

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- 1 but I know that Dhaffane was arrested (Redacted)
- 2 (Redacted)
- 3 Q. [11:04:15] Very well. Thank you.
- 4 I would like to ask for tab 35 of our list of materials to be formally submitted.
- 5 Madam President, I'm mindful of the time and I think it's time for the break.
- 6 PRESIDING JUDGE SAMBA: [11:04:26] Yes, Mr Witness, we're going to break off
- 7 for 30 minutes and we will come back to continue with your testimony.
- 8 I rise the Court for 30 minutes, please.
- 9 THE COURT USHER: [11:04:36] All rise.
- 10 (Recess taken at 11.04 a.m.)
- 11 (Upon resuming in open session at 11.40 a.m.)
- 12 THE COURT USHER: [11:40:16] All rise.
- 13 Please be seated.
- 14 PRESIDING JUDGE SAMBA: [11:40:58] Good morning again, everyone.
- 15 Mr Witness, we are going to continue with your testimony in cross. And I'm going
- 16 to ask Ms Naouri to continue putting questions to you. Thank you.
- 17 MS NAOURI: [11:41:15](Interpretation) Thank you very much, Madam President.
- 18 Q. [11:41:19] Good morning once more, Mr Witness.
- 19 A. [11:41:24] Good morning.
- 20 Q. [11:41:27] After this short break, I think we'll move to another topic, but are we
- 21 in open session? Yes, we are.
- 22 Madam President, can we go into private session, please.
- 23 PRESIDING JUDGE SAMBA: [11:41:39] Oh, definitely.
- 24 Madam Court Officer, can we go back into private session, please.
- 25 (Private session at 11.41 a.m.)

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1 THE COURT OFFICER: [11:41:56] We're in private session, Madam President,
2 your Honours.

3 PRESIDING JUDGE SAMBA: [11:42:00] Thank you very much.
4 Ms Naouri, please continue.

5 MS NAOURI: [11:42:05](Interpretation) Thank you, Madam President.

6 Q. [11:42:07] Now I would like us to continue to talk about your duties, Mr Witness,
7 in private session, and only those in the courtroom can hear you. So I want to hop
8 back to that time when (Redacted)

9 (Redacted)

10 (Redacted), that's my first question?

11 A. [11:42:43] Yes, counsel. (Redacted)

12 (Redacted) are you referring to? I have not understood your question.

13 Q. [11:42:53] Yes, this is a good remark, Mr Witness.

14 (Redacted), that's what I'm referring to, Mr Witness.

15 A. [11:43:04] Thank you very much, counsel.

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). He is still alive.

7 The DR is still alive, the DirCab is still alive. And I have mentioned also -- I would

8 also mention the name of (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [11:45:59] Thank you. When you say "DR" what does "DR" refer to?

13 A. [11:46:09] Director of resources and personnel management.

14 Q. [11:46:13] Thank you very much. Can you give us the names of the persons

15 whom you mentioned? First of all, (Redacted) you talked about, who

16 are they?

17 A. [11:46:24] Thank you. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:47:06] Very well. Who was in charge of (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [11:47:58] Very well. Who was (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 Q. [11:50:04] Now, you also mentioned a last name. Who was that, Mr Witness,

20 the (Redacted)

21 A. [11:50:12] (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 Q. [11:51:42] Very well. Was (Redacted)

9 (Redacted); is that correct?

10 A. [11:51:47] Yes, that is correct.

11 Q. [11:51:51] Very well. Very well.

12 Now, once you (Redacted), is that not

13 the case?

14 A. [11:52:11] Yes. Like was the case with (Redacted), Madam.

15 Q. [11:52:15] All right. Mr Witness, I'll show you a document.

16 Madam Court Officer, can we take control of this to gain time. It's a bit of a technical
17 document. That would be at tab 28 on our list of materials, CAR-OTP-2005-2962.

18 It's a confidential document and can be shown to the witness. It's not yet submitted.

19 So let's go to page 3016 of that document, please.

20 Madam Court Officer, can we have control, if possible. Is it evidence 2 that we
21 would be able to work from? Please correct me if I'm wrong.

