

Trial Hearing
WITNESS: CAR-OTP-P-0529

(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,
- 6 Judge Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
- 7 Trial Hearing - Courtroom 2
- 8 Monday, 7 October 2024
- 9 (The hearing starts in open session at 9.42 a.m.)
- 10 THE COURT USHER: [9:42:50] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SAMBA: [9:43:14] Good morning, everyone.
- 14 Madam Court Officer, can you kindly mention the case.
- 15 THE COURT OFFICER: [9:43:21] 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: [9:43:36] Thank you very much.
- 20 Can I ask for representation, starting with the Prosecution, please.
- 21 MS MAKWAIA: [9:43:42] Good morning, Madam President, your Honours. At the
- 22 Prosecution bar table this morning, myself, Holo Makwaia, senior trial lawyer;
- 23 Marie-Jeanne Sardachti, trial lawyer; and Anusha Rawoah, assistant legal officer.
- 24 Thank you.
- 25 PRESIDING JUDGE SAMBA: [9:43:58] Thank you very much.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [9:44:04](Interpretation) Thank you, your Honour. The victims are
3 represented by *Miriam Ramos and myself, Sarah Pellet, counsel at the Office of
4 Public Counsel for the Victims.

5 PRESIDING JUDGE SAMBA: [9:44:17] Thank you very much, Ms Pellet.

6 Ms Naouri for the Defence, please.

7 MS NAOURI: [9:44:22](Interpretation) Thank you. Good morning, your Honour.

8 On my right, Jacobs, next to him Elina Legat. And as for myself, I am
9 Jennifer Naouri.

10 PRESIDING JUDGE SAMBA: [9:44:33] Thank you very much, Ms Naouri.

11 And for the record, we do take note that Mr Said is in court with us.

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

13 MR SAID: [9:44:48](Interpretation) Yes. Good morning, your Honour, Madam
14 President.

15 PRESIDING JUDGE SAMBA: [9:44:54] Yes. Good morning.

16 The Prosecution is calling P-0529 as its 52nd witness.

17 The Chamber had originally allowed the introduction of P-0529's prior recorded
18 testimony pursuant to Rule 68(2)(b) of the Rules. However, due to amendments
19 made in the declaration process, the Chamber found it more appropriate to introduce
20 P-0529's prior recorded testimony pursuant to Rule 68(3) instead, in decision
21 numbered 833.

22 It is the Chamber's understanding that this witness will be testifying in French, so I
23 remind everyone of the importance of the need to speak slowly and to observe the
24 five-seconds rule between question and answer.

25 We understand that the Defence has something to say to us. Otherwise, I have an

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1 oral decision I'd want to render.

2 MR JACOBS: [9:46:10] (Interpretation) Good morning, your Honours.

3 We have an oral request as regards the different dialogues of this witness and, to be

4 clear, the Defence opposes for the amendments carried out by the witness in 2023

5 during -- in the preparation session on 22 December 2023.

6 This witness made it on 9 and 10 November 2016. As you said, after the decision of

7 the Chamber, on his previous declaration *en vertu* of the Regulation 68(b), the witness

8 met the OTP on 17 March and made some corrections.

9 Once again, as you yourself said, the one of 2024 was -- I repeat, 2 August 2024, the

10 Chamber requalified this status. So, I repeat, on 22 August 2024, the Chamber made

11 a decision about the requalification of the testimony, as said -- according to

12 Regulation 68(3) and no longer under 68(2)(b) and given these new elements given in

13 this declaration regarding the statements relating to Said.

14 Sorry, I was waiting for the end of the interpretation. I realise I'm speaking a bit

15 quickly.

16 So the fact that in his correction this witness mentioned Mr Said for the first time, for

17 the Defence, from the moment when the Chamber changed the statute of -- the status

18 of this witness, firstly, it is up to the Prosecution not to use -- during the preparation

19 there are some dates, the corrections of 2023, particularly those that led to the

20 requalification of his testimony. So it shouldn't have been presented to the

21 witness -- the corrections should not have been presented to the witness in order not

22 to influence him so that it would not be in any way biased.

23 Above all, with this witness, your Honour, your Honours, we see the limits of the

24 process of establishing a later statement given the admission according to the Rule 68.

25 In November 2016, the witness signed his testimony saying that it is correct and

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1 accurate after having reread it in 2016. And yet, in March 2023, the witness carried
2 out corrections, amendments, mentioning Mr Said for the first time and there, once
3 again, confirms that his testimony is accurate subject to the amendments made.
4 Yet, 25 September 2024, during the preparation session, the witness introduces
5 additional corrections for the third time and says, for example, for the first time that
6 the minibus -- he was taken to the OCRB before going to Camp de Roux. This is a
7 new fact.
8 During his preparation, in September 2024, the witness even brought amendments to
9 the amendments of the previous occasion in '23, so he corrects -- items which he
10 corrected in 2023, he corrects once again in 2024.
11 So for us, for the Defence, under these conditions, how can we have any confidence
12 that this witness can assure that his testimony is truthful, his previous recorded
13 testimony?
14 Above all, because the willingness since the testimony of 2016 to attach the incidents
15 of the minibus to the ORCB -- the OCRB, which no other witness corroborates or
16 confirms, which means there is serious doubts on the credibility of this witness.
17 Under these conditions, the Defence regards that this witness must say in the hearing
18 that all corrections to the previous testimony in the prior recorded testimony are -- I'm
19 going to repeat, that in the hearing must elicit during the primary investigations -- *
20 Sorry I am going to slow down because there appears to be smalls issues with the
21 interpretation. -- correction, examination in chief. So the Prosecution must elicit
22 during the examination all corrections without using the corrections of 2023 and
23 without using the log of 2024. Final point, your Honour, your Honours, if the
24 Chamber authorises the admission -- admissibility according to 68(3) of these two
25 documents -- nevertheless, this admission must not cover information which we

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1 regard as more contentious. For example, the mention made to Mr Said for the first
2 time during the correction of 2024 which has led the Chamber to decide to reach this
3 decision, and the information in the preparation log of 2024 of the OCRB and that the
4 minibus was at the OCRB which is a new element, new information.

5 In the case in the past regarding P-1289 when Said was mentioned for the first time
6 during the preparation session, the Chamber rendered a decision in order to refuse
7 the introduction of the log and ordered the Prosecution to elicit information which
8 was contested directly during the hearing.

9 * And I refer to the Chamber's decision via email of 29 January 2024. So, I repeat, the
10 Chamber's decision via email dated 29 January 2024 on.... 29 January 2024. I see
11 November in the English transcript.

12 THE INTERPRETER: [9:55:51] Correction of the English booth: It's 29 January 2024.

13 MR JACOBS: [9:56:02] (Interpretation) I say this is a decision that was made by
14 email. For us, the situation is precisely the same. There is new information which
15 was not in the prior recorded testimony where the OCRB and Mr Said were
16 mentioned for the first time on issues of this importance, this has to be carried out in
17 the direct examination in order that we obtain the information that we require.

18 So we need examination-in-chief of the witness by the Prosecution. Thank you,
19 madam.

20 PRESIDING JUDGE SAMBA: [9:57:04] Thank you very much, Mr Jacobs.

21 This would be our decision, if the Prosecution -- do you want to say anything or -- in
22 respect of what Mr Jacobs has said?

23 MS MAKWAIA: [9:57:22] Just briefly, your Honours. I'm in your hands subject to
24 your decision.

25 It's evident, your Honours, after your decision of 2 August 2024 at paragraph 48, the

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1 reason of converting this witness from a Rule 68(2)(b) witness to a Rule 68(3) witness
2 was to allow the Defence the opportunity to cross-examine the witness on these
3 precise issues. So this objection comes rather late. If it's a review of your decision,
4 it should have been done before today.

5 And secondly, your Honours, the witness is entitled, even as he testifies before you
6 here today, to make any additional clarifications or give further explanations of his
7 lived experience during the alleged period that we state Mr Said committed certain
8 acts.

9 So for those reasons, your Honour, I think the Prosecution is entitled to proceed
10 under Rule 68(3) and is entitled to rely on the log with the clarifications that have
11 been given by the witness. Thank you, your Honours.

12 PRESIDING JUDGE SAMBA: [9:58:40] Thank you very much, Ms Makwaia.

13 Now, this will be our position:

14 Because of the reasons raised by counsel, Mr Jacobs, this witness during the
15 declaration process, this Chamber ruled that P-0529 appears and testifies pursuant to
16 Rule 68(3) instead of Rule 68(2)(b) as we earlier noted in our introduction today.

17 So the Chamber instructs the Prosecution to question this witness, P-0529, in respect
18 of contentious issues raised by Mr Jacobs, the issues relating to the mention of
19 Mr Said and the PK9 minibus incident referred to in the amendments -- the
20 amendments made by this witness in the documents of March 2023 and
21 September 2024.

