

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, Judge
6 Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
7 Closing Statements - Courtroom 1
8 Wednesday, 26 November 2025
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:31] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:31:02] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:31:07] 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: [9:31:29] Thank you very much.
20 Can I ask for representation, starting with the Prosecution, please.
21 MS MAKWAIA: [9:31:36] Thank you, Madam President, your Honours. Good
22 morning. For the Prosecution this morning, myself, Holo Makwaia, senior trial
23 lawyer; Thomas Bifwoli, Marie-Jeanne Sardachti, trial lawyers; Brunhild Le Bailly,
24 Vanessa Grée, trial lawyers; Sanyu Ndagire and Anusha Rawoah, also trial lawyers.
25 Thank you.

1 PRESIDING JUDGE SAMBA: [9:31:59] Thank you very much, counsel.
2 Representation for the victims, please. Ms Pellet.
3 MS PELLET: [9:32:08](Interpretation) Thank you, your Honour.
4 The victims are represented by Gilles Dibert Bekoy, Adeline Bedoucha,
5 Tars Van Litsenborgh, and myself, Sarah Pellet, from the OPCV.
6 PRESIDING JUDGE SAMBA: [9:32:24] Thank you. Thank you very much,
7 Ms Pellet.
8 For the Defence, Ms Naouri.
9 MS NAOURI: [9:32:33](Interpretation) Thank you, your Honour. And good
10 morning.
11 I have Dov Jacobs, I also have Fiana Gantheret. Behind me, it's
12 Mr François-Jacquemin, Emma Conty, Nolwenn Moniquet, and Benjamin Duclos is
13 with us. I am Jennifer Naouri, lead counsel.
14 PRESIDING JUDGE SAMBA: [9:33:02] Thank you very much, Ms Naouri.
15 And for the record, I do take note that Mr Said is in court with us here.
16 A very good morning to you, Mr Said. I hope I see you well.
17 MR SAID: [9:33:12](Interpretation) Yes. Good morning, madam.
18 PRESIDING JUDGE SAMBA: [9:33:21] Good morning.
19 Now, welcome everybody to the second day of the closing statements in this case.
20 We will now hear from the Defence.
21 Counsel, you have 90 minutes to respond to any specific points raised by the
22 Prosecution yesterday, followed by 60 minutes to summarise your case and make
23 final submissions. The Registry, as it graciously did yesterday, will be monitoring
24 the time, and will inform the Chamber when the allotted time is due to end.
25 The floor is yours, counsel.

1 MS NAOURI: [9:34:26](Interpretation) Your Honours, members of the bench, we're
2 at the end of our trial, we're taking stock of the situation and we have to now draw
3 the conclusions.

4 The Prosecution, in -- that has to bear the burden of proof beyond reasonable doubt
5 since it is the Prosecution that has taken the responsibility for bringing this case
6 before the ICC, the International Criminal Court.

7 However, in listening to the Prosecution, I've heard no response to the doubts raised
8 by the Defence and no answers to the questions asked by the Defence since the very
9 inception of the case.

10 Listening to the Prosecution, I heard that it was prepared to distort the statements of
11 its witnesses or simply ignore them in an attempt to impose a fiction that is not borne
12 out by any evidence in the case file.

13 Today, even more so than at the start of the trial, it is clear that the narrative put
14 forward is a distortion of the Prosecution's own evidence in an attempt to conceal the
15 flaws in its case.

16 At the start of the trial, the Prosecution claimed to have high-quality evidence,
17 especially technical and scientific evidence.

18 What do we see today? No ballistic evidence, no forensic evidence, no autopsy, no
19 medical expertise, not even any medical documents contemporary to the events
20 provided by the witnesses, which means no evidence of injuries.

21 Now, in a serious legal proceeding such as before the ICC, photographs of a scar
22 taken five years after the alleged events are not indicative of anything at all.

23 It wasn't forbidden to call on doctors; the Prosecution has done so in other cases.

24 Here, nothing at all.

25 The Prosecution repeatedly stated yesterday that it was not necessary, but one might

1 think that it had evidence to establish an injury or cause of death. It is, after all, their
2 job to prove what they claim, yet there is nothing in the file.

3 Let's take PK9: All the witnesses contradict each other on the cause of the death of the
4 victims, all of them. Now, in such a case, forensic evidence would have made it
5 possible to establish the cause of death, but the Prosecution hasn't provided anything
6 at all.

7 Why? His investigator, P-3114, told you in the court he is not interested in the cause
8 of the death, and he concedes that there is nothing in the file that would enable us to
9 determine the cause of the death. In reality, the evidence presented by the
10 Prosecution is weak and does not support its case.

11 The facts central to the charges are based on a single uncorroborated witness, which is
12 fatal from an evidentiary standpoint for establishing a legal fact.

13 Witnesses whose identities have not been verified, as admitted by the Prosecutor's
14 investigator, P-3114, or at least one witness who gave false identity, P-2573.

15 Facts that are central to the charge rely on witnesses who refuse to testify. Indeed,
16 with regard to two incidents attributed to Mr Said, incidents D and K, the witnesses
17 refused to appear before the Court.

18 So what does the Prosecution do when asked if it has abandoned them? The
19 Prosecution persists and refuses to face reality. Its own witnesses do not want to
20 support their allegations.

21 And what did it tell you yesterday? Do not worry; there is sufficient evidence in the
22 file.

23 What does the Prosecution consider sufficient are interviews given to the press.

24 Interviews given to the press in such a case, even talking about a standard of proof,
25 would be an understatement.

1 Now, regarding the narrative construction of the Prosecution's case, we are also very
2 far from a demonstration of proving a point during the trial. We discussed the
3 assumptions, assertions and conclusions announced by the Prosecution, and we note
4 that it has been unable to establish any of its allegations.

5 None of the initial announcements were realised during the trial. On the contrary,
6 the Prosecution stubbornly ignored any evidence that did not support its case, even
7 though its own witnesses presented a different reality.

8 At the opening of the trial, the Prosecution only presupposed the existence of an
9 organisation of groups comprising the political coalitions as "Seleka", in Sango,
10 without ever revealing this organisation.

11 What do we see today? The situation has not evolved. The Prosecution still
12 provides no evidence of the organisation of this -- of these groups. Nothing. Just as
13 it has been since the first day of the case, the Prosecution presupposes the existence of
14 a coalition in 2012, and it merely cites three main groups without ever explaining the
15 supposed structure of the coalition.

16 There is not a shred of evidence in the file that allows us to know how the various
17 groups - FDPC, CPJP, CPJP *Fontamentale*, UFDR, CPSK - and whose leadership is
18 impossible to establish because of the internal and external power struggle between
19 them, were organised. There is nothing in the file that speaks of the organisation.

20 And yet this is absolutely crucial because all witnesses and experts agree that the
21 so-called Seleka coalition is basically a marriage of convenience between disparate
22 groups with no chain of command and no political leadership.

23 So, we ask the Prosecution: What is the structure of the Seleka? To this date, the
24 Prosecution has failed to provide an answer.

25 The only way it found, instead of proving anything at all, was to assume that because,

1 ultimately, groups from the coalition were able to arrive in Bangui on 24 March 2013
2 there must have been a certain degree of coordination amongst these groups
3 prior - and may I insist on the word "prior" - to 24 March 2013 and then to presume
4 that such an organisation, which has never been proven, would have continued after
5 24 March 2013 without ever proving that either. And we have seen that in the trial
6 yesterday.