22 THE COURT OFFICER: [11:53:08] The Defence have it for evidence channel 2.

23 MS NAOURI: [11:53:12](Interpretation)

24 Q. [11:53:12] Mr Witness, now you have the document before you. It's

25 a photocopy of (Redacted)

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1 Can you confirm that this is the copy of (Redacted), Mr Witness?

2 A. [11:53:37] Yes, I confirm.

3 Q. [11:53:40] Very well. Thank you.

4 If we go to page 3015 now, there we have it, you see the (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Now, if you go to page 3014, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) rather; is that correct?

13 A. [11:55:09] Yes, that's correct.

14 Q. [11:55:10] Thank you. Now, still on the same page, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 And on page 3015, you can see here (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted), Mr Witness? Can you confirm that?

23 A. [11:56:19] Madam, I do not understand whether it is (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) the -- the Central African Republic represents the Central African
2 territory.

3 Q. [11:56:56] But do you recall that (Redacted)
4 (Redacted); is that correct? Do you remember that?

5 A. [11:57:08] (Redacted)
6 (Redacted)

7 Q. [11:57:22] Thank you. Thank you for that clarification.

8 So am I to understand that you stayed (Redacted) much longer? Okay. Thank you.
9 Very well. Very well.

10 So let's together look at the following.

11 (Redacted), and you tell me now whether it corresponds to anything or whether it
12 jogs your memory.

13 Now, the page will be 3015. Mr Witness, yes, you want to say something?

14 A. [11:57:55] Yes, Madam, (Redacted)
15 (Redacted), so this
16 must be correct.

17 Q. [11:58:13] Thank you very much. So, it's about 10 days. But we will hop back
18 to this and it relates to one of the times that you went to (Redacted), so that clarifies
19 that point.

20 Now, if you go to page 3015, you see (Redacted)

21 (Redacted)

22 (Redacted)

23 And then if you go to page 3012, it will be displayed soon, you can see on that
24 page that there's a round or an oval stamp.

25 Now we will flip it so that you can see it better. You see the oval stamp at the

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- 1 bottom of the right page. You see (Redacted)
- 2 (Redacted)
- 3 (Redacted). The year is not very legible,
- 4 so I -- I want to cross-check that with you.
- 5 Did you (Redacted), Mr Witness?
- 6 That's my question.
- 7 A. [11:59:47] Yes, I remember (Redacted)
- 8 (Redacted)
- 9 (Redacted). I do remember this.
- 10 Q. [12:00:13] Very well. Can you tell us what is written in Arabic and what did
- 11 you mean by (Redacted)", Mr Witness?
- 12 A. [12:00:29] What I meant is that (Redacted). And it is
- 13 well written here. If you see the (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. [12:01:06] Very well. How long did you stay in (Redacted), Mr Witness?
- 19 Now, you were (Redacted). Am I to understand that this is
- 20 what -- this was the reason why you were (Redacted)?
- 21 A. [12:01:23] Yes, indeed, counsel. It was for (Redacted). And
- 22 what -- what you see here, for (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted), if I remember correctly.

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1 Q. [12:02:09] The date I can see is (Redacted)

2 And that is for the record.

3 A. [12:02:22] Yes, that is correct. I was in (Redacted)

4 (Redacted)

5 Q. [12:02:37] Very well. That is perfect.

6 So you are telling us that your various (Redacted)

7 (Redacted); is that -- did I understand correctly?

8 A. [12:02:54] (Redacted)

9 (Redacted)

10 And for the information of the Court, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 So that was the situation, counsel.

16 Q. [12:03:53] Thank you, Mr Witness. It is very clear and you clarified the points
17 that I wanted to clarify. So it is perfect.

18 I would like to ask for the formal submission of this document, tab 28. But I think
19 I've already asked for that, because it was -- okay, now I ask for formal submission.

20 Now, Mr Witness, we are going to go to something else.

21 In your statement, paragraph 52, tab 1 of our list. (Redacted), what was your
22 relationship with (Redacted)? Did you meet with him often?