22 Now, in respect of contentious issues highlighted by counsel, Mr Jacobs, the
23 defendant is as liberty to question this witness in respect of anything new that he may
24 say in his testimony or in the amendments of March 2023 and September 2024.

25 So we'll allow the Prosecution to carry on with this witness and lead the witness in

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1 those respects that I have just mentioned, which is the very reason why we converted
2 this witness's testimony to Rule 68(3) instead of Rule 68(2)(b).

3 Thank you very much. That would be our ruling in that respect.

4 I have another oral decision I want to render regarding the Prosecution inclusion of
5 tab 3 on its list of evidence -- or list of materials.

6 With regard to P-0529, the Chamber notes the Defence's email dated 1 October 2024,
7 at 3:44 p.m., in which it submits that item CAR-OTP-2041-0043, tab 3 of the
8 Prosecution's list of materials for P-0529 was not previously included in the list of
9 evidence provided by the Prosecution or in any of the amended versions thereafter of
10 the list of evidence. The Defence argues that the Prosecution should not be able to
11 use evidence that is not on its list of evidence or materials when examining witnesses
12 without first obtaining the Chamber's authorisation to add such items to the list of
13 evidence. The Defence notes that the Prosecution previously referred to this
14 evidence in the context of its application to introduce P-0529's prior recorded
15 testimony under Rule 68(2)(b) of the Rules, and submits that the Prosecution
16 knowingly chose not to include the item on its list of evidence despite being aware
17 that it exists.

18 In its response, dated 1 October 2024, the Prosecution submits that there is no
19 requirement to seek leave from the Chambers as a document listed at tab 3 forms part
20 of the witness's statement. The Prosecution states that tab 3 is not a stand-alone
21 document and was signed by the witness when his prior recorded testimony was
22 taken.

23 The Chamber has taken note of the parties' submissions and will now issue its
24 decision.

25 As the Chamber stated before, if an item is not on the Prosecution's list of evidence,

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1 the Prosecution must seek authorisation to use said item, and in doing so must
2 provide the reasons for which the item was not included in the original list of
3 evidence when it was disclosed. It is not enough to simply state, as the Prosecution
4 has, that the item of evidence is related to a witness's prior recorded testimony or is
5 otherwise not a stand-alone item of evidence.

6 In relation to this document, the Chamber notes that it does not appear on the original
7 list of evidence, that the Prosecution indicated -- that the Prosecution indicated that it
8 does not want to introduce it as such, and that it has a separate ERN number. As
9 such, it's not evidence and cannot be used by the Prosecution.

10 The Chamber also notes that the Prosecution has requested leave to add the
11 item -- has not, sorry -- I'll go over that again. The Chamber also notes that the
12 Prosecution has not requested leave to add the item on its list of evidence as required
13 by paragraph 26 of the decision on setting the commencement date of trial and related
14 deadlines - that is decision numbered 243 - nor has it articulated sufficient reasons for
15 its non-inclusion in the list of the evidence at the time it was disclosed. The
16 Chamber therefore upholds the Defence's objection to the use of CAR-OTP-2041-0043
17 in its examination of P-0529.

18 Now this concludes the Chamber's ruling.

19 Before commencing, the Chamber notes briefly that protective measures are
20 confirmed for this witness by virtue of decision numbered 870 issued on Friday.

21 The Chamber also observes that the VWU has not recommended any special
22 measures for this witness.

23 Can the court clerk please bring in the witness. Thank you.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE SAMBA: [10:07:37] A very good morning to you, Mr Witness.

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1 WITNESS: CAR-OTP-P-0529

2 (The witness speaks French)

3 THE WITNESS: [10:07:42](Interpretation) Good morning.

4 PRESIDING JUDGE SAMBA: [10:07:43] Now, you are going to testify before the
5 International Criminal Court. On behalf of this Chamber, I welcome you to this
6 courtroom.

7 THE WITNESS: [10:07:54](Interpretation) Thank you very much.

8 PRESIDING JUDGE SAMBA: [10:07:56] Now, Mr Witness, you should have in front
9 of you the solemn undertaking which every witness who appears before us must
10 agree to. Can you please read that out loud for us.

11 THE WITNESS: [10:08:16](Interpretation) Solemn undertaking: I solemnly declare
12 that I will tell the truth, the whole truth and nothing but the truth.

13 PRESIDING JUDGE SAMBA: [10:08:31] Thank you very much, Mr Witness.

14 Now, do you understand and agree to what you just read out?

15 THE WITNESS: [10:08:46](Interpretation) Yes, your Honour. I've understood.

16 PRESIDING JUDGE SAMBA: [10:08:49] Good. We will continue.

17 Now, Mr Witness, let me explain to you the protective measures that this Chamber
18 has put in place for your testimony. We have in place for you the use of voice and
19 face distortion for the duration of your testimony. This means that no one outside
20 the courtroom can see your face or hear your real voice during your testimony.

21 We also have in place for you the use of pseudonym. In accordance with that, we
22 shall all refer to you only as "Mr Witness" so that the public does not know your
23 name.

24 When you answer questions that will not give away who you are, we will do so in
25 open session which 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 to mention facts that might reveal your identity, we will do so in private
4 session.

5 Lastly, Mr Witness, I have a few practical matters you should have in mind when
6 giving your testimony. Everything we say here is written down and interpreted, so
7 it is important to speak clearly and at a slow pace. Please speak into the
8 microphones you have before you and only start speaking when the person asking
9 you the question has finished. To allow for the interpretation, we all have to wait a
10 few seconds before we start to speak.

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

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

14 THE WITNESS: [10:11:37](Interpretation) I've understood, your Honour.

15 PRESIDING JUDGE SAMBA: [10:11:40] Thank you very much.

16 So I'm going to invite the Prosecution to put questions to you.

17 Madam Prosecutor, your witness, please.

18 MS RAWOAH: [10:12:00] Thank you, Madam President.

19 QUESTIONED BY MS RAWOAH:

20 Q. [10:12:06] Good morning, Mr Witness. My name is Anusha Rawoah and I am a
21 member of the Prosecution team for this trial.

22 Madam President, can we please go briefly into private session to enable the witness
23 to identify his information, personal information, please.

24 PRESIDING JUDGE SAMBA: [10:12:25] Madam Court Officer, can we go briefly
25 into private session, please. Thank you.

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1 MS RAWOAH: [10:12:37] Thank you, Madam President.

2 (Private session at 10.12 a.m.)

3 THE COURT OFFICER: [10:12:42] We are in private session, Madam President.

4 PRESIDING JUDGE SAMBA: [10:12:46] Thank you very much. Counsel, please
5 continue.

6 MS RAWOAH: [10:12:51] Thank you.

7 Q. [10:12:52] Mr Witness, what are your names?

8 A. [10:12:55] Thank you, Prosecutor. (Redacted) is my name.

9 Q. [10:13:06] And what is your occupation?

10 A. [10:13:15] (Redacted).

11 MS RAWOAH: [10:13:20] Madam President, can we please go back to open session.

12 PRESIDING JUDGE SAMBA: [10:13:26] Madam Court Officer, can we go into open
13 session, please.

14 (Open session at 10.13 a.m.)

15 THE COURT OFFICER: [10:13:39] We are back to open session, Madam President,
16 your Honours.

17 PRESIDING JUDGE SAMBA: [10:13:42] Carry on, counsel.

18 MS RAWOAH: [10:13:45] Thank you, Madam President.

19 Q. [10:13:47] Mr Witness, considering that we are now in open session, please be
20 careful not to mention your names or any information which would identify you.

21 Now, Mr Witness, do you remember being interviewed or questioned by the
22 investigators of the Office of the Prosecutor in November 2016?

23 A. [10:14:13] Yes, I remember. I remember being interviewed in 2016.

24 Q. [10:14:22] And when you were interviewed in November 2016, was a statement
25 taken by the investigators?

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1 A. [10:14:35] Yes, indeed. A statement was taken, and I even signed the
2 statement.

3 Q. [10:14:43] At the end of the interview in 2016, did you have an opportunity to
4 read the statement or have the statement read back to you?

5 A. [10:15:01] Yes, Madam Prosecutor. I was able to reread it and I was able to
6 make some corrections thereto.

7 Q. [10:15:07] After having read the statement, did you sign the statement?

8 A. [10:15:16] Yes, I read the entire statement, and I initialled it and signed it.

9 MS RAWOAH: [10:15:23] Could the court officer please display on the witness
10 screen tab 1, CAR-OTP-2041-0031-R03, please.

11 Q. [10:15:56] Mr Witness, do you see a document on your screen?

12 A. [10:16:08] Yes, I'm looking at it. It is a statement.

13 Q. [10:16:14] Do you recognise any name on the first page?

14 A. [10:16:23] Yes. It is my name.

15 MS RAWOAH: [10:16:29] Can the court officer please display page 2 of the
16 document, please. Thank you.

17 A bit at the top. Yes, thank you.

18 Q. [10:16:41] Mr Witness, on this page do you recognise any signature?

19 A. [10:16:52] Yes. I see my name and the signature and I see the date of the
20 signature.

21 Q. [10:17:02] Can we now move to page 12, court officer, last page.

22 Mr Witness, are you able to see this page on your screen?

23 A. [10:17:23] Yes, it's shown. I can see it here.

24 Q. [10:17:27] Can you see the signature on it?

25 A. [10:17:35] Yes, it's still my signature and the date on which I signed.

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1 MS RAWOAH: [10:17:41] Thank you, court officer, the document can be removed
2 from the screen.