7 We heard the PowerPoint comment with a map, which really was not talking about
8 the period in question, and we heard absolutely nothing about what was happening
9 after 24 March 2013.

10 What happened to the coalition? And that is the real question in our case. It's
11 about knowing what form the coalition would have taken after the coup d'état, if
12 there was one.

13 Now, what would be the structure of the coalition during the period covered by the
14 charges? The Prosecution never answers that question. What was its structure, its
15 vertical organisation? What were its members or leaders? What were the
16 instructions and lines of communications? Were there meetings organised? We
17 know absolutely nothing about the period covered by the charges.

18 It is unable to do so because it is clear from the case file that when the groups arrived
19 in Bangui the coalition fell apart. And I'm not saying this, it's the Prosecution
20 witnesses who say that.

21 From accounts by insiders, such as {PFR: (Redacted)} and P-2563, who basically were
22 part of this march, this -- and it is clear that people bearing arms who were
23 uncontrolled were motivated by personal gain and that other individuals
24 spontaneously and suddenly claimed to be Seleka in an attempt to enrich themselves.
25 How can one imagine any coordination, the slightest of coordination in such a context?

1 Now faced with this factual obstacle, the Prosecution then invents a fiction of Seleka
2 government, which allegedly implemented a certain policy. Then the Prosecution
3 should have demonstrated during the trial the existence of this so-called Seleka
4 government and should have called the relevant witnesses who were part of this
5 government.

6 And what do we see today? What do we observe today? Not a single witness has
7 mentioned Djotodia's transitional government, which emerged from the presidential
8 majority, known as Seleka. None. No, not Djotodia, not Dhaffane, not
9 Nouradine Adam, not Djoubaye, not Djono Ahaba, not Gazam Betty, and not
10 Tchimanguere. None of them. Djoubaye, Djono Ahaba were part of the current
11 government. And he spoke about the democratic elections, the Deputy Prosecutor.
12 How could the Prosecution establish the existence of any policy which would have
13 been designed by members of a group of allies from the Seleka presidential majority
14 without any witness to speak about this policy? No witness to speak about possible
15 instructions that might have been issued, without any witnesses to speak about any
16 possibly organised meetings. It's just impossible, simply impossible.

17 Furthermore, the Prosecution does not establish the reality of the so-called Seleka
18 government. On the contrary. If its own witnesses explain that only nine of the 34
19 members of the transitional government were from the presidential majority, it's
20 one-fourth, a quarter of the government. And the witnesses say, especially P-2328,
21 that the KNK remained in place. KNK is President Bozizé's party. So we have a
22 government with one-fourth Seleka, many staff and ministers from the Bozizé party,
23 and some from the civil society. So we're therefore far from a single-party Seleka
24 government.

25 In reality, what's clear from the file is that it is a government of national unity. It's a

1 multiparty government, and, above all - and this is where the difference lies - it's a
2 government where the members of the government perform their roles
3 independently, contrary to the authoritarian government, which is a figment of the
4 Prosecution's imagination. You only need to listen to {PFR: (Redacted)
5 (Redacted)}, and they all
6 assert their authority and their independence in the context of their office. Whether
7 it's Nicolas Tiangaye, prime minister, who himself refers to "my government" - and
8 I'm quoting him - "the government I led". Nicolas Tiangaye was never part of the
9 Seleka coalition. He claims his role in front of the international representatives, just
10 as P-0349, or Jean-Jacques Démafouth, the minister-counsellor for disarmament, who
11 claims to have played an active role without any influence from Djotodia.
12 So, their accounts, {PFR: (Redacted)}, indicate that the instructions
13 given by the government of Tiangaye and Djotodia were to implement
14 confidence-building measures under the auspices of the international community,
15 these confidence-building measures to stabilise the situation.
16 A number of meetings were actually organised to this effect.
17 And what are these confidence-building measures?
18 * Those trust-building measures involved the establishment of joint patrols - and we will
19 come back to that later on in the day - but mixed patrols made up of FOMAC representatives,
20 and what the international community referred to as "disciplined Seleka. That's
21 confidence-building measures. It's the cantonment and the billeting and disarmament of
22 uncontrolled armed individuals and the recruitment of new FACA personnel.
23 Why? Because the international community had decided that an 18-month
24 transition period should be put in place. And this is the period covered by the
25 charges. It is a transition period of 18 months, a transition period that's necessary, a

1 transition that's necessary. It is not possible to ignore this reality despite all the
2 efforts of the Prosecution, * that's acting as if it would have been normal for sovereign
3 institutions to function as if nothing had happened in the early days of a coup d'état,
4 and what's more, this was in a country that was already facing major difficulties; a
5 State described as a ghost State which had abdicated its responsibilities. This is not
6 realistic.

7 The Prosecution also decided to ignore its witnesses when they explained that during
8 the period of internal unrest, characterised by the presence of uncontrolled armed
9 individuals, civil servants, especially those from FACA, returned to work.

10 I emphasise here that civil servants, including the FACA, and not Seleka, returned to
11 work.

12 Now, trying to ignore the role of the civil servants, who had absolutely nothing to do
13 with the coalition, the Prosecution did not call the Chief of Staff Dolle-Waya, the
14 Director of Police Linguissara, or the Public Prosecutor Alain Tolmo. None of them
15 are members of the coalition, but all these civil servants returned to work.

16 That's surprising because, according to the Prosecution's witnesses, all these officials
17 actively performed their duties within the framework of their authority by giving
18 instructions and conducting the procedures in place.

19 For instance, with regard to Linguissara, witnesses P-2563, P-2161, P-0349, P-1524,
20 P-1737, P-2478 and P-0338 confirm his real active and hierarchical role. It should be
21 noted that Linguissara was already the director of police under Bozizé and he
22 retained his position under Djotodia and, still, he holds a position of responsibility in
23 the current Touadera administration. With so much of witnesses' corroboration on
24 the role of Linguissara, it's really surprising why he wasn't called to the stand.

25 Benjamin Malo, director of the OCRB, explained that it was Linguissara, in his

1 capacity as the director general of the police, he coordinated, he was the one who
2 coordinated and led all the activities of the various departments of the National Police
3 forces. And Linguissara directly reported to the minister of public security,
4 Nouradine Adam.

5 Now, in light of the accounts given by the Prosecution, if there was a state policy, a
6 policy as the Prosecution claims, Linguissara, who is not a Seleka member, must have
7 definitely been involved in it, particularly in ensuring the FACA's obedience to the
8 government, and this is what we are being told of. The person who's ensuring
9 FACA's obedience to the government, why not prosecute him or at least call him to
10 testify?

11 Your Honours, you know and the case file shows that it was absolutely possible for
12 him to be called to testify.

13 The same applies to the role of the public prosecutor Alain Tolmo. Witnesses
14 explain his active role during the period covered by the charges, particularly at the
15 OCRB, notably P-0481, P-1429, P-3056, P-3064, P-2563, P-0547, P-2241, P-2239, P-2105,
16 P-0338, P-2478, P-0787. I'm sorry, but if that's not corroborating evidence, I don't
17 know what is.