23 THE INTERPRETER: [12:04:59] Inaudible.

24 MS NAOURI: [12:05:03](Interpretation)

25 Q. [12:05:03] Please wait a bit, Mr Witness, your intervention was inaudible, so I'm

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1 waiting for this to be corrected.

2 A. [12:05:16] Yes, I think we can see each other now, counsel.

3 Q. [12:05:24] I have just heard you say something. I can see you very poorly, but
4 can you speak so that we see whether we can hear you.

5 A. [12:05:37] Very well. Can you hear me now and can you see me, counsel?

6 Q. [12:05:43] Yes, I can hear you, but I will turn to the Presiding Judge to -- for
7 direction on how to proceed.

8 PRESIDING JUDGE SAMBA: [12:05:59] I think it's getting better. It was blurred,
9 but it -- it looks better now, Ms Naouri. Thank you.

10 MS NAOURI: [12:06:12](Interpretation)

11 Q. [12:06:10] Yes, the Presiding Judge is quite correct, you are back with us. We
12 can see you clearly now, Mr Witness.

13 I asked you a question and I did not hear what you said. So we can repeat, because I
14 did not hear your answer at all, if indeed you gave one, regarding (Redacted)?

15 A. [12:06:46] Thank you, counsel. Yes, a short while ago the connection was
16 disrupted.

17 Now, concerning (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted). Am I doing okay, counsel? I hope I am not too fast.

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1 Q. [12:08:20] I think it's just okay with us, but if you feel like taking a breather, do
2 not hesitate.

3 A. [12:08:41] I remember that one day, and that is where I mention (Redacted)*
4 (Redacted) in my statement, there was an attack on Boy-Rabe. There were people
5 who lost their lives. According to the information, two elements of the Seleka -- or,
6 rather, elements of the Seleka were shot dead in Boy-Rabe. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:10:37] Very well. I would like to stop you there, Mr Witness.

16 To begin with, that (Redacted) that you have just mentioned, do you remember when
17 (Redacted)

18 A. [12:11:00] Thank you, counsel. It was as soon as (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:11:36] As you are taking a break to breathe, I am actually going to ask you
23 what was the role of (Redacted)

24 A. [12:11:49] (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted). He is currently in that position now.

3 Q. [12:12:27] And (Redacted)

4 A. [12:12:31] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:13:56] Concerning * (Redacted)

15 (Redacted)

16 A. [12:14:06] Yes, indeed. (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)? And --

3 Q. [12:15:53] I will stop you there, Mr Witness, because you are repeating your
4 statement to us.

5 My question was different. My question was, did you see him frequently thereafter?

6 Please do not repeat the statement. And from now on I will systematically stop you
7 if you say something that we already know.

8 Now, did you continue (Redacted) after that, yes or no?

9 A. [12:16:25] Yes.

10 Q. [12:16:27] How many times?

11 A. [12:16:34] I no longer remember whether (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:17:31] Very well. That is enough. I will move on to another topic.

18 Just for you to confirm that (Redacted)

19 (Redacted); is that correct?

20 A. [12:18:00] Yes, indeed, (Redacted)

21 Q. [12:18:07] Alexandre Nguendet was another transitional president after

22 Djotodia.

23 (Redacted); is

24 that correct?

25 A. [12:18:23] Yes.

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1 Q. [12:18:24] Thank you. And (Redacted)

2 (Redacted); is that correct?

3 A. [12:18:38] In the (Redacted), that is correct. Not in

4 the (Redacted)

5 Q. [12:18:45] Very well. (Redacted)

6 A. [12:18:49] I no longer remember the date. It might have been in (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:19:13] Very well. And for how long did (Redacted)

10 A. [12:19:19] (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:19:51] Mr Witness, earlier on we saw a document, that is tab 28, it is

14 a notification, CAR-OTP-2005-2962. It is a (Redacted)

15 (Redacted)

16 And I would like to go back to that document, very briefly.

17 We will begin with page 2963, please.

18 Thank you.

19 And in the preamble it is stated that:

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 The question, the first question: Do you confirm (Redacted) as described in this
4 document?

