

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
7 Trial Hearing - Courtroom 2
8 Thursday, 17 October 2024
9 (The hearing starts in open session at 9.43 a.m.)
10 THE COURT USHER: [9:43:29] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:43:42] Good morning, everyone.
14 Mr Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:44:00] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II in the case of the Prosecutor v.
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we're in open session.
19 PRESIDING JUDGE SAMBA: [9:44:15] Thank you very much.
20 Can I ask for representations, starting with the Prosecution.
21 MS MAKWAIA: [9:44:23] Good morning, Madam President, your Honours.
22 For the Prosecution, Anusha Rawoah, Hilary Dyer, Kamran Choudhry, and myself,
23 Holo Makwaia.
24 PRESIDING JUDGE SAMBA: [9:44:32] Thank you very much. Ms Pellet for the
25 victims.

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Open Session)

ICC-01/14-01/21

- 1 MS PELLET: [9:44:39](Interpretation) Thank you, Madam President.
- 2 The victims are represented by Adeline Bedoucha and myself, Sarah Pellet, counsel at
- 3 the office -- public office for counsel for the victims.
- 4 PRESIDING JUDGE SAMBA: [9:44:54] Thank you very much, Ms Pellet.
- 5 Mr Jacobs for the Defence, please.
- 6 MR JACOBS: [9:45:02](Interpretation) Good morning, Madam President,
- 7 your Honours. To my right, Elina Legat, Florian François-Jacquemin, and myself,
- 8 Dov Jacobs, co-counsel for Mr Said.
- 9 PRESIDING JUDGE SAMBA: [9:45:17] Thank you very much, Mr Jacobs.
- 10 And, for the record, I do take note that Mr Said is in the Court with us. A very good
- 11 morning to you, Mr Said. I hope I see you well.
- 12 MR SAID: [9:45:31](Interpretation) Yes, good morning, Madam President.
- 13 PRESIDING JUDGE SAMBA: [9:45:34] Good morning.
- 14 Good morning, Mr Witness, I hope you rested well.
- 15 WITNESS: CAR-OTP-P-0342 (On former oath)
- 16 (The witness speaks French)
- 17 THE WITNESS: [9:45:42](Interpretation) Good morning. I'm fine, thank you.
- 18 PRESIDING JUDGE SAMBA: [9:45:46] Good.
- 19 Now, Mr Witness, we are going to continue with your testimony this morning. And
- 20 I'll remind you that you are still on oath to say the truth to this Court. I'm going to
- 21 ask Mr Choudhry to continue putting questions to you in chief.
- 22 Mr Choudhry, please.
- 23 MR CHOUDHRY: [9:46:04] Thank you very much, your Honours.
- 24 If we could kindly go into private session, please.
- 25 PRESIDING JUDGE SAMBA: [9:46:10] Certainly, Mr Choudhry.

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

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

2 (Private session at 9.46 a.m.)

3 THE COURT OFFICER: [9:46:25] We are in private session, Madam President.

4 PRESIDING JUDGE SAMBA: [9:46:54] Thank you very much.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [9:56:57] What is the Anti-Balaka, please?

19 A. [9:57:02] The Anti-Balaka were -- or are Central African nationals, the majority of them

20 Christian. * They had created themselves to defend the homeland. That's where the name

21 Anti-balaka comes from. Usually, it was AK bullets because they all had their *gris-gris* in

22 order to protect themselves. And the word actually is *anti-balles* AK, that is,

23 anti-AK-bullet, as in AK-47. So that is how come they named themselves Anti-Balaka.

24 Q. [9:57:55] And again, just to be clear, who were the Anti-Balaka defending

25 themselves from?

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1 A. [9:58:20] I didn't understand you, please.

2 Q. [9:58:24] You've told us, Mr Witness, that the Anti-Balaka were all Central

3 African nationals, the majority of them Christians; they created themselves to defend

4 the homeland.

5 My question is, who were they defending the homeland from?

6 A. [9:58:48] From the Seleka. You have to know that most of the Anti-Balaka were

7 FACA soldiers.

8 Q. [9:59:01] Now, you've told us that the Anti-Balaka caused the carnage. Can I

9 just ask you to be clear, who were the victims of the carnage?