18 Moreover, according to a well-informed source, P-0234, Alain Tolmo was at the OCRB
19 the entire time. Prosecutor Tolmo is placed at the OCRB by both the working staff
20 there and the detainees, each explaining his role in the arrest, transfer, detention,
21 hearing or release of detainees.

22 Tolmo continued his career and he is now the Prosecutor of the special criminal court,
23 and the Prosecutor of the ICC has publicly praised their cooperation. However, at
24 the same time in its written submission, the Prosecution criticises Tolmo for having
25 played an active role in certain incidents. But then why not prosecute him, or at

1 least call him to testify, especially since, once again, it appears from the file that it was
2 entirely possible for him to be called to testify?

3 Now, since the Prosecution's depriving the Court of key witnesses, it's necessary to
4 draw conclusions from their submissions, which create irremediable doubts in the
5 Prosecution's case.

6 Another element that the Prosecution proclaimed at the beginning of the trial, and is
7 to be found in their brief, the Central Office for the Repression of Banditry, the OCRB,
8 was apparently an opaque location, surrounded by very high walls, and it gave the
9 impression of being a hidden prison, a makeshift prison.

10 But that position cannot be held. No Prosecution witness has described any such
11 place, not a single one. If we listen to the witnesses, be it staff working at the OCRB,
12 detainees or their family members, they all say the same thing. The OCRB was a
13 location that the public was well familiar with. It has been in the same place for
14 decades. It's a familiar place. It is accessible to the public and it was accessible
15 during the period of the charges.

16 What we see from the case record is that the OCRB was operating as usual. The only
17 difference was that the OCRB was understaffed, and, so, on a temporary basis, people
18 were brought in to assist with a view to applying confidence-building measures.

19 In actual fact, the mixed patrols were picked by the director of the police Linguissara.

20 And as I said during the opening remarks, government representatives including {PFR:
21 (Redacted)} decided to send volunteers, some of whom had come from former Seleka groups
22 to make up for this shortfall of staff until a solution could be found and * to confine armed
23 individuals who were uncontrollable. And that is Transcript 011, page 51 onwards.

24 This changes nothing when it comes to the roles of the police officers who were there
25 and the way that the OCRB operated. The OCRB operates in the same fashion today.

1 * We will come back to that in greater detail in our conclusion, but I would already like to
2 stress that the witnesses' accounts show, * and I believe that these are the most
3 corroborated accounts in the case file, that, first of all, detainees were registered at the
4 OCRB, that the prosecutor of the republic cooperated with OCRB staff, family visits were
5 allowed, it was possible to file complaints, civil society observers such as people from
6 France, the Red Cross or the FIDH had access, even women selling peanuts had access.
7 So, this was the apparently secret hidden location, this description that the *
8 Prosecution is trying to sell to you; a place where little girls came to sell peanuts
9 without any fear, entering the compound without any difficulty.

10 A few words about the people held at the OCRB. As we heard from the witnesses,
11 and this destroys the allegations of the Prosecution, and if we look at the actual facts,
12 what actually happened, according to the witnesses, without prior assumptions and
13 without placing our own value system upon these people, then we see the reality,
14 why people were detained at the OCRB. The witnesses themselves said what they
15 had been accused of. They explained various accounts of theft, misappropriation of
16 funds, holding weapons, et cetera. Furthermore, these people were found guilty,
17 others were released by a judge. So, they were subjected to a judicial procedure.

18 The Prosecution also told us that they had demonstrated the existence of an armed
19 conflict during the time of the charges. They are the only ones who hold such a
20 position. At the time, well, no one deems that at the time that there was an armed
21 conflict between April and August 2013 in the Central African Republic. The UN
22 Security Council has not taken such a position. The UN expert group, no. The
23 UNHCR, the International Committee of the Red Cross, no commentator, no
24 journalist, no soldier, no NGO, no one has taken such a position.

25 We would have expected that the Prosecution would have provided solid evidence to

1 demonstrate the contrary. But what do we see? What do we gather when we
2 actually read the brief? Once again, the Prosecution has to ignore their own
3 witnesses. The so-called pro-Bozizé forces, not a single witness corroborates such a
4 statement. The witnesses actually said that they did not want politicians to take over
5 this spontaneous grassroots' movement that emerged in the second half of 2013. For
6 example, Witness P-2269 and Witness P-0405 was very clear about Bozizé. He said
7 this about Bozizé: "He's not a good guy".
8 Heavily armed self-defence groups? All the witnesses have described fighting with
9 home-made rifles, bits of wood, even pots and pans.
10 The Prosecution has not provided elements to support the existence of any kind of
11 organisation between April and August 2013. The few times that the Prosecution
12 gives any dates whatsoever - for example, when they talk about sporadic
13 skirmishes - that was after 2013, so outside of the period of charges.
14 The witnesses have been clear about this point, be it sources from the Central African
15 Republic, French sources or people representing the international community.
16 I have to insist on this point. It wasn't experts who said this. Not just the experts
17 said this, it was all the witnesses concerned -- the ones who were deemed later to be
18 Anti-Balaka, the witnesses of the Prosecution who were there, and other people who
19 were in a position to know what was going on.
20 The Prosecution finds itself at the starting point at the end of this case, the very same
21 spot where they began. They have no elements demonstrating the existence of an
22 armed conflict between April and August 2013.
23 This is a crucial finding because the knowledge of Mr Said must be assessed at the
24 time of the alleged events. How can the Prosecution allege that Mr Said would have
25 known about a situation when no one, no one had knowledge of such a thing in 2013?

1 The witnesses of the Prosecution did not know, nor did the experts -- no one.

2 The confirmed incidents have to be proved by the Prosecution beyond reasonable
3 doubt. But what do we see? The Prosecution -- rather, we see more and more
4 doubts about each and every incident, so many doubts. None of the incidents can be
5 truly established to the judicial standard.

6 The Prosecution has provided weak evidence, often non-corroborated, * from
7 witnesses of questionable credibility, and I insist on the questionable credibility.

8 * We are referring to our brief here, but we think it is important to illustrate our
9 remarks with a few telling examples. For example, incident E. Witness P-0622
10 initially described in his written statement, in detail, {PFR: (Redacted)}
11 (Redacted)}. Yet, when he appeared before the Court, he said he was only
12 {PFR: (Redacted)}. This truly casts doubt on the plausibility of his account. {PFR:
13 (Redacted)} This finding did not keep the Prosecution from relying on his testimony
14 as if there was no such contradiction.

15 As for incidents F and N, the Prosecution relied on a single witness. We do not
16 know what the date of the incidents were, nor do we know the identity of the alleged
17 victims. These incidents that are so vague, without any corroboration by other
18 evidence, cannot be accepted before the International Criminal Court.

19 * This is where the probative issue arises; a witness who does not give information that
20 can be cross-checked, a witness who contradicts himself on key points, who lies about his
21 own identity, can one rely on a single witness like him? This is the reason for the
22 principle of *testis unus, testis nullus*. * I readily accept that there have been seemingly
23 credible witnesses in other cases. But when you have witnesses who contradict each other,
24 who give unverifiable information, who lie about their identities, that is unacceptable.
25 But this is what the Prosecution is asking you to do, * to believe single witnesses who

1 make no sense. A holistic approach is not possible with witnesses who are
2 unreliable and not credible. Mr Said must be afforded the benefit of the doubt. It is
3 remarkable to see that despite the contradictions, the accounts regarding the incidents
4 that the witnesses have given us do give the lie to the Prosecution's statements.