5 A. [12:22:39] Yes, I confirm (Redacted), that is what was presented to me.

6 Q. [12:22:48] And the prosecutor of the republic, Ghislain Gresenguet, did you
7 know that he had already been a prosecutor under Djotodia?

8 A. [12:23:00] Yes, I am very much aware of that, counsel.

9 Q. [12:23:14] I had said that I was done with the document, but I want to keep
10 contact with the witness.

11 Now, now, thank you, Mr Witness. Do you know which position Ghislain
12 Gresenguet occupies today?

13 A. [12:23:37] No.

14 Q. [12:23:38] Very well.

15 Now, coming back to (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [12:24:25] Thank you very much, counsel. (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. [12:26:14] Wait. Can you kindly wait, Mr Witness, we can no longer see you.

10 I think we can see you again.

11 From the sentence, "(Redacted)

12 (Redacted)

13 (Redacted). We did not hear the rest. What

14 happened next?

15 A. [12:26:50] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:27:36] I will stop you there, Mr Witness.

21 So you have just said you had (Redacted)

22 (Redacted)

23 It is tab 28, CAR-OTP-2005-2962, page 2966.

24 And you can see there, further down, (Redacted) -- I think it is 20 -- 2970. I made

25 a mistake with the number, 2970. I'm sorry about that.

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- 1 Very well, it is that document. If we can scroll down. Further down. You can see
2 there (Redacted)
3 (Redacted)
4 Now, if we now go to page 2999.
5 It's still the same document, page 2999.
6 THE COURT OFFICER: [12:29:49] Just for your information, it takes a bit of time,
7 because the page numbering reflected on JEM is not the same announced by
8 the speaker, so we have to basically infer what page number is it. So it takes a bit
9 more time than usual. Apologies.
10 MS NAOURI: [12:30:12](Interpretation) No problem with that, but we cannot give
11 you any further helpful information.
12 In any case, (Redacted)
13 (Redacted)
14 And if you scroll down to the bottom of the document we can see the date,
15 (Redacted)
16 And if we can go back to up the (Redacted) numbers, you can see the first number,
17 (Redacted). And that is the first column.
18 And then you have number (Redacted)
19 So those are the two (Redacted) and we saw
20 the photograph a short while ago.
21 Q. [12:31:28] So you can see that on the -- of the (Redacted)
22 (Redacted); is that correct?
23 A. [12:31:53] No, Madam. No, Madam. I hope that I (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 And this is what I said (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)
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- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 A. [12:35:39] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:36:42] Let's stop there.

13 A. [12:36:45] Thank you, Madam.

14 PRESIDING JUDGE SAMBA: [12:36:46] Yes. And just to inform you, counsel, that
15 you are well over four hours, about four hours 20 minutes now, so we'll appreciate it
16 if you can try and round up, really.

17 MS NAOURI: [12:37:08](Interpretation) Madam President, I have taken note. I will
18 do my best. We are now tackling the last topic and we will go as fast as possible on
19 this very important topic.

20 Q. [12:37:17] Now, thank you. Mr Witness, you say that you (Redacted)

21 I want to show you a document, number 45 on our list of materials.

22 This document can be shown to the witness but not to the public.

23 CAR-OTP-2020-0413. And this document is not yet submitted.

24 It is a (Redacted)

25 (Redacted)

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1 (Redacted)

2 If we go to page 0414, at tab 21, you see: (Redacted)

3 (Redacted)

4 (Redacted)

5 Now, you can see this is the document, and I think it can be taken away.

6 But before you take it off, please, let me ask you to go to page 0418 -- and let's drop

7 that, Madam Court Officer, for purposes of time. So take it off screen.

8 (Redacted)

9 (Redacted)

10 A. [12:39:36] It is very revolting, Madam. But I see you -- I see the Court, but

11 this -- this causes me to laugh, it's revolting. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted). And

15 that's it.

16 Q. [12:40:16] Very well. We have taken note of your testimony.

17 And I request the formal submission of tab 45.

18 Now let's tackle the last but one topic. (Redacted)

19 (Redacted); is that correct?