3 Q. [10:17:44] Mr Witness, in March 2023, did you provide any clarification
4 regarding your statement to the investigators?

5 A. [10:18:01] Yes. I remember in March 2023, I read this statement and I made
6 some small corrections thereto.

7 Q. [10:18:14] And were there clarifications written down in a language which you
8 understand?

9 A. [10:18:26] Yes, it was written in French and I understand it very well.

10 Q. [10:18:32] After the clarifications were written down, did you have an
11 opportunity to read the clarifications?

12 A. [10:18:45] Yes, Madam Prosecutor, I reread everything and then I signed it at the
13 end.

14 Q. [10:18:55] May I request the court officer to please display on the witness screen
15 tab 2, CAR-OTP-00001310-R01, please.

16 Mr Witness, are you able to see the document on your screen?

17 A. [10:19:24] Yes, I'm looking at it.

18 Q. [10:19:28] Are you able to read the first line on the top of the page?

19 A. [10:19:44] "Meeting with the Office of the Prosecutor under Rule 68-2-b of the
20 Rules of Procedure and Evidence of the International Criminal Court (ICC)."

21 Q. [10:20:02] Thank you.

22 Madam Court Officer, can we please go to the last page of this document, please.

23 Apologies, can we go to the second page, rather. Yes, here. To the bottom. Thank
24 you.

25 Mr Witness, are you able to recognise any signature on this page, please?

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1 A. [10:20:41] * Yes, yes I recognise it. These are the investigators who came by to
2 question me and I see their signatures.

3 I also see my signature

4 Q. [10:20:57] Your own signature is found where? If you can just explain.
5 Compared to the investigator's signature, where is your signature found?

6 A. [10:21:17] My signature, Prosecutor, is at the top here. You can see it. It is on
7 your screen. That is my signature.

8 Q. [10:21:27] Thank you, Mr Witness.

9 This document can now be removed.

10 Mr Witness, do you recall meeting myself and a colleague through video link two
11 weeks ago?

12 A. [10:21:45] Yes, I remember having met you in a video conference and we had a
13 discussion.

14 Q. [10:21:54] And at that meeting, did you have an opportunity to go through your
15 witness statement dated November 2016?

16 A. [10:22:09] Yes, Prosecutor, I reread it and there were some small corrections.
17 Typos, things like that which had to be corrected.

18 Q. [10:22:19] And during that meeting, did you have the opportunity to go through
19 the clarifications which you provided in March 2023?

20 A. [10:22:35] Yes, Prosecutor. I reread everything and I made the corrections.

21 Q. [10:22:44] During that meeting, did you provide any other clarification or
22 correction?

23 A. [10:23:01] These were just small clarifications. It wasn't much.

24 Q. [10:23:05] And those clarifications were written down?

25 A. [10:23:13] Indeed, they were written down.

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1 Q. [10:23:16] Were they read back to you in a language which you understand?

2 A. [10:23:25] Yes, Prosecutor. It was in French which I understand. It was in
3 French.

4 Q. [10:23:30] And, Mr Witness, did you sign the document at the end?

5 A. [10:23:40] Indeed, Prosecutor. I signed this document, having re-read it.

6 Q. [10:23:47] (Microphone not activated)

7 THE INTERPRETER: [10:23:49] Microphone, please.

8 MS RAWOAH: [10:23:54] Sorry. Can the court officer please display on the
9 witness screen tab 5, CAR-OTP-00037497-R01, please. Can we go to the second page.

10 Q. [10:24:19] Mr Witness, are you able to see this document on your screen?

11 A. [10:24:30] Yes, I can see the document. I can see it. Corrections and
12 clarifications.

13 MS RAWOAH: [10:24:40] Can we go on the last page of the document, Madam
14 Court Officer.

15 Q. [10:24:45] Mr Witness, do you recognise any name on this page?

16 A. [10:25:10] It's in English. Is it in English? I can't see it very well.

17 Q. [10:25:17] Mr Witness, do you recognise any signature on this page, rather.

18 A. [10:25:24] Yes, it is my signature with the date on which I signed recently. It is
19 my signature.

20 Q. [10:25:32] And do you recognise any name thereat?

21 A. [10:25:44] The name is not written here. In the document, I don't see the
22 surname. Maybe if you go down a bit.

23 Q. [10:26:08] Can you see a signature?

24 A. [10:26:09] Yes. Yes, I see a signature, Prosecutor, and I can see my name just
25 below the signature.

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1 Q. [10:26:20] Yes, thank you, Mr Witness.

2 Mr Witness, do you agree that the honourable judges use your statement and
3 associated materials as well as clarifications which you provided to enable them
4 determine the truth in this trial?

5 A. [10:26:53] Yes, Prosecutor. I'm sorry, please go ahead. Please ask your
6 question.

7 Q. [10:27:00] (Microphone not activated)

8 THE INTERPRETER: [10:27:05] Microphone.

9 PRESIDING JUDGE SAMBA: [10:27:07] Can you turn your microphone on, counsel.

10 MS RAWOAH: [10:27:11] Yes, sorry, I'm guided.

11 Madam President, I have a few supplementary questions for which I will move that
12 we go briefly in private session.

13 PRESIDING JUDGE SAMBA: [10:27:31] Madam Court Officer, can we go into
14 private session briefly, please.

15 (Private session at 10.27 a.m.)

16 THE COURT OFFICER: [10:27:43] We are in private session, Madam President.

17 PRESIDING JUDGE SAMBA: [10:27:46] Carry on, counsel.

18 MS RAWOAH: [10:27:50] Thank you, Madam President.

19 Can the court officer please display anew tab 2, that is, CAR-OTP-00001310-R01.

20 Q. [10:28:14] Mr Witness, can you see this document on your screen?

21 A. [10:28:23] Yes, I'm looking at it, Madam Prosecutor.

22 Q. [10:28:26] Can you tell us what this document is about?

23 A. [10:28:42] Yes, it's about a meeting with the representatives of the Office of the
24 Prosecutor and myself in Bangui.

25 MS RAWOAH: [10:28:53] Madam Court Officer, can we go to the bottom of the page,

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1 the last paragraph.

2 MR JACOBS: [10:29:00] (Interpretation) Your Honour.

3 PRESIDING JUDGE SAMBA: [10:29:01] Yes, Mr Jacobs.

4 MR JACOBS: [10:29:04] (Interpretation) So I would prefer to intervene. Could we
5 not show the document to the witness for an objection before I can make it, because
6 the understanding of the decision of the Chamber is that the Prosecution has to
7 question the witness on the contentious elements and it cannot show the corrections.
8 If not, that defeats the purpose of it.

9 So we object, and I'm anticipating that they want to show the corrections to the
10 witness in order to get the witness to confirm them and that is not the -- it's leading
11 and it's not the purpose of the exercise here.

12 PRESIDING JUDGE SAMBA: [10:29:40] Objection upheld.

13 I think, counsel, you must have understood the ruling of the Chamber in respect of
14 two contentious issues relating to the amendments or clarifications of March 2023 and
15 September 2024. So you cannot show the documents to the witness before you
16 question him.

17 MS RAWOAH: [10:30:02] Indeed, Madam President. So I will just proceed with
18 the questions straight away.

19 Q. [10:30:13] Mr Witness, can you tell the Court how do you know that the minibus
20 regarding the incident at PK9, can you tell the Court how do you know that the
21 minibus first went to the OCRB?

22 MR JACOBS: [10:30:31] (Interpretation) Madam President, my apologies.

23 PRESIDING JUDGE SAMBA: [10:30:40] Mr Jacobs -- Mr Jacobs, objection upheld.

24 Now, counsel, you are not testifying from the bar and you are leading this witness in
25 chief. You know, I'm sure, that leading questions must not be asked at this stage.

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1 Phrase your question, consult with your senior, and put the question, if you may.

2 MS RAWOAH: [10:31:03] Thank you, Madam President.

3 Q. [10:31:06] Mr Witness, you explained earlier on that in March 2023 you made
4 certain clarifications.

5 Can you tell the Court what clarification did you make?

6 A. [10:31:33] Thank you. Thank you, your Honour.

7 So the clarifications that I made on the date of March 2023, they were on the minibus
8 which was stopped, and it was going to the central office.

9 PRESIDING JUDGE SAMBA: [10:32:01] Can I ask, because I see you're looking, is it
10 your own notes that you made or -- what are you reading from your desk? Are you
11 reading from some document or something.