5 One example: In the most -- in the vast majority of incidents there was testimony
6 and documents showing that there was a legitimate reason for arrest, which runs
7 counter to the Prosecution's allegation that people were arrested just because they
8 were perceived as being Bozizé supporters. The Prosecution was blind.

9 * The prosecution's blindness is such that they are still claiming today that P-2519 was
10 arrested because he was allegedly perceived as pro-Bozizé, whereas in fact P-2519
11 himself has explained that he was convicted for {PFR: (Redacted)}.

12 * Therefore, a person who was convicted by the judicial authorities under Djotodia's
13 government for {PFR: (Redacted)}, according to the Prosecution before this very Court,
14 was arrested because he was perceived as pro-Bozizé. This is the L incident.

15 Furthermore, in the case of 10 incidents, Mr Said was not even mentioned, and for the
16 remaining eight incidents he played an extremely limited role, one of overseeing or
17 keeping an eye on the activities. The Prosecution has never demonstrated anything
18 illicit within the context of an operational police station.

19 Facing this situation, * the Prosecution is using all available means. They're ready to
20 do anything to mislead the Chamber. This is very serious.

21 (Counsel confers)

22 MS NAOURI: [10:15:11](Interpretation) « *Faire feu de tout bois* » does not mean they
23 are doing their best, it means that they are prepared to do anything. That's different;
24 they are prepared to do anything, and I will prove it to you. For example, P-2692
25 allegedly was threatened by Mr Said, and yesterday the Prosecution told us that

1 P-2692 was allegedly threatened by Mr Said. (Counsel confers)

2 MS NAOURI: [10:15:48](Interpretation) Allow me to reiterate.

3 P-2692 never said who he was threatened by. He never said that. And yesterday,
4 the Prosecution said that P-2692 was apparently threatened by Mr Said.

5 Madam President, your Honours, when P-2692 was shown three times, when he was
6 shown photographs of Mr Said three times, including a selfie of Mr Said - and I don't
7 think there's anything clearer than a selfie - P-2692 did not recognise him. He does
8 not know who Mr Said is. He saw a photograph -- correction, photographs, three
9 times. Yet, the Prosecution says, "Oh, yes, yes, he was threatened by Mr Said."

10 Such false affirmations are very serious.

11 * One must not engage in wishful thinking. We are here before the International
12 Criminal Court. This trial is inadmissible. Such a thing is unacceptable. A person's
13 life is at stake.

14 Finally, one word about the lack of demonstration of Mr Said's responsibility.

15 First of all, allow me to speak to the fact that there was no hierarchy, no clear
16 hierarchy within the OCRB during the transition period.

17 According to what the witnesses have told us, it was impossible to determine who
18 was at the OCRB at any particular time and, generally speaking, it was a chaotic
19 situation, chaos reigned within chaos.

20 One witness told us that it was impossible to determine who was the leader of the
21 OCRB because it was constantly changing. And this was Witness P-0234 who said
22 this.

23 According to the accounts of various witnesses, all kinds of people were apparently in
24 charge of the OCRB. For example, some people said it was Mazengue, or Noiro,
25 Linguissara, Tahir, Modestri, General Abou, a Sudanese colonel, a man who had a

1 long beard that went all the way down to his chest and long hair, someone from Chad
2 called Ibrahim or Mahmoud, Djamdjia-Go, and the list goes on.

3 In order to skirt this problem, the Prosecution decided they'd rather presuppose that
4 Mr Said played a certain role, just as the Prosecution presupposed that Mr Said was a
5 senior leader within the Seleka coalition without ever demonstrating such a thing
6 with actual evidence.

7 These presuppositions do not stand up to analysis because there is literally no
8 evidence on the case record.

9 No witness said Mr Said belonged to one of the coalition groups, not a single one.

10 No witness saw Mr Said in Sibut or during the time that people were heading
11 towards Bangui. No one knew him. No witness knew him before he got to the OCRB.

12 And that is a logical thing, because he was in Bangui for several months before the
13 various groups arrived and, in actual fact, at one point he was a driver for Abdoulaye
14 Hissene. * The presence of Abdoulaye Hissene in Bangui was in fact confirmed by
15 P-1019, who even thought that the purpose was to attack the Seleka.

16 Above all, it is clear from the case record that a source who was in the know, P-1019,
17 according to this source, this witness Djotodia didn't even know who Mr Said was.

18 He did not know who Mr Said was. We put that point to Witness P-3114.

19 So he -- so according to the Prosecution, a senior Seleka leader was unknown to
20 Djotodia. This just -- this just won't fly. This is not on.

21 * And because they have nothing, the Prosecution, in their desperation, relied on an
22 interview that Mr Said allegedly gave to an anonymous person representing the FIDH.

23 In what case before the ICC, a course -- a court, rather, that keeps to the highest
24 standards, how could one imagine that anyone would ask a bench to rely on an
25 interview to an anonymous person, an anonymous person subject to no particular

1 code of ethics, and the main person involved didn't even know this person?

2 It's up to the Prosecution to investigate. The Prosecution did not call the person who

3 actually conducted the interview. The Prosecution did not investigate this interview and

4 try -- did they try to crosscheck words attributed to Mr Said by this anonymous person? *

5 This evidence must be thrown out. Failure to do so would be misleading ourselves, and

6 perverting the course of justice. The Prosecution was not able either to demonstrate any

7 policy was being implemented by way of any common plan at the OCRB.

8 Why? Because, as we've already said, the witnesses from the Prosecution

9 themselves have said that the people who were being held at the OCRB were

10 prisoners, common law prisoners and people who had been bearing arms who had

11 gone out of control who claimed to be Seleka members.

12 * Is that supposed to be the common plan of the government implemented at the

13 OCRB? To arrest Seleka members and criminals? Is the OCRB being charged with

14 operating like a normal police station in this case?

15 If that's the case, then the entire police hierarchy, Seleka or non-Seleka, the official

16 police hierarchy that is still here, that is still present today, they -- the whole hierarchy

17 should be here before this Court, as well as the prosecutors of the Republic who were

18 carrying out their duties in 2013 and who are still in place today.

19 At the end of the trial, we have demonstrated that there's nothing left in the

20 Prosecution's case, nothing left.

21 Madam President, your Honours, throughout the course of the trial, gradually, you

22 had an opportunity to listen to another version of what happened and the reality has

23 emerged. But since that reality does not suit the Prosecution, they have decided to

24 merely dismiss it.

25 Yesterday, the Prosecution said, and I quote, I will quote what was said yesterday: * "

1 This case is not a case against the Seleka coalition, nor is it a case against the
2 government led by the Seleka coalition.

3 I repeat "It is not a case against the Seleka.""

4 I'm not saying that, the Prosecution said that, * since the Prosecution has admitted
5 that they do not have to prove the existence of contextual elements.

6 No need to demonstrate the existence of the Seleka or the structure of the Seleka that
7 allegedly took part in an armed conflict. Not necessary.

8 * And so there is no need to identify a party to the conflict; no need to determine who
9 decided to come up with a plan, and with which affiliated groups?