20 A. [12:40:48] Yes, Madam.

21 Q. [12:40:50] Can you tell us why (Redacted)

22 A. [12:41:02] Thank you very much, Madam. It is a very complicated story.

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 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:43:55] I want to stop you here because you're talking about a video.

18 At tab 46 of our list of materials, it's a public document. It is a (Redacted)

19 (Redacted). And I will read it.

20 Let's go to page 1140.

21 And I have two excerpts to read for you.

22 There we are, point B. And it's written in English, I will read it out in French -- or,

23 rather, in English, and you will receive interpretation in French: (Speaks English)

24 "(Redacted)

25 (Redacted)

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Page redacted

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1 (Interpretation) Still on this document, page 1233, there is a press release mentioned
2 in the excerpt I have just read. It is a press release of (Redacted)
3 (Redacted)
4 I will read out for you the passage starting with "(Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 Now, my question, Mr Witness, for you is as follows. First question: (Redacted)
16 (Redacted)
17 A. [12:51:13] Thank you very much, Madam. (Redacted), but
18 I am aware of the (Redacted)
19 (Redacted). I am aware of that. (Redacted).
20 (Redacted) That is one.
21 Q. [12:51:47] Fair enough. You have said you are not aware of this. And so I am
22 happy with your answer.
23 And I ask for the formal submission of tab 46.
24 The last question on this topic is as follows, and then I will have two more issues.
25 (Redacted), Mr Witness, which exists. Is that

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1 the case, Mr Witness?

2 A. [12:52:11] Yes.

3 Q. [12:52:13] So I want to display tab 64, CAR-D33-0014-1028.

4 This item is not yet submitted. It can be shown to the witness.

5 This is a press release of (Redacted)

6 (Redacted)

7 If we scroll down a little more, we can see here that it's a (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)? Can you confirm that, Mr Witness?

11 A. [12:53:24] Yes, I can, perfectly.

12 Q. [12:53:26] We therefore request formal submission of tab 64.

13 I have two questions for you, Mr Witness, because we have two reports from

14 investigators of the ICC dealing with your contacts with the OTP investigators.

15 First tab 47, CAR-OTP-2006-1116. On page 1. And that is 120 -- or second page,

16 rather. It says the following: You met the investigators of the OTP on 6 March 2015

17 at (Redacted)

18 Can you confirm that, Mr Witness?

19 A. [12:54:29] When at the (Redacted)

20 Q. [12:54:34] 6 March 2015.

21 A. [12:54:37] Well, if I recall correctly, that might be correct. But if

22 the investigators are saying that, it must be reality. These things happened a long

23 time ago.

24 Q. [12:54:48] Very well.

25 So I ask for formal submission of tab 47.

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1 And, finally, tab 48, CAR-OTP-00036700, at page 001.

2 The investigators say this in English: An investigator contacted P-0349 - that's
3 yourself - on -- in March 2015 in an effort to identify evidence for the investigation.

4 Do you confirm that this was in March 2015, Mr Witness? Can you confirm that?

5 A. [12:55:46] March, April, I no longer remember a physical meeting taking place.

6 But in 2015, what I remember is a telephone contact, which -- in which some person
7 who said was from -- (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 So that contact lasted about two weeks. People kept -- kept calling me. I had
13 discussions with them and they --

14 Q. [12:56:49] Halt. I would like to halt you there, Mr Witness. We have taken
15 note of your answer.

16 And I ask for the formal submission of tab 48.

17 Last question. When you meet with the investigators of the OTP in (Redacted), are
18 they the ones who paid for your transport and everything else?

19 A. [12:57:17] Yes. Before they met me in (Redacted), had met me already in
20 Bangui in a secure location. They told me the purpose of their meeting, their mission.
21 So I agreed, and we met in (Redacted). They are the ones who paid for everything.
22 That is true.

23 Q. [12:57:43] Very well. Did they take -- did they pay any other expenses?

24 A. [12:57:54] A round-trip air ticket for myself (Redacted). And the cost of
25 the stay in (Redacted). Mission allowances, daily mission allowances. Hotel, food

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1 and what have you.