12 THE WITNESS: [10:32:13](Interpretation) No, there isn't a document. There's
13 nothing. No document here.

14 PRESIDING JUDGE SAMBA: [10:32:18] No, I thought -- I thought you made a little
15 note while you are sitting there. I'm not inferring anything.

16 THE WITNESS: [10:32:20] (No interpretation)

17 PRESIDING JUDGE SAMBA: [10:32:24] It's okay. It's okay. It's clear.
18 Yes, carry on.

19 THE WITNESS: [10:32:34](Interpretation) With your permission, your Honour, and
20 could the Prosecution please repeat their question.

21 PRESIDING JUDGE SAMBA: [10:32:44] The question is that you said that you made
22 some certain clarifications in March 2023.

23 What were those clarifications, or what was that clarification that you said you made
24 in March 2023?

25 THE WITNESS: [10:33:07](Interpretation) That clarification, your Honour, was to

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1 correct the testimony which I made in 2016 and correct some errors. That's all it was.

2 I wanted to clarify the situation.

3 PRESIDING JUDGE SAMBA: [10:33:27] Yes. Yes, so what was that clarification

4 specifically that you made that you had forgotten to make or that you did not make in

5 2016? What was that clarification that you made, if you remember?

6 THE WITNESS: [10:33:44](Interpretation) Yes, that clarification, your Honour, as I

7 said just now, it didn't change in my statement. It was only slight mistakes,

8 grammar, spelling, but the declaration as such did not change, did not vary. The

9 content remained the same.

10 PRESIDING JUDGE SAMBA: [10:34:07] Thank you.

11 Counsel, please continue.

12 MS RAWOAH: [10:34:10]

13 Q. [10:34:11] Mr Witness, will you be able to explain the clarifications which you

14 made?

15 PRESIDING JUDGE SAMBA: [10:34:21] Did you hear him just now, counsel?

16 MS RAWOAH: [10:34:24] Yes, I did, Madam President.

17 Q. [10:34:35] Mr Witness, two weeks ago when we met through video link, you

18 made further clarifications and corrections to your statement, as you already stated

19 earlier on. Can you now tell the Court what clarifications or corrections you made

20 two weeks ago to your statement?

21 A. [10:34:59] Thank you, your Honour. I think it's a voluminous document. It's

22 more than 12 pages. It's more than 12 pages and there were -- there are things

23 that -- for example, there was a paragraph where we talked about Abdel Kalile, I

24 remember the last time, who was responsible for the OCRB at the time -- the OCRB

25 where there were exactions that took place, and where my compatriots were taken,

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1 where he was in charge. And later on they reported disappeared. Later on, we
2 found their bodies. So I tried to take into account these modifications. But it was a
3 testimony that went on for 12 pages. I'm not sure if you're aware of that.

4 PRESIDING JUDGE SAMBA: [10:36:15] Yes, counsel, please continue.

5 MS RAWOAH: [10:36:22]

6 Q. [10:36:22] Did you --

7 PRESIDING JUDGE SAMBA: [10:36:25] Maybe before -- before the counsel puts her
8 question, Mr Witness, I see your answer. You're referring to the OCRB and some
9 name that appears on the English live transcript -- where there were exactions.
10 What's the name of that person you say was head of the OCRB?

11 THE WITNESS: [10:37:02](Interpretation) Yes, your Honour. Yes, I remember. It
12 was in 2013 during the time of the Seleka, and during that time the one who was in
13 charge of the OCRB was the office of banditry was Abdel Kalile, if I remember
14 correctly.

15 PRESIDING JUDGE SAMBA: [10:37:27] Thank you very much. It's now corrected
16 on the transcript actually. Abdel Kalile.
17 Yes, counsel, please continue.

18 MS RAWOAH: [10:37:38] (Microphone not activated)

19 Q. [10:37:40] Yes, Mr Witness, did you provide any clarification regarding the PK9
20 incident?

21 PRESIDING JUDGE SAMBA: [10:37:48] Counsel, please withdraw that question.

22 MS RAWOAH: [10:37:52] I withdraw the question, Madam President.

23 Q. [10:37:55] Mr Witness, do you agree that the honourable judges use your
24 statement, the associated materials and all the clarifications which you provided to
25 enable them to determine the truth in this trial?

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1 A. [10:38:20] Thank you, your Honour. I authorise the Chamber to use this
2 testimony from the beginning to the end to assist the Court to discover the truth of
3 what happened.

4 Q. [10:38:34] Thank you, Mr Witness.

5 MS RAWOAH: [10:38:35] Your Honour, Prosecution now formally submits the
6 following items from the list of materials -- tabs 1, 2, 4 and 5.

7 Your Honours, the Prosecution further submits that the conditions required under
8 Rule 68(3) have been met and requests that the witness's previously recorded
9 testimony to be introduced in evidence together with associated materials.

10 PRESIDING JUDGE SAMBA: [10:39:17] Are you done, counsel?

11 MS RAWOAH: [10:39:19] Yes, Madam President. Thank you.

12 PRESIDING JUDGE SAMBA: [10:39:22] Thank you very much.

13 Now, having been present before this Chamber, having agreed that his prior recorded
14 testimony can be submitted into evidence, the Prosecutor having questioned this
15 witness and the witness having agreed that the Defence and Chamber can question
16 him during these proceedings, the witness's prior recorded testimony, together with
17 its associated materials, save for the contentious issues relating to the PK9 minibus
18 issue, and the reference to Mr Said's name, are allowed into evidence.

19 So, Mr Witness, the Prosecution is done with its questions. I'm now going to ask the
20 Defence to put questions to you on behalf of their client. And thanks for your
21 cooperation.

22 Mr Jacobs, will you be doing the questions?

23 Your witness then, please. And we're in open session.

24 THE COURT OFFICER: [10:40:33] We're in private, your Honour.

25 PRESIDING JUDGE SAMBA: [10:40:35] Okay, we're in private session.

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1 MR JACOBS: [10:41:02] (Interpretation) Thank you, your Honour.

2 QUESTIONED BY MR JACOBS:

3 Q. [10:41:08] Good day, Mr Witness.

4 A. [10:41:10] Good day, Mr Jacobs.

5 Q. [10:41:20] You already have the -- you seem to know my name. My name is
6 Jacobs. I'm going to ask questions to you on behalf of Mr Said.

7 As the Presiding Judge has said, we have to speak slowly, particularly since we speak
8 the same language. So we might have the tendency to talk normally, so we have to
9 force ourselves to pause. I'm going to wait for five seconds after I've spoken and
10 please wait some seconds before answering my question so that the interpreters can
11 interpret everything for the Chamber and that everything is written down. So we
12 must be careful not to speak too quickly?

13 A. [10:42:04] Fine.

14 Q. [10:42:07] I'm going to start with some questions as regards your background,
15 Mr Witness.

16 Where were you born, Mr Witness, in what town?

17 A. [10:42:31] (Redacted).

18 Q. [10:42:39] (Redacted)

19 (Redacted)?

20 A. [10:42:49] (Redacted).

21 Q. [10:42:55] Did you also live in that neighbourhood before 2013?

22 A. [10:43:07] I was born there and I grew up there in that neighbourhood.

23 Q. [10:43:21] Thank you, Mr Witness.

24 So very quickly, as regards your background, you say in your previous testimony in
25 paragraph 11, you were at the (Redacted) and you have a degree in sociology. Can

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1 you say which year that happened, between which years did you carry out your
2 degree?

3 A. [10:43:45] 2000 -- 2018-2024.

4 Q. [10:43:52] Yes, go ahead.

5 A. [10:43:58] No, it was in (Redacted).

6 Q. [10:44:06] (Redacted)

7 (Redacted)?

8 A. [10:44:12] (Redacted).

9 Q. [10:44:37] And after your diploma, after the *licence*, your degree, what happened
10 after that?

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 Q. [10:46:40] Fine. Thank you for your background. It's very clear. I've got all
25 the information I need.

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1 Just a clarification, in your previous statement at paragraph 11 - I'll give you the
2 reference for the file, CAR-OTP-2041-0031, tab 1 in the French version and 1.3 in the
3 English version - in paragraph 11 (Redacted)
4 (Redacted).

5 So could you clarify the year, please?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SAMBA: [10:47:46] Carry on, I just wanted the correction to
10 2008, as he said in paragraph 11, because on the screen it's 2018. But we get it.
11 Carry on.

12 MR JACOBS: [10:48:02] (Interpretation) Thank you, it's very clear.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:48:20] Yes.

17 PRESIDING JUDGE SAMBA: [10:48:22] Sorry, Mr Jacobs, can I ask for the print, the
18 transcript, can I ask that it be read 2008 and not 18. 2008 is what the witness said.
19 The English transcript.

20 Carry on, Mr Jacobs.

21 MR JACOBS: [10:48:45] (Interpretation)

22 Q. [10:48:45] Yes, we have to be really careful, Mr Witness, all of us. Because in
23 the transcript we're going to read it later on in some months, in some years, so
24 it's -- we have to be really careful that we're correct, so I'm going to put my question
25 to you again.