10 Nothing!

11 But I ask you, what are we doing here today? What are we doing here today?

12 Here we are before the International Criminal Court, which deals with international
13 offences.

14 Since the Prosecution has conceded that they do not need to prove the existence of
15 contextual elements, which are indeed the elements needed to distinguish a national
16 offence, a domestic offence from an international offence, they have actually conceded
17 that they do not have the authority to put Mr Said on trial. They do not have the
18 authority to file suit against him because they have not presented a case that deals
19 with international crimes.

20 The finding cannot be escaped or avoided. The Prosecution has not demonstrated
21 international crimes. The Prosecution have not demonstrated charges beyond
22 reasonable doubt and Mr Said can only be acquitted at the end of this trial.

23 Madam President, your Honours, to finish this response, it is Mr François-Jacquemin
24 who will continue, followed by Mr Jacobs, and I will ultimately make the final
25 remarks. I thank you.

1 PRESIDING JUDGE SAMBA: [10:28:24] Thank you very much, Ms Naouri.

2 Mr François-Jacquemin, we'll listen to you now.

3 MR FRANÇOIS-JACQUEMIN: [10:28:38](Interpretation) Thank you, your Honour.

4 The Prosecution says that there is a policy of discrimination by relying on insufficient
5 supported evidence and without showing the existence of a policy upstream. The
6 absence of crucial evidence prevents us to confirm the existence or the unfolding of
7 incidents. The Prosecution relies on witnesses and documents that are not very
8 credible.

9 Its method of presenting evidence is a piling up of witnesses who contradict each
10 other, but the Prosecution puts them forward as if they are a cohesive whole. They
11 use the term "Seleka" in a very generic way without ever asking or showing who is
12 the person who might be concerned, what is the precise role, what sort of group do
13 they belong to, et cetera, et cetera.

14 The Prosecution has consistently repeated, "Seleka has said this", "Once a Seleka did
15 that", without ever identifying or explaining who that person precisely was.

16 For example, men, and I quote, "wearing civilian attire" who should have robbed
17 P-1808 are described as Seleka without any justification, without evidence.

18 Another example of the lack of proof: In April 2013, as regards the explosion at
19 Cité Jean XXIII, Prosecution does not provide any tangible evidence on who caused
20 that detonation, under what conditions. The Prosecution simply asserts and
21 speculates. But, above all, in addition to this probative weakness, the Prosecution
22 states without any examples and mistakenly the existence of a discriminatory policy
23 which took place at that time.

24 Regarding the 7th arrondissement, the Prosecution states, without evidence, that it
25 was perceived as "pro-Bozizé", * and yet President Djotodia comes from that

1 neighbourhood, if one is to believe witnesses P-0881 and P-0882, and the mother of
2 Adam is in the same tribe as some chiefs of that neighbourhood. Particularly, in
3 2013, * when you look at P-0081 and P-0082, the 7th arrondissement is a mixed
4 neighbourhood with several mosques and many Muslims. Part of the inhabitants
5 cheered the arrival of Seleka when they entered Bangui.

6 * Thirty March 2013, you can refer to CAR-OTP-2039-0330 and CAR-OTP-2039-0332 in
7 the streets of Bangui, persons were filing down and had a banner, and I quote, "The
8 7th arrondissement of Bangui supports the changes that occurred on 24 March." The
9 Prosecution has simply dreamt up a discriminatory policy.

10 In reality, the government attempted to guarantee state continuity and to re-establish
11 public order in Bangui. They tried to fight against criminality and tried to introduce
12 a disarmament policy, disarmament of former Seleka elements and disarmament also
13 of citizens who were not authorised to carry weapons.

14 Thus, P-1289 states that the Seleka were looking out for weapons in the 7th
15 arrondissement. It even goes so far as to say {PFR: (Redacted)}

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)}

21 Also, the same is true for Boy-Rabe. P-0834 states that in the spring 2013, and I quote,
22 "this neighbourhood had a lot of arms, and the Seleka was concerned about that
23 situation."

24 * P-0100 confirmed; P-1825 confirmed; and P-2181 confirmed. According to P-0119,
25 the leaders were required to look for those arms. * Thus, the search was not for the

1 soldiers themselves, but rather for the weapons that some of them were keeping.

2 As regards the disarmament operation in Boy-Rabe of August 2013, it came about as a

3 response to the shots on the national assembly the day before the investiture of

4 President Djotodia. It was an essential.

5 So, Prosecution suggests that thefts which took place particularly in Boy-Rabe,

6 particularly the disarmament operations, but it forgets to inform you that Boy-Rabe

7 was the wealthiest neighbourhood in Bangui at that time.

8 Witnesses show that the areas targeted were regarded as the most richest. If you *

9 listen to P-1264, according to P-0547, they looked at the most wealthy houses.

10 P-1825 describes, and I quote, "the Seleka only came into the houses that were

11 well-built, saving those who seemed to belong to the poorer inhabitants."

12 P-0119 and P-0547 confirms the selection of fenced-in, gated houses. Uncontrolled

13 elements targeted the more beautiful houses.

14 And, as regards Ngaïssona, he was one of the wealthiest men in the area of Bangui.

15 This is not a discriminatory policy, * but acts of rogue elements who wanted to profit

16 from the situation, to enrich themselves.

17 In truth, there were two different agendas which were running alongside each other

18 in Boy-Rabe: That of the government, which legitimately wanted everyone to

19 disarm, on the one hand, and, on the other hand, the uncontrolled elements on the

20 other hand who targeted rich individuals against the government's wishes.

21 So, how did the government react to this? Partly politically and partly materially.

22 President Djotodia condemned the looting, invited the mayors and leaders of the

23 neighbourhood of a meeting at the presidential palace where he listened to their

24 complaints and then asked the mayor of Bangui, and {PFR: (Redacted)}, * "boxes of

25 money to compensate the victims" (CAR-OTP-2062-0468-R04, par. 61)".

1 Furthermore, the government reacted with the police and judicially. For example,
2 thanks to mixed patrols of officials and support backup elements, the uncontrolled
3 elements, which the Prosecution generically called Seleka just to keep the confusion
4 going, * were dislodged, from Pongoulou in particular, with the assistance of FOMAC,
5 as well as from the 7th arrondissement.

6 * Finally, and following the implementation of rigorous judicial action, those responsible for
7 acts of pillaging during the August disarmament operation were prosecuted and convicted.
8 Tolmo, the Prosecutor, required 10 years of imprisonment, according -- for 25 people
9 who were convicted. Seventeen were convicted to eight years in prison. * This clearly
10 shows that these outrages were not supported by any State policy . On the contrary.

11 PRESIDING JUDGE SAMBA: [10:41:17] Thank you very much,

12 Mr François-Jacquemin. Mr Jacobs, your turn.

13 MR JACOBS: [10:41:47](Interpretation) Madam President, your Honours, * I will
14 now come back to other points in response to the Prosecution, and I shall begin with
15 the issue of the armed conflict. The Prosecution returned to this issue yesterday and
16 has not proved anything yet. * Already, just like for the Seleka, which the
17 Prosecution has never actually defined. The Prosecution presupposes that there's a
18 force and never proves this. * All those witnesses - all those witnesses - the seven
19 witnesses called by the Prosecution, and who are supposed to be Anti-Balaka, no one,
20 not one of them said that, "I am pro-Bozizé." No one said, "I am trying to get Bozizé
21 into power." * They said: we don't want politics to interfere in this." Some didn't talk
22 about it at all. But no one said, "I'm pro-Bozizé."