10 A. [9:59:16] Muslim Peuhls.

11 Q. [9:59:29] And were these Muslim Peuhls members of the Seleka?

12 A. [9:59:40] No, not necessarily. At that time, when the word "Muslims" was used,

13 it would assimilate anybody with the Seleka. So there were Seleka Muslims, there

14 were non-Seleka Muslims, normal Muslims, one might say.

15 Q. [10:00:18] Mr Witness, let me rephrase, because I think that was also a bad

16 question.

17 Who lived in Zere?

18 A. [10:00:32] A Peuhl community, "Peuhl Mbororo" as one might put it.

19 Q. [10:00:42] Now, you've mentioned children. What I'm trying to get is what

20 type of people lived in Zere?

21 A. [10:00:50] Zere is a village, and all sorts of people lived in Zere -- parents,

22 children, traders, everybody. It was a village located close to Bossangoa. From

23 Bossangoa to Zere, it would take about an hour. People would come to do business

24 there, trade there, and petty trading between Zere and Bossangoa. That's how it

25 happened.

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 Q. [10:33:00] What about the way they are dressed shows you that they are
- 17 Anti-Balaka?
- 18 A. [10:33:08] Because they have the *gris gris* around their necks, sometimes around
- 19 their waists and arms.
- 20 Q. [10:33:31] Can you use the pen and please draw a circle around what you say is
- 21 the *gris gris*.
- 22 What are -- or what is "*gris gris*", please?
- 23 A. [10:34:28] It is a type of protection.
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:37:51] What did the Anti-Balaka use to fight against the Seleka?

18 A. [10:37:56] The Anti-Balaka used more of the traditional weapons fashioned by

19 themselves, arrows and knives.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Open Session)

ICC-01/14-01/21

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Open session at 11.03 a.m.)
- 8 THE COURT OFFICER: [11:03:40] We are in open session, Madam President.
- 9 PRESIDING JUDGE SAMBA: [11:03:56] Thank you very much.
- 10 So we'll go away a bit and come back in 30 minutes, Mr Witness.
- 11 I rise the Court for 30 minutes, please.
- 12 THE COURT USHER: [11:04:08] All rise.
- 13 (Recess taken at 11.04 a.m.)
- 14 (Upon resuming in open session at 11.40 a.m.)
- 15 THE COURT USHER: [11:40:30] All rise.
- 16 Please be seated.
- 17 PRESIDING JUDGE SAMBA: [11:40:59] Good morning again, everyone.
- 18 Mr Witness, we are going to continue with your testimony. And as I said before we
- 19 left some 30 minutes ago, the Defence will be putting questions to you in cross on
- 20 behalf of their client, Mr Said. I ask you to cooperate pretty much as you did with
- 21 the Prosecution. Thank you very much.
- 22 Mr Jacobs, your witness. And we are very much in open session.
- 23 MR JACOBS: [11:41:33](Interpretation) Thank you, Madam President.
- 24 Mr François-Jacquemin will be leading the cross-examination for our Defence team.
- 25 PRESIDING JUDGE SAMBA: [11:41:45] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1 Mr François-Jacquemin, your witness, then, please.

2 MR FRANÇOIS-JACQUEMIN: [11:41:54](Interpretation) Thank you very much,
3 Madam President.

4 QUESTIONED BY MR FRANÇOIS-JACQUEMIN: (Interpretation)

5 Q. [11:42:01] Good morning, Mr Witness.

6 A. [11:42:03] Good morning.

7 Q. [11:42:03] My name is Florian François-Jacquemin. I am a lawyer in Mr Said's
8 Defence team. I will be putting a few questions to you.

9 Well, I speak French, just like you do, as you have noticed, so we have to wait for the
10 interpreters to interpret what we are saying. So when I would put a question to you,
11 I ask you to please kindly answer the question, but please do observe a small
12 five-second pause to enable the interpreters to do their job.

13 Before I begin, Madam President, I am not able to broach any questioning of this
14 witness in open session, so I would like to point out for the public that for the entire
15 cross-examination I would be asking to proceed in private session, Madam President.

16 PRESIDING JUDGE SAMBA: [11:43:12] Very well, Mr François-Jacquemin.

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

18 (Private session at 11.43 a.m.)

19 THE COURT OFFICER: [11:43:27] We are in private session, Madam President, your
20 Honours.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0342

(Private Session)

ICC-01/14-01/21

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 THE COURT USHER: [13:02:09] All rise.
- 17 (The hearing ends in private session at 1.02 p.m.)