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1 I see you just said that you asked for the authorisation from (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [10:49:25] Yes, I just want to be clear so that everything is crystal clear.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:50:25] Thank you, it's clear.

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 Q. [10:52:01] Thank you. When you talk about your partners, did you have links
23 to the government or to administration, for example, who offered you assistance?

24 A. [10:52:15] No, no, sir, not in the government or administration. You know,
25 sometimes I attacked the government, sometimes I did attack the government, so I

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1 didn't receive any subsidies from them. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [10:53:05] Yes, of course. Of course, sir.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [10:54:20] No, it was later. It was later. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:55:06] Thank you, Mr Witness. I ask because I wanted to know whether

21 you had any training between 2008 and 2013 and you said no, it was only afterwards

22 that you had training?

23 A. [10:55:21] Yes, it was after 2014. But if not, there was training and support

24 from 2018, there was support in the capacities in workshops and I -- they were

25 organised by the partners, for example, MINUSCA and others. For example, the

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1 PNUD as well.

2 (Redacted)

3 (Redacted)

4 A. [10:56:03] I had a small team (Redacted) because it depended on my budget.

5 When you employ people, you have to pay them. And it was starting up, we didn't

6 have that many means, so we only had a small team (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [10:56:54] Yes, I remember because I was appointed.

11 Q. [10:57:09] Sorry, Mr Witness.

12 So you said you were appointed. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [10:58:38] (No interpretation)

23 Q. [10:58:40] If you remember, can you give us the name of that person in 2013 who

24 stood in for you?

25 A. [10:58:48] It was (Redacted), but he has passed away.

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1 Q. [10:59:09] (Redacted).

2 MR JACOBS: [10:59:15] (Interpretation) Your Honour, I see the time. I'm going to
3 move on to my next topic, so maybe it's a good moment to have a break.

4 PRESIDING JUDGE SAMBA: [10:59:26] Yes, Madam Court Officer, can we go into
5 open session, please.

6 (Open session at 10.59 a.m.)

7 THE COURT OFFICER: [10:59:40] We are in open session, Madam President.

8 PRESIDING JUDGE SAMBA: [10:59:41] Thank you very much.

9 Mr Witness, we're going to take a short break now and come back in 30 minutes and
10 continue with your testimony.

11 I rise the Court for 11:30, please.

12 THE COURT USHER: [10:59:54] All rise.

13 (Recess taken at 10.59 a.m.)

14 (Upon resuming in open session at 11.33 a.m.)

15 THE COURT USHER: [11:33:45] All rise.

16 Please be seated.

17 PRESIDING JUDGE SAMBA: [11:34:13] Good morning again, everyone.

18 Mr Witness, we're going to continue with your testimony, and I'm going to ask

19 Mr Jacobs to continue putting questions to you on behalf of his client.

20 Mr Jacobs, your witness. We're in open session.

21 MR JACOBS: [11:34:33](Interpretation) Thank you, Madam President. I think, at
22 least for the beginning of the next series of questions, we would need to go into
23 private session.

24 PRESIDING JUDGE SAMBA: [11:34:50] Madam Court Officer, can we go into
25 private session a bit, please.

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1 (Private session at 11.35 a.m.)

2 THE COURT OFFICER: [11:35:03] We are in private session, Madam President,
3 your Honours.

4 PRESIDING JUDGE SAMBA: [11:35:06] Thank you very much.

5 Mr Jacobs, please put your questions.

6 MR JACOBS: [11:35:11](Interpretation) Thank you, Madam President.

7 Q. [11:35:15] Good morning again, Mr Witness.

8 A. [11:35:19] Good morning, counsel.

9 Q. [11:35:20] A short while ago, before the break, and (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [11:35:43] Yes, I confirm.

13 Q. [11:35:54] And when precisely were you appointed?

14 A. [11:36:00] You mean the date of the appointment? I cannot remember the date.

15 Q. [11:36:15] Very well. No problem. I would like to help you a little bit.

16 Madam Court Officer, I would like tab 15 on our list displayed, and it is

17 CAR-OTP-2004-0955. And this document can be shown to the witness. And then
18 to page 0989, please.

19 Can you see that document, Mr Witness?

20 A. [11:37:06] Yes.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [11:38:04] Yes, it is indeed my name. As well as those of the other colleagues.

3 Q. [11:38:13] I know it's quite frustrating, Mr Witness, but please try to wait a few
4 seconds. Try to observe a pause. Because since we both speak French, it is a bit
5 difficult for interpreters. So after I ask my question, please try to observe a few
6 seconds; is that fine?

7 A. [11:38:33] Yes.

8 Q. [11:38:38] Very well. Now, if I understand this decree very well, you were
9 appointed on (Redacted), can you confirm that.

10 A. [11:38:56] Can you scroll down to the last page, please, for the date and
11 signature.

12 Q. [11:39:06] I would like us to scroll down. I'm not sure there's a signature there.
13 The date of the decree is on the left there, that is (Redacted). If you can scroll down,
14 please.

15 So there at the bottom we can see the name of the prime minister, chef of state -- head
16 of state, but I don't think there is a signature in the official gazette, Mr Witness. It is
17 just a copy of the decree without the signature.

18 A. [11:39:57] Yes, it is the decree. It is the date mentioned above, (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. [11:42:12] Very well.
- 11 (Redacted)
- 12 (Redacted)
- 13 A. [11:42:27] Thank you, Madam President. Thank you, counsel.
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted). That is quite simple.
- 18 Q. [11:42:58] Very well. (Redacted)
- 19 (Redacted)
- 20 A. [11:43:09] I -- we did not know each other. (Redacted)
- 21 (Redacted)
- 22 Even though his close relatives, people that he knew, wanted that position, he said no,
- 23 and I will take this person to help him in those duties.
- 24 Q. [11:43:34] Very well. (Redacted)
- 25 (Redacted)

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1 A. [11:43:45] Yes, counsel, it was in 2015.

2 Q. [11:43:51] (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 Q. [11:46:04] Very well, Mr Witness.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [11:46:20] Yes.

23 MR JACOBS: [11:46:24](Interpretation) Madam President, we can go into open

24 session, please.

25 PRESIDING JUDGE SAMBA: [11:46:28] Madam Court Officer, can we go into open

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1 session, please.

2 (Open session at 11.46 a.m.)

3 THE COURT OFFICER: [11:46:42] We are in open session, Madam President.

4 PRESIDING JUDGE SAMBA: [11:46:46] Mr Jacobs, please put your questions.

5 MR JACOBS: [11:46:52](Interpretation) Thank you, Madam President.

6 Q. [11:46:55] Mr Witness, do you know what Minister Koumba was doing before
7 March 2013?

8 A. [11:47:07] Yes. This gentleman is a former diplomat. He had been a minister
9 on several occasions under several regimes and his last position was at the CEMAC as
10 a diplomat before going on retirement.

11 Q. [11:47:39] Very well. And do you know when he was appointed to CEMAC?

12 A. [11:47:52] I do not know the precise date, but he spent a long time there. That
13 is what I know.

14 Q. [11:48:17] Madam Court Officer, if we could display -- I'm sorry, I did not ask
15 for the formal submission of the decree, so I would like to track back a little bit and
16 ask for the formal submission of CAR-OTP-2004-0955. That is tab 15.

17 If CAR -- we can display CAR-D33-0014-1247. It is tab 19 on our modified list and it
18 can be shown to the witness and the public.

19 And if you can scroll down a little bit, the time -- the title says, "CEMAC: Who will
20 succeed Antoine Ntsimi".

21 If we can scroll down under the photograph, please, you can see that this is an article
22 that was published on *17 May 1012.

23 Can you see that, Mr Witness?

24 A. [11:50:02] Yes.

25 Q. [11:50:06] And if we go to page 1248 we can see that it mentions Antoine Ntsimi,

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1 who had been at the CEMA since 2007, in the first paragraph. Can you see that?

2 A. [11:50:24] Yes.

3 Q. [11:50:31] And the second paragraph:

4 "Those who are in the frame are former prime ministers Élie Doté and Enoch Derant

5 Lakoué (and he is said to be ill) are not unanimously accepted to the point where

6 President Bozizé could bring out a third person: Bounandele Koumba, former

7 secretary of state in the Ministry of Finance who was trained at the national school of

8 customs in Neuilly, in France, and who knows CEMAC, because he has been there for

9 12 years as adviser for international affairs."

10 So, here, in 2012, there is this information that Bounandele-Koumba had spent

11 12 years at CEMAC and that he was being considered as a possible candidate to lead

12 the CEMAC.

13 So does that refresh your memory, that it was after those 12 years and more that he

14 was appointed to head the CEMAC?