23 At this stage, it is a denial which the Prosecution is doing. They're not taking an
24 isolated approach. They cannot assert ...

25 (Counsel confers)

1 MR JACOBS: [10:43:21](Interpretation) * Let me sum up so as to be certain that it is
2 correctly interpreted. Given that no Prosecution witness said "I am Pro-Bozizé", it is
3 impossible to understand on what basis the Prosecutor is claiming that "these are
4 pro-Bozizé forces. And if you read the submissions of the Prosecution, there's not
5 even an allegation, it's not even a question of evidence. At no point did they say
6 Bozizé himself did something.

7 You won't find it in their submissions. So we have a phantom pro-Bozizé force and
8 nowhere in their submissions Prosecution tries to say Bozizé did this himself or
9 Bozizé did that.

10 It's not even an absence of evidence. There's no statement or assertion. We don't
11 know who these pro-Bozizé forces are. They are just presumed, without being
12 shown to exist.

13 * Another difficult point which the Prosecution didn't correct yesterday, it is as if we
14 didn't know that the period of the charges is April to August 2013. * So, in the final
15 analysis, by not dating anything, the Prosecution hasn't demonstrated anything.

16 And when it dates something, it is after September 2013.

17 Worse, many of the examples of 5 December 2013; that's to say four months after the
18 period in question. So what does it matter if they're Anti-Balaka and it hasn't been
19 shown -- will be organised on 5 December? The period that we are interested in
20 ends in August 2013, so it has no relevance to this case.

21 So, finally, they are not having any dates to anything. The Prosecution hasn't shown
22 anything.

23 Another example that was shown by the Prosecution yesterday is the funding of the
24 Bozizé forces, the pro-Bozizé. * The Prosecution says that they relied on a single
25 source, a witness - talk about an insular approach of the evidence, to claim that an

1 entire movement, which was an armed county, and the entire county was funded.
2 We have one sole witness for that who talk about the Mokom witness and some bank
3 transfers. That is all. To talk about the funding of an entire group.
4 Where are -- where's proof of these bank transfers? I don't know if they are bank
5 transfers. There must be some backup for that. I haven't seen any file supporting
6 this.
7 And as regards the Mokom house, it's not serious. An entire movement, an entire
8 armed group was funded by a mortgage of one house. This is not a serious allegation.
9 Particularly, we don't understand the position of the Prosecution in their current case
10 * whereas in the Mokom case, the Prosecution had said: "we do not believe that
11 Mokom funded the anti-Balaka, and they even dropped the case against him. * Today,
12 he is a major organizer of the Anti-Balaka. * So, the question is not even which
13 witness to believe; today, we must know which Prosecution to believe: the
14 Prosecution in the Mokom case or the Prosecution in the Said case?
15 Prosecution doesn't even believe its own witnesses. It didn't say this yesterday in
16 the hearing because it is aware of the absurdity of that statement, but in the
17 submissions it talks about heavy weapons, heavy weapons. All the witnesses talk
18 about bows and arrows, of pots and pans. Where do you see these heavy weapons?
19 We don't see any mention in the filings.
20 It's true as regards the intensity of the conflicts, the fights, the Prosecution said that
21 there were big fights in the hinterland.
22 Madam President, your Honours, as a symbol of the lack of connectivity between
23 what the witnesses say and what the Prosecution is arguing, we have P-2251 who
24 describes the famous attack of Bossangoa in September 2013. The self-defence group
25 were beating pans and made a lot of noise and shouted, "Leave! Leave! We are

1 here". * And then: "at the beginning of the attack, the Seleka elements who were
2 guarding the village were taken by surprise. They fled towards their base, leaving
3 their weapons behind, which were then grabbed by our chiefs". This is the intense
4 battle which the Prosecution claims took place.

5 Another example of deforming the reality. The Prosecution said yesterday that the
6 government was aware that there were pro-Bozizé forces that were getting
7 themselves organised. But, once again, it is the price of deformation of what was
8 going on, deformation of evidence -- deforming the evidence. There's a striking
9 example of this.

10 The Prosecution said yesterday, and I quote, it is in the transcript of yesterday, "the
11 members were sent to Zongo as a mission by the minister at that time, Adam, during
12 the period of May to August 2013, the aim was to gather intelligence of the pro-Bozizé
13 forces."

14 Here I'm referring to the *Ordre de Mission* cited in paragraph 38 in the submissions of
15 the Prosecution.

16 This is what the Prosecution told us yesterday. This position is unbelievable. If
17 you look at these *Ordre de Mission*, which perhaps you've already done, your Honours,
18 Madam President, they do not say a single thing about the pro-Bozizé forces.

19 Perhaps the Prosecution has further evidence on this issue, but it cannot say a
20 document says something when it clearly does not. This document talks about a
21 mission to Zongo. Full stop. You don't find the words "pro-Bozizé", you don't find
22 the word "monitoring" or "gathering information". This is not an acceptable
23 procedure in front of the ICC.

24 To end about this armed conflict, your Honours, Prosecution once again denying the
25 reality, denies the fact of armed conflict once again between March and August 2013,

1 which is the relevant period for us.

2 Yesterday, the Prosecution said it refused to listen to a single witness who was a
3 specialist in humanitarian international law, which is P-0015 that was called upon by
4 the Defence, who has worked in the United Nations, and also worked in the ICRC,
5 who worked for the Swiss foreign affairs. * This witness would not be credible,
6 would not be reliable, so it means that no one is reliable or credible. United Nations,
7 the ICRC, the Security Council, did we hear the Prosecution talk about it yesterday?
8 No. Not a single international organisation with people on the field, NGOs, no one.
9 I must stress this point. No one said at that time that there was an armed conflict
10 between April and August 2013. Afterwards, that's another story, but it's not
11 relevant to our case.

12 PRESIDING JUDGE SAMBA: [10:54:06] Yes. Just so you're guided, Mr Jacobs, you
13 have 10 minutes more to respond to the Prosecution's brief. Ten minutes, for now.

14 MR JACOBS: [10:54:22](Interpretation) Is that what you want me to do, continue to
15 five past 11?

16 PRESIDING JUDGE SAMBA: [10:54:32] Yes, please.

17 MR JACOBS: [10:54:34](Interpretation) Thank you, Madam President.

18 From the very beginning of the hearing the Prosecution has just simply ignored this
19 fact. The irony is, and we explained this in our submissions, the Prosecution, who
20 wants to completely ignore the ICRC, and this has already been explained to you.

21 * P-0015 has already said that, said the ICRC is careful, but it wants to protect the
22 civilians. It's important -- it is important for the ICRC, so if there is an armed conflict
23 they can prevent, they will do so. That's what they say. And it is only in
24 March 2014, March 2014 that they said there was an armed conflict.

25 Prosecution in their submissions quotes the customary law in the ICRC. They like to use

1 them from a legal point of view, * but when it comes to listening to those who implement
2 these texts, the ICRC itself refuses to listen to them. *This denial, once again, has not been
3 addressed. It's completely ignored by the Prosecution which, in the face of this unanimity
4 of sources, could have at least explained in its brief that the ICRC was wrong because of
5 such and such a reason, and that the United Nations was wrong because of such and such
6 a reason. Never. Not a single word. But ignoring the reality does not make it disappear.