2 Q. [12:58:07] Thank you. Very well. That was my last question, Mr Witness.

3 Thank you, Madam President. I am done. Thank you.

4 PRESIDING JUDGE SAMBA: [12:58:16] Thank you very much, Ms Naouri.

5 Now, Madam Prosecutor, do you have any question in re-examination?

6 MS NDAGIRE: [12:58:24] Yes, Madam President. We have just a few questions
7 that will take about two minutes.

8 PRESIDING JUDGE SAMBA: [12:58:33] Let's hear you, please.

9 QUESTIONED BY MS NDAGIRE:

10 Q. [12:58:38] Mr Witness, earlier this morning - and I'm referring to the English

11 transcript - at page 28 of the English transcript, you were asked a question by

12 Defence counsel. The question was: "To your knowledge, were other wealthy

13 personalities of Boy-Rabe pillaged upon arrival of this group claiming to be Seleka,

14 that is rogue elements within that group; is that correct?"

15 And your answer at lines 13 to 15 was: "But we all know that Boy-Rabe was attacked

16 two or three times."

17 And my question now for you is: Who attacked Boy-Rabe those two or three times

18 that you mention?

19 A. [12:59:47] Thank you very much, Prosecutor.

20 Boy-Rabe was attacked two or three times by Seleka elements, by Seleka elements.

21 And whenever attacks took place, looting also happened in Boy-Rabe. Personalities

22 were targeted, that's true, such as the former president of the Central African Football

23 Federation, Edouard Ngaïssona. His house was pillaged. I can confirm that this

24 happened, yes.

25 And there were many other personalities whose names I no longer recall, or even

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1 civilians whose property was pillaged by the Seleka combatants on those days.

2 I do recall the last attack happened one evening, one evening when it had rained
3 heavily, around 6 p.m.

4 Q. [13:01:06] Thank you for that answer.

5 And do you recall the month when these two attacks happened?

6 A. [13:01:21] I do not remember the month, Madam Prosecutor. The first attack
7 was mainly holdups and the second attack was targeted at personalities. Those who
8 had supported Bozizé at the time, whether politically or militarily, or civilians, their
9 houses were taken over by Seleka elements.

10 And then there was a third attack was based on suspicions that the intelligence
11 services were channelling to the presidency whereby persons disguised as
12 Anti-Balaka but were -- who were former Bozizé supporters were seeking to attack
13 Bangui. So that was the last attack in -- in Bangui.

14 There was a lot of gun firing, a lot of exchange of gunfire, and there was quite some
15 resistance in Boy-Rabe. And it is true that on that day Seleka deployed a lot of its
16 resources.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [13:03:14] Thank you for answering my questions, Mr Witness.

22 I have no further questions, your Honour.

23 PRESIDING JUDGE SAMBA: [13:03:19] Thank you very much, Madam Prosecutor.

24 Mr Witness, on behalf of the Chamber, we thank you very much because -- all right,
25 let's get the court officer to get us into open session first, really.

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- 1 (Open session at 1.03 p.m.)
- 2 THE COURT OFFICER: [13:03:47] We are back to open session, Madam President.
- 3 PRESIDING JUDGE SAMBA: [13:03:49] Thank you very much, Madam Court
- 4 Officer.
- 5 And, Mr Witness, we have no question from the Bench. So, on behalf of this
- 6 Chamber, we wish to thank you very much for your testimony in helping us get
- 7 the truth of what happened in the CAR. We do appreciate your cooperating with
- 8 the Court. So we wish you the very best of your endeavours and ask that you keep
- 9 yourself very safe and we wish you well.
- 10 We also thank your counsel, Rule 74 counsel, for representing you.
- 11 (The witness is excused)
- 12 PRESIDING JUDGE SAMBA: [13:04:32] We have come to the end of this witness's
- 13 testimony.
- 14 I know tomorrow we should start with P-0312, the 42nd Prosecution witness.
- 15 So, what I'm going to do is to adjourn for today and ask that we come tomorrow at
- 16 9.30 to hear this witness. Thank you very much.
- 17 THE COURT USHER: [13:04:54] All rise.
- 18 (The hearing ends in open session at 1.04 p.m.)