15 A. [11:51:46] No, he was not appointed to head CEMAC.

16 Q. [11:51:54] Thank you, Mr Witness.

17 I would like to ask for the formal submission of this document.

18 And so in 2013, when Bounandele-Koumba became a minister, can you confirm that?

19 A. [11:52:20] Yes, I confirm it. {ICR: (Redacted).}

20 THE INTERPRETER: [11:52:29] And counsel has said this was under Djotodia.

21 MR JACOBS: [11:52:58](Interpretation)

22 Q. [11:52:58] And after 2013, Mr Koumba stayed as a minister in 2014, after

23 the departure of Djotodia; can you confirm that?

24 A. [11:53:12] Yes. He stayed on as a minister. After the Ministry of Labour, he

25 was appointed to the Ministry of Posts and Telecommunications, and then on to

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1 the Ministry of Finance before being removed.

2 Q. [11:53:35] Thank you, Mr Witness. Do you remember when he was appointed
3 to the Ministry of Finance?

4 A. [11:53:41] I no longer remember the precise date.

5 Q. [11:53:53] Very well.

6 I would like now to have document CAR-D33-0014-1252. It is a document that can
7 be shown to the witness and the public.

8 PRESIDING JUDGE SAMBA: [11:54:13] Is there any tab number, counsel?

9 MR JACOBS: [11:54:16](Interpretation) I'm sorry, it's tab 20.

10 Q. [11:54:25] Mr Witness, we can see that is an article on the internet site of
11 the Ndeke Luka radio station.

12 So if we can go to the next page, 1253.

13 (Counsel confers)

14 MR JACOBS: [11:54:52](Interpretation)

15 Q. [11:54:54] It is a media article, 22 August 2014: "Finally, the Kamoun
16 government in the Central African Republic".

17 Now, if we can go to the next page, please.

18 So it is an article on the Kamoun government. If we can scroll down a little bit,
19 please. To the very bottom of the page.

20 Now, you can see list of the members of the Kamoun government. So you have
21 the list of ministers.

22 Now, if we can go to the next page, 1255, please, line 8. You can say -- you can see,
23 "Ministry of Finance and Budget: Mr Bounandele Koumba." * So this is an article
24 dated 22 August 2014. Now, does that refresh your memory regarding the date?

25 A. [11:56:04] Yes, that is what I told you, counsel. * I told you that after the Ministry

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1 of Employment, he was appointed to the Ministry of Posts, then to the Ministry of
2 Finance.. So it is the date that I could not remember because it was a long time ago.

3 THE INTERPRETER: [11:56:21] Counsel has said 22 August 2014.

4 MR JACOBS: [11:56:28](Interpretation) Yes, I was waiting for the end of
5 interpretation to be sure that everything has been transcribed.

6 Q. [11:56:40] Thank you, Mr Witness.

7 I would like to ask for the formal submission of tab 20, CAR-D33-0014-1252.

8 Very well. One last question on this topic.

9 And so he was subsequently appointed Minister of Posts and Telecommunications in
10 charge of new technologies.

11 Do you remember that, Mr Witness?

12 A. [11:57:24] Yes, counsel. I said a short while ago that he was appointed to
13 the Ministry of Posts and Telecommunications and then to the Ministry of Finance.

14 Q. [11:57:41] Now I would like document CAR-D33-0014-1259 to be it displayed.

15 And that is tab 21. And it can be shown to the witness and to the public.

16 On page 1259 we can see the title. If you can scroll back up, please.

17 It is: "Decree appointing or confirming the members of the transitional government".

18 Can you see that, Mr Witness?

19 A. [11:58:37] Yes, counsel, I see it.

20 Q. [11:58:44] And if we can scroll back down a little bit, we can see there:

21 "The following are appointed or confirmed as members of the transitional
22 government".

23 And, court officer, the next page, page 1260, please, line 11. We can see, "Minister of
24 Posts and Telecommunications in charge of New Technologies: - Mr Bounandele
25 Koumba".

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1 Can you see that, Mr Witness?

2 A. [11:59:29] It confirms what I told you.

3 Q. [11:59:31] Absolutely.

4 And, court officer, please, can we go to page 1262 and at the bottom of the page,

5 "Done in Bangui on 20 July 2015". So that confirms what you said about his

6 appointment.

7 Do you remember that date for the appointment of Mr Koumba as a Minister of Posts

8 and Telecommunications?

9 A. [12:00:06] Yes, counsel, I can see the date, 20 July 2015. Yes, I see that.

10 Q. [12:00:22] Very well. I have nothing to add, so we will move on to something

11 else.

12 I would like to ask for the formal submission of this document, that is tab 21 on our

13 list of materials, CAR-D33-0014-1259.

14 I'm now going to move on to another topic, Mr Witness.

15 Madam President, could we please go into private session.

16 PRESIDING JUDGE SAMBA: [12:01:02] Madam Court Officer, can we go into

17 private session, please.

18 (Private session at 12.01 p.m.)

19 THE COURT OFFICER: [12:01:16] We are in private session, Madam President,

20 your Honours.

21 PRESIDING JUDGE SAMBA: [12:01:19] Thank you very much.

22 Mr Jacobs, please continue.

23 MR JACOBS: [12:01:25](Interpretation) Thank you, Madam President.

24 Q. [12:01:34] Mr Witness, I'm going to ask you some questions on the minibus. *

25 We have your prior statement, we have your corrections, so the idea is to put

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1 questions to you in a very targeted manner with a view to seeking clarification,

2 alright? A. [12:01:51] Very well, counsel.

3 Q. [12:02:02] I'd like to start with the minibus itself. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:03:11] Could you describe the minibus to us, Mr Witness.

11 A. [12:03:18] It was a minibus of Nissan, a 4x4 Nissan. A minibus 4x4 Nissan,
12 grey or beige in colour. I can't quite remember the colour.

13 Q. [12:03:59] Very well. And do you have a photo of the minibus or something
14 like that so we can see what it looks like?

15 A. [12:04:18] I haven't got it here. But it's a long time ago. You know, after all
16 those events that took place, I lost -- I've lost quite a few papers. But if I see
17 the brand, I'd probably -- that would help jog my memory.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:05:14] Yes, indeed, it's true. It is in your statement.

24 So I'm referring, which we can display, paragraph 21 of your previous statement,
25 tab 1 in the French version, 1.3 in the English version. And paragraph 21, you

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1 provide the number -- (Redacted).

2 (Redacted).

3 PRESIDING JUDGE SAMBA: [12:06:03] Yes, Mr Witness, can I hear you.

4 THE WITNESS: [12:06:09](Interpretation) Madam President, I'm sorry that I disturb
5 you, but may I have a break to relieve myself.

6 PRESIDING JUDGE SAMBA: [12:06:16] Certainly, Mr Witness. We'll wait for you.
7 Madam Court Officer, can you kindly support the witness.

8 (The witness exits the courtroom)

9 (The witness enters the courtroom)

10 THE WITNESS: [12:08:04](Interpretation) Thank you.

11 PRESIDING JUDGE SAMBA: [12:08:06] Welcome back, Mr Witness.

12 Mr Jacobs, please continue.

13 MR JACOBS: [12:08:14](Interpretation) Thank you, Madam President.

14 Q. [12:08:17] Mr Witness, I'm going to ask you a question again. You left us in
15 suspense. (Redacted).

16 A. [12:08:29] Yes, that's correct. It was that number.

17 Q. [12:08:38] You told us some moments ago, and I give the reference for the file,
18 page 47 of the transcript, 118, real-time, you said:

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted). Am I correct in that?

23 A. [12:09:11] I didn't give it to them, but I showed it to them so that they could
24 write down the information, and then I took it back.

25 Q. [12:09:26] And did the Prosecution make a copy of (Redacted)

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1 (Redacted)

2 A. [12:09:37] Thinking about it, I don't think so.

3 Q. [12:09:44] Do you still have (Redacted)?

4 A. [12:09:50] For today, yesterday, there was a lot of disruptions that took place.

5 There was also cases of looting and stealing and a lot of things were lost.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 But it was after all the looting that took place that I lost everything. It wasn't only

12 (Redacted) but a lot of documents we are losing, you know there were a lot of events

13 that took place in my country.

14 Q. [12:10:52] No, no, I understand. It's just to understand the situation more fully

15 as regards the documents which you handed or showed the Prosecution.

16 So, since we're talking about your previous statement, you said some moments ago

17 (Redacted)

18 (Redacted). So this is paragraph 21 of the statement.

19 Could you clarify the situation as regards that.

20 A. [12:11:30] Thank you, Madam President.

21 You know, those are the dates. Many years have passed by, 2011, 2012, there's not

22 that big a difference.

23 Q. [12:11:56] No, I fully understand, don't worry about it, just remember -- just tell

24 us what you remember. I'm just trying to find out what's going on -- get more

25 details.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:12:53] And you say, since we have the -- your statement before you,

6 (Redacted)

7 (Redacted)

8 A. [12:13:12] The first was a driver, he was a taxi driver, and then the minibus.

9 And the second, which -- who was the youngest in the family, he didn't do anything.

10 He wasn't doing anything.

11 (Redacted)

12 A. [12:13:49] In 2016 I had a small vehicle, but that was looted *by the mutiny.

13 (Redacted).