7 I'm now moving on to my next point, Madam President, your Honours, namely, the
8 absence of any proof on the incidents that occurred.

9 The problem of evidence are the same here as elsewhere. If you read the
10 development as regards the incidents in the submissions of the Prosecution, we have
11 the impression that we have a résumé of all the witnesses rather than true evidence.
12 We have statements as regards the chain, sometimes contradictory confirmations.
13 Often these are not corroborated.

14 We gave examples in our submissions, but sometimes you can have an incident, in
15 the same paragraph you have a witness who says a person was stopped and arrested
16 by such an individual and then, the following sentence, another witness, it's another
17 person. So there's a contradiction from one sentence to the other without any further
18 explanation. So which witness are we to believe?

19 Prosecution spent a lot of time yesterday, a lot of time, to explain to us that it is not
20 serious that the evidence is not corroborated. It's not serious that it lacks a certain
21 coherence. It's not serious that some of the evidence is contradictory. It's not
22 serious if there's a problem of dates. It's not serious if we don't know the identity of
23 the victims.

24 * What a confession! * Rather than defending the solidity of their evidence, the
25 Prosecution is defending its weakness in their final submissions.

1 (Counsel confers)

2 MR JACOBS: [10:58:50](Interpretation) I repeat: What an admission of weakness on
3 the part of the prosecution!

4 The Prosecution tried to save the situation of incident G, but that doesn't change the
5 situation.

6 P-2607 and P-2504 don't agree on anything -- not on the date of the incident, nor how
7 the arrest took place of {PFR: (Redacted)} 2607, nor on the detention of {PFR:
8 (Redacted)}, nor the respective presence in the OCRB, nor the role that Mr Said was
9 supposed to have played within the OCRB. One said he was inside, the other said
10 he was outside, so he was in two different places at the same time.

11 (Counsel confers)

12 MR JACOBS: [11:00:07](Interpretation) Nor the way in which the death was
13 announced to family, nothing.

14 Prosecution showed brilliantly a lack of corroborative evidence, nothing more or less
15 than that.

16 P-2607, the key witness of the Prosecution in this incident, was not present when {PFR:
17 (Redacted)} was arrested. He's not the witness when {PFR: (Redacted)} arrived in
18 the OCRB. He's not the witness when he -- of the alleged detention of {PFR:
19 (Redacted)}. He was not a reliable witness when {PFR: (Redacted)} the OCRB. He's
20 not the witness when the death occurred. He's a witness of nothing.

21 The Prosecution told us yesterday that P-2607 recognised {PFR: (Redacted)}. How?
22 {PFR: (Redacted)}.

23 And here again the witness said, "{PFR: (Redacted)}."

24 This is not a serious form of identification for the ICC. So {PFR: (Redacted)} 2607 is
25 the entire person in Bangui that {PFR: (Redacted)}.

1 Prosecution seems to overlook regardless of the dates, but we have a {PFR: (Redacted)}
2 in the file which was given by 2607. That is a Prosecution witness that has brought it.
3 {PFR: (Redacted)} says that the witness, {PFR: (Redacted)}
4 {PFR: (Redacted)}. But that's something perhaps
5 we shouldn't take into account. But this document creates a doubt to the benefit of
6 Mr Said.

7 Prosecution said yesterday, and I've also given you examples, that this is an isolated
8 incident, whereas the Prosecution should have a holistic approach.

9 (Counsel confers)

10 MR JACOBS: [11:03:11](Interpretation) The two submissions show clearly that the
11 contrary is true. The Prosecution frequently relies on one witness who's saying one
12 thing and then makes it a generalisation. If you read, the Defence submissions are
13 holistic in their approach, because frequently there are dozens of witnesses who
14 corroborate an issue. That's an holistic approach, Madam President, your Honours.
15 But to have one reference at the bottom, a footnote, to show a very important
16 thing - for example, the funding of Anti-Balaka - is an isolated single-handed
17 approach.

18 I see the time, Madam President.

19 PRESIDING JUDGE SAMBA: [11:04:16] Well, indeed. We're going to break off for
20 now for some 30 minutes and when you come back you still do have your 60 minutes
21 to summarise your case on behalf of Mr Said.

22 So I rise the court for 30 minutes.

23 THE COURT USHER: [11:04:32] All rise.

24 (Recess taken at 11.04 a.m.)

25 (Upon resuming in open session at 11.36 a.m.)

1 THE COURT USHER: [11:36:05] All rise.

2 Please be seated.

3 PRESIDING JUDGE SAMBA: [11:36:38] Good morning again, everyone. And

4 Defence, you have 60 minutes to summarise your case.

5 MS NAOURI: [11:36:49](Interpretation) Your Honour, as was the case yesterday, the

6 Prosecution did use its time in a certain way and there was a bit of flexibility and

7 I think we will be asking for much the same. I think we will finish within the

8 60 minutes, I'll let Mr Jacobs finish his remarks and then I will present the final

9 submissions in the remaining 45 seconds, and I think we will be able to keep within

10 the time frame.

11 And, of course, I will turn over to my colleague, Mr Jacobs.

12 PRESIDING JUDGE SAMBA: [11:37:38] Certainly, Ms Naouri, you can use your

13 time in the manner you want and we will have the summary of your case within what

14 Mr Jacobs has to say now in response to the Prosecution's case and the summary of it

15 within the 60 minutes, that's acceptable. Thank you.

16 Mr Jacobs, please.

17 MR JACOBS: [11:37:58] (Interpretation) Thank you, Madam President.

18 Let me take up again where I was before the break. I was talking about the incidents

19 and the fact that at times the Prosecution took a rather isolated approach, whereas the

20 Defence took a holistic approach. And when you look at the incidents in their

21 entirety, you see that the reality was quite different to what the Prosecution would

22 have you believe.

23 Yesterday, during the hearing, the Prosecution quoted a number of witnesses who

24 said that they had been arrested because they had been perceived to be Bozizé

25 supporters. Already I believe we must wonder about the credibility of witnesses

1 who are first arrested by the police and obviously do not want to appear before the
2 International Criminal Court and admit that they are ordinary criminals. By
3 definition, their credibility must be assessed carefully.

4 Above all, these statements were immediately contradicted by the same witnesses
5 themselves who all gave an account of why they had been arrested. One had been
6 trapped {PFR: (Redacted)}. One had been {PFR: (Redacted)}.

7 One had {PFR: (Redacted)} possession. They all gave reasons for their arrest.

8 So by definition, that contradicts what was said, namely that they were arrested
9 because they were perceived to be Bozizé supporters.

10 Similarly, we drop a long list of similar contradictions in our closing brief. For
11 example, there were career police officers at the OCRB and prosecutors of the republic,
12 and would appear that witnesses said that it was Tolmo, for instance, who wanted
13 them arrested, who put them in the cells, who arrested them, who released them.
14 These were Prosecution witnesses who said that, but Tolmo, to the best of my
15 knowledge, was not a Seleka member.

16 It's much the same thing if you look at the various incidents together, 10 of the
17 incidents, 10. In 10 cases, Mr Said was not even mentioned. Ten, that's -- and that's
18 a lot of incidents. This is supposed to be the heart of the case.

19 And the Prosecution would have you believe that the mode of liability was direct, but
20 Mr Said was not even mentioned in the majority of the incidents, so we really do
21 wonder.