14 Q. [12:14:10] Fine. And was -- did you have to register to an administration, did

15 you have to receive any permit in order to be able to transport passengers?

16 A. [12:14:22] Yes, yes. Through the minister of transport.

17 (Redacted)

18 (Redacted)

19 A. [12:14:38] (Redacted)

20 (Redacted). And at that time there was a crisis,

21 business activities weren't moving as they should. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted). It was a period of crises, nothing was working as it should.

1 You know, at that time, things didn't work. Everything was blocked. Everything
2 was blocked. So I said, "Okay, go ahead, take it. But be careful." So without
3 authorisation, I know that's not very good, it's a risk, but since (Redacted)
4 (Redacted).

5 Q. [12:16:02] I'm going -- I'm asking you to go slow. It's very useful what you're
6 telling us, but speak a bit slower for the interpretation. Okay?

7 A. [12:16:13] Thank you. Thank you, everybody. Yes, I'll try my best. I'm
8 going to try my best.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted). They then arrived at the checkpoint of PK9, just at the exit of Bimbo.

20 There was the Seleka checkpoint. So they continued. The vehicle was searched.

21 Made all the passengers get out of the bus. The people were there and they started
22 to search the vehicles, because they wanted to see if there were any weapons inside.

23 At that time no one trusted anyone.

24 They searched the vehicle to see if there were weapons inside and what were they

25 trying to do? What were they trying to prove? And it was at that moment in time

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1 that they discovered in the bus T-shirts with the image of the former president,
2 François Bozizé. And you know those T-shirts, during the Seleka government,
3 people didn't wear those T-shirts anymore. Those T-shirts weren't worn by anyone.
4 Either they were burnt or they were dumped or thrown into the toilets or something
5 like that. So there were about 30 T-shirts in a bag belonging to a lady, and that lady
6 took those 30-some T-shirts * to exchanges them for caterpillars with the Pygmies.
7 Because the Pygmies are the only ones to live in the bush and could bring this,
8 because they are unaware of its importance. So that lady wanted to exchange them
9 with the pygmies and other goods.

10 And when they found these T-shirts inside, they asked all the passengers who were in
11 the bus to get out. And that is where the passengers and the driver got out.

12 Q. [12:19:58] I'm just going to interrupt you here, because you -- you have your first
13 account of the minibus. We have everything in your statement. I just want to ask
14 you more specific points which you've mentioned, Mr Witness, so that we move
15 ahead and it's not too lengthy, otherwise it will take us hours. So it's more simple.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [12:21:33] At that time there was a crisis. Nothing worked, nothing was
25 working as it should. So I don't think they had anything. They didn't have register,

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1 they didn't have anything.

2 Q. [12:21:54] Fine. And you give us an account of the arrest, but you weren't there
3 on that day, were you?

4 A. [12:22:03] I -- I wasn't there then. I came afterwards.

5 Q. [12:22:30] Fine.

6 Regarding what you said, I want to read a statement who was there and who was
7 a witness for the Prosecution. Reference CAR-OTP-2041-0008. It should not be
8 shown to the witness for reasons of confidentiality. And it's tab 18 -- sorry, I didn't
9 give the tab number. And it's tab 18 for the French version, tab 18.3 for the English
10 version.

11 I'm going to read an extract from the statement given to the Prosecution. I won't
12 read everything so that we don't identify the person.

13 It's P-1421 and I'm going to read from page 0010.

14 I don't know if it can be displayed for the people in the courtroom without showing it
15 to the witness, because that would be better.

16 I'm going to start reading. I'm going to start on paragraph 17:

17 "Normally, when the buses arrive in PK9, they -- they park to carry out formalities.

18 I didn't see (Redacted). I realised it was present when I saw a group of people just
19 alongside the bus.

20 It is the noise and the number of people that drew my attention.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 I'm going to paragraph 19 now:

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1 "It was when a blue 4x4 belonging to the Seleka towed the minibus towards the city
2 of Bangui that (Redacted). There were no passengers on board when they towed the
3 vehicle. They said that all the passengers, including the driver, had fled. I don't
4 remember how many Seleka were present. They had mixed outfits or gear, some
5 were carrying civilian clothes with *military trousers, whereas others did the contrary.
6 They were wearing military trousers, some of them. And some did the opposite.

7 I repeat:

8 "They had mixed outfits on. Some were wearing a top that was civilian with military
9 trousers, whereas others did -- had just the opposite.

10 I noticed -- I observed the incident from where I was. I didn't move closer to
11 the crowd and I couldn't hear what they were saying, but I knew or learnt afterwards
12 because people told me about it.

13 They told me that the *(Redacted)

14 (Redacted).

15 A sole Seleka was in the bus when it was being *towed."

16 (Redacted)

17 (Redacted)

18 Mr Witness, that person was present and described what he saw. I have a question

19 to you. (Redacted)

20 (Redacted)

21 A. [12:30:05] I think I've answered this question already, counsel. It was

22 a minibus. (Redacted)

23 (Redacted)

24 Q. [12:30:25] Do you have any other comments on what I've just read out to you,

25 Mr Witness, as regards the description of the person made on what he saw?

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1 A. [12:30:37] Other comment about the person who said -- the person said there
2 was a group that -- and he didn't come close because it's risky to go close. He was
3 a bit far away.

4 But he explained that it was in PK9 and that's where they were all put back on the bus.
5 They began torturing and they took the bus in PK9 that was heading towards
6 the town.

7 (Redacted) and the other passengers, all from the bus.

8 Q. [12:31:27] Sir, I'm saying that this witness says that all the passengers fled and
9 that the bus was moving empty?

10 A. [12:31:38] That's what he saw afterwards. *The other victims, the ones who's
11 relatives were in the bus, all came. We all cried together, they all came. We took
12 the bodies to bury the bodies together.

13 Q. [12:32:16] But you yourself, you were not there on that day?

14 A. [12:32:20] (Redacted). I went there afterwards. Those who were there called
15 me from there. You had the elder brother, the younger brother, the relatives and
16 those who were drinking palm wine. This was a really open and crowded place,
17 people were drinking palm wine. So I had gone there and they had already been
18 taken away.

19 Q. [12:33:00] Just a second, Mr Witness. I'm trying to select the questions.

20 Fine. I will read out an excerpt from someone else who was present on that day who
21 spoke with the investigators.

22 It is an excerpt from document CAR-OTP-2050-0308 and which should not be shown
23 to the witness. And it is tab 12.

24 I will read it in English, because we had asked the OTP to disclose to us the French
25 version, but that was refused, so I will read the English version without it being

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1 identifying.

2 Once again, we will -- I will read the excerpts without being identifying. I chose and
3 skipped a few sentences or phrases.

4 I didn't give the page number. It is page 0311, paragraph 20. I'm sorry about that.

5 (Speaks English) "I do not recall the date, but one day during the Seleka government,
6 I was passing the PK9 Gendarmerie on foot [...] This was around the noon hour -- this
7 was around the noon hour [...]"

8 (Speaks French) (No interpretation)

9 (Speaks English) "(Redacted)"

10 (Redacted)

11 This vehicle was a small greyish minibus, also called taxi-bus and was being used as
12 a taxi at the time. It had a sliding door on one side to let in passengers. It was one
13 of those vehicles where the driver would open the back door so more passengers can
14 sit in the back and dangle their legs out of the back door. You can fit three
15 passengers in the front seat including the driver, four on the second row set, four on
16 the third row seat and four in the back with their legs hanging out of the trunk."

17 (Interpretation) Madam Presiding Judge --

18 PRESIDING JUDGE SAMBA: [12:38:29] We'll give the witness a moment.

19 Please have some water, Mr Witness. I'm sorry about that.

20 Have some water, Mr Witness.

21 Sorry about that, Mr Witness. Well, painful as it may be, Mr Witness, we'll have to
22 go through -- we'll have to go through that. So I'll encourage you to endure as a man
23 and hopefully this procedure will help you even some more.

24 Thank you very much for your understanding.

25 Mr Jacobs, please.

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1 Mr Witness, can we -- can we continue a little bit more?

2 THE WITNESS: [12:40:18](Interpretation) Yes, Madam President. We can move on.

3 PRESIDING JUDGE SAMBA: [12:40:23] Thank you.

4 Mr Jacobs.

5 MR JACOBS: [12:40:31](Interpretation) I will continue reading in English,

6 Madam President.

7 Q. [12:40:50] Now to paragraph 23:

8 (Speaks English) "I saw a man in civilian clothing in the driver seat but I did not know

9 if he was a Seleka or a civilian, as some Seleka men walked around in civilian clothing

10 during that period. There was a Seleka man in uniform sitting next to him in

11 the front passenger seat and I can't recall what colour his uniform was."

12 (Interpretation) I will move on now to paragraph 24:

13 (Speaks English) "Just as I passed the vehicle, I looked back through its trunk and saw

14 [...] Sydney Loic Makokpala in it. He was face down in the back of the vehicle, with

15 his hands tied to his back. The back seat had been pulled down in a flat position and

16 he was lying on top of it. I don't know if he saw me or not but I was too afraid to

17 approach him or to talk to him."

18 (Interpretation) Paragraph 26: (Speaks English)

19 "As I was walking away from this vehicle, I noticed that Garba was standing next to

20 his car (not the BG75 truck) (Redacted)

21 (Redacted). Both vehicles were facing towards the city, as opposed to PK9

22 barrier -- to the PK9 barrier. (Redacted)

23 (Redacted)

24 (Interpretation) Paragraph 28: (Speaks English)

25 "It must have been around 30 minutes or so before I left that location [...]. I could not

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1 see the vehicles from my location and I did not return to the scene."

2 MS MAKWAIA: [12:45:29] Your Honours.

3 PRESIDING JUDGE SAMBA: [12:45:31] Ms Makwaia.

4 MS MAKWAIA: [12:45:33] I'm standing to -- to observe that counsel has read that
5 paragraph, skipped a line he didn't like, and then continued. Perhaps, in fairness to
6 the witness, he should read the full content of that paragraph.

7 PRESIDING JUDGE SAMBA: [12:45:46] By I think the reason why he's skipping
8 certain, you know, words or sentences, is for identification purposes, because this
9 document that we are looking now is not the statement of this witness. That's my
10 belief.

11 But Mr Jacobs may want to respond to the Prosecutor's --

12 MS MAKWAIA: [12:46:09] Before he does, Madam President, in that case, then we
13 move that the questions are put in a private session so the witness is afforded the full
14 opportunity to hear these citations. It should not be disjointed.

15 PRESIDING JUDGE SAMBA: [12:46:23] We are in private session, counsel. We're
16 in private session.

17 MR JACOBS: [12:46:29](Interpretation) The idea is that it should not be identifying
18 for this witness. So I'm skipping sentences so that the witness should not be able to
19 identify the person. That is in accordance of the instructions of the Chamber. That
20 is why I am proceeding this way. I am skipping sentences so that the witness should
21 not be able to identify the person speaking.

22 MS MAKWAIA: [12:47:02] Sorry, your Honours, to belabour the point, but if
23 the witness then is going to be asked to comment on what another individual said
24 and specific lines of that passage are omitted, he doesn't have the full picture of what
25 is being read to him.

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1 PRESIDING JUDGE SAMBA: [12:47:18] Yeah, but, counsel, the words that you are
2 saying are missing, I'm sure you'd agree with the Bench, that that would be revealing
3 if read out to this witness, those particular words. I know the words you're referring
4 to and, you know, we are being very cautious. We have everything before us and
5 we are looking at it to be fair to this witness as well as the accused person. So let's
6 allow Mr Jacobs to continue his line of cross-examination.

7 Mr Jacobs, please.

8 MR JACOBS: [12:48:04](Interpretation) Thank you, Madam President.

9 Q. I think I was at paragraph 28, so I will start all over again from the beginning of
10 the paragraph, in English:

11 (Speaks English) "It must have been around 30 minutes or so before I left that location
12 [...]. I could not see the vehicles from my location and I did not return to the scene.

13 I continued on my journey crossing the PK9 barrier ..."

14 (Interpretation) And I think that I do not want to read the end of that sentence, which
15 do not -- does not add anything but could be identifying. So I am going to

16 paragraph 29:

17 (Speaks English) "I returned at approximately 5pm and heard the local merchants
18 talking about what happened [...]. They said that the Seleka had found some Bozize
19 shirts in it and arrested everyone. I don't recall the specific merchants names who
20 told me this."

21 (Interpretation) Mr Witness, do you have any observations regarding what this
22 person told us, who was present on that day?

23 A. [12:50:43] Thank you, counsel. Madam President, as you know, there were
24 several people there. Each person gave their own view of what they saw. I think
25 the essential things have been said. I don't have any additional comments.

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1 Q. [12:51:07] Okay. Fine.

2 Now, given that you were not there on that day, how did you come to know about
3 what had happened? To be specific, when did you hear about what had happened
4 at that checkpoint, Mr Witness?

5 A. [12:51:47] Thank you. Several people who were there on that day called me.

6 They called me to tell me what had happened. (Redacted)

7 (Redacted) told me "no". And I said, "If they are at the central town, (Redacted)

8 (Redacted)."

9 They told me, "No, you don't know the mentality of these people, do not insist and do
10 not go there."

11 And I agreed with them. If I had gone there on that day I myself would have been

12 murdered. But it is god who prompted them to convince me not to go there. And

13 the reason is that all those who were taken on board that bus were later murdered

14 and the bodies thrown into the Oubangui river. And they were removed 48 hours

15 later, to be taken to the morgue by the Red Cross. There was a media communiqué

16 that several bodies had been found in the Oubangui river and which were retrieved

17 by the Red Cross and taken to the morgue. And this communiqué asked

18 the relatives to come and stop by to identify them. That is how the bodies (Redacted)

19 were identified.

20 We were not the only ones. There were several families. And the bodies were in an

21 advanced state of decomposition. And since it was around 5 p.m., we could not

22 afford to wait. We just had to make the case report and then bury them later on at

23 about 11 p.m.

24 Q. [12:54:03] I was waiting for the end of the interpretation.

25 Thank you once again for all this information. I am going to go step by step. We

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1 are going to come back to some of those things.

2 I am talking about the very beginning when you heard that the minibus had been

3 stopped. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [12:55:00] It was a conversation. And it was during that conversation that that
10 proposal (Redacted).

11 Q. [12:55:10] In your prior statement you said you were (Redacted)

12 (Redacted); is that what you said?

13 A. [12:55:24] Yes, we were conversing and it was in a place where it was a sort of

14 party or celebration for (Redacted),

15 so people were there and they could talk and eat.

16 Q. [12:55:47] Very well.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [12:56:31] Yes, there were several people who called me, but I specified those

23 two. They also called me.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [12:57:00] It was a very long time ago and, as you know, people lose -- or, rather,
3 they change their numbers. If you lose your telephone, sometimes they don't keep
4 the numbers. They have new numbers. I think he may have had a telephone card,
5 so he was near -- *he was selling palm wine -- he was near where the palm wine
6 sellers were. (Redacted)

7 Q. [12:57:53] I will repeat the two surnames, because I spoke them too fast for
8 the transcript.

9 Can that paragraph be displayed for the transcribers.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Did they ask you for those numbers?

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:59:17] Very well. I know it was a long time ago. We are simply trying to
20 reconstitute the events.

21 Do you remember at what time they called you, one or the other, because it is written
22 that they saw the bodies at about 1 to 2 p.m.

23 Do you know when they called you after that?

24 A. [12:59:49] Yes, those were the times, 1 p.m., 2 p.m, that is after they were taken
25 away. It was around those times, 1 to 2 p.m., that they called me.

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1 Q. [13:00:10] Very well. And so after that call -- we are going to follow your
2 account.

3 I'm sorry, I'm looking at the time. I was going to go to the next step or the next topic,
4 but I think this is a good time to break, Madam President.

5 PRESIDING JUDGE SAMBA: [13:00:45] Indeed.

6 Mr Witness, we are going to end with your testimony here for today.

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

8 (Open session at 1.01 p.m.)

9 THE COURT OFFICER: [13:01:10] We are in open session, Madam President,
10 your Honours.

11 PRESIDING JUDGE SAMBA: [13:01:13] Thank you very much, Madam Court
12 Officer.

13 Mr Witness, we are going to end with your testimony for today, here. But we'll

14 come back again tomorrow and continue. So I'm going to ask that you do not

15 discuss your testimony here today with anybody when you leave this courtroom.

16 And for you to remember that you'd still be on oath to tell the truth when we meet
17 again tomorrow.

18 Mr Jacobs, is it too early for me to ask how many more -- many more minutes you
19 want with this witness?

20 MR JACOBS: [13:01:51](Interpretation) Madam President, subject to how the cross
21 proceeds, I think I would conclude in the first session. So, in principle, I don't think I
22 would need more than one session to conclude.

23 PRESIDING JUDGE SAMBA: [13:02:11] No, we do know that you should conclude
24 in fact in the first session. I'm just asking, like, approximately how much more time
25 in that one session, that first session you'd want?

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- 1 MR JACOBS: [13:02:25](Interpretation) I really cannot be more specific at this point.
- 2 It will depend on how the cross goes, Madam President.
- 3 PRESIDING JUDGE SAMBA: [13:02:36] Thank you very much, then.
- 4 I'm going to rise the Court and ask that we come tomorrow at 9.30. Thank you.
- 5 THE COURT USHER: [13:02:45] All rise.
- 6 (The hearing ends in open session at 1.02 p.m.)