22 (Counsel confers)

23 MR JACOBS: [11:42:04] (Interpretation) One last point about the incidents. The
24 Prosecution took the stance yesterday that it was not serious if they had only one
25 witness as long as he was reliable, but that is a matter up for debate. We would put

1 it that the witness -- the witnesses, in the plural, are not reliable.

2 We've already mentioned one witness who gave a false identity to the Court, a

3 witness who lied about the amount of time he spent at the OCRB. He said one

4 month and then he said a few weeks.

5 Incident F, number F, the witness changed his mind. That was a single witness

6 uncorroborated who said that he saw, he saw three people who were killed, but

7 during the hearing, he said seven people, then he said 24 people, one person. This is

8 Witness P-0481. This was not corroborated. There's no material evidence. But

9 we're supposed to believe this witness.

10 There's a problem with a single witness who is not reliable. One convicts a person at

11 the ICC on the basis of what a single witness has said, an unreliable witness? What

12 can you do with testimony like this? Seven people, three people, and then the next

13 day he says 22.

14 Incident N. The Prosecution themselves confronted that witness with his previous

15 statement because it was unclear whether he was there during the arrest or not. He

16 changed his mind. How can one believe such a witness? P-1737.

17 As for the legal characterisation of the events, there are many things, many points I

18 could make, but I'm trying to be selective here, your Honours.

19 The Prosecution has not gone one incident at a time, one by one, to determine which

20 legal qualification of events would be appropriate. They have not proceeded one

21 incident at a time. If they had done that, they would be able to explain, for

22 instance - and this example has already been mentioned and I think it is quite

23 symbolic - incident N, a person was found guilty -- correction, incident L. This

24 person was perceived to be a Bozizé supporter, incident L.

25 If the Prosecution had conducted this exercise, they would have looked at incident K,

1 a person who alleged -- who was arrested at the orders of Alain Tolmo, and then a
2 few hours later, released by Benjamin Malo without even being placed in detention.
3 How could this be included in any of the counts? He was not even detained.
4 Mention is made of inhumane conditions, but he was never detained, so what count
5 actually corresponds to what I'm describing here today? None.

6 * Yesterday, the Prosecution claimed, and I made this point in the closing brief with
7 regard to the other counts. Just a word on the count of persecution, that the
8 Prosecution was not able to demonstrate yesterday during their final remarks, nor in
9 their closing brief.

10 * And how could they? They should have presented specific figures of the inmate
11 population, of the people detained at the OCRB in 2013, all of them. If there was a state
12 policy, if all the people at the OCRB were former Seleka members or common criminals,
13 where -- where is this policy? * The Prosecution tells us that people were being targeted
14 because they were former Seleka members or part of the presidential guard, but you saw
15 how many people, you saw in the case record that all the FACA members came to work.
16 One witness gave a list of all the presidential guard members under Bozizé who
17 worked under Djotodia, for Djotodia. So where is the targeting there? They
18 worked under Djotodia at Camp de Roux, they worked with him. Where was the
19 targeting? They have drawn up a list of people, Christians, Mandja ethnic members,
20 that's a list of many, many people in the Central African Republic. The majority, so if
21 someone has been arrested in Bangui, it's quite likely that the person was a Christian
22 and a Gbaya person, but that proves nothing at all. Most of the victims or the people
23 arrested were men. And what am I to understand? Is the Prosecution saying that all
24 the men in Bangui were presumed to be Bozizé supporters? This is ridiculous.
25 To conclude, I would like to return to the point of Mr Said not bearing criminal

1 responsibility.

2 Now, one word about the mode of liability. The Prosecution spent a great deal of
3 time yesterday saying -- speaking to this point but never really explaining what the
4 mode of liability was. * They quoted jurisprudence, they spoke of direct coercion,
5 they mentioned the Ongwen case, the Abd-Al-Rahman case, none of which addresses
6 direct coercion. So we still don't know what it is.

7 I'll move on.

8 As for the common plan, once again, the Prosecution defends their evidence, no
9 matter how weak it is. They say, "Oh, it doesn't matter that the evidence is weak."
10 It does -- but if you read the closing brief, they seem to be saying that the common
11 plan can be derived from the crimes, it's something you can deduce, you can easily
12 deduce the common plan from the commission of crimes. Not necessary to
13 demonstrate the contribution because it all can be deduced from the common plan,
14 which in turn is deduced from the commission of the crimes, and so on and so forth.
15 Sort of like a stair in an Escher painting, a stairway that leads nowhere.

16 Yesterday the Prosecution told us that we are the ones to decide who in the common
17 plan -- about the common plan and the proof that it was Linguissara, and
18 that -- Tolmo, and that there were career police officers at the OCRB.

19 To conclude, at the end of the closing brief of the Prosecution, we find ourselves
20 asking the same questions.

21 The Prosecution has not listened to their own witnesses, and if they don't listen to
22 their own witnesses, on what basis are they asking you, the Chamber, to believe them?
23 They would like you to believe these uncorroborated witnesses when it suits them
24 and disregard information when it doesn't suit them. This is not an acceptable
25 approach to assessing evidence at the International Criminal Court.

1 The Prosecution has made up a story, a work of fiction, a fiction that does not need to
2 be proved, a work of imagination.

3 I will leave it at that, your Honour.

4 MS NAOURI: [11:53:24](Interpretation) Your Honour, Madam President, I have
5 carefully listened to the hearings and I have heard an account made up of bits and
6 bobs, an account that twists the words of their witnesses and makes the recent history
7 of the Central African Republic a travesty.

8 The Central African Republic deserves better. That country deserves that its history,
9 reality, is taken into account properly, without distortions, without simplifications or
10 without caricatures.

11 * The Central African Republic deserves to have its sovereignty restored, so often
12 stolen by political and foreign interference and meddling.

13 The Prosecution never really talked about the self-defence groups that allegedly made
14 up the Seleka.

15 And why? Because they would have to concede that it was impossible for those
16 groups to organise into something larger or to form a structure.

17 It's as if the Prosecution, after reading their closing brief and the closing brief of the
18 LRV, it's as if they wanted everyone to forget about the challenges of the north part of
19 the country. For decades, that part of the country, the government was dissolving,
20 breaking down, that part of the country was plagued by all kinds of crime,
21 particularly by the crime of the Zaraguinas.

22 It's as if the Prosecution would like us to forget P-0349, who told us about the north, a
23 place where there was no drinking water, no roads, no electricity.

24 It's as if they wanted to deny the fact that the Bozizé government ran the state as if it
25 were a private company and that they had driven all the FACA away.

1 And yet the evidence is there. The self-defence groups in the north were created to
2 make up for the vacuum that was left behind, the lack of a state.
3 For example, if I could move on to the situation in Libreville, the coalition had no
4 agenda, they had no ideology, no political platform that was consistent.
5 And if we look at that finding and when we consider the testimony and the
6 documentary evidence, the Prosecution had to concede that there was no chain of
7 command within the coalition, no centralised chain of command. They said so in
8 their brief. It is true, it's true there was no centralised chain of command. And yet
9 they did not draw the -- any sort of conclusion or consequence from that.
10 If the chain of command was not centralised before 24 March 2013, how could that
11 coalition have magically turned into an organised structure?
12 When you look at the case record, it's impossible to answer that question.
13 I want to repeat this point. This is essential. We don't know after 24 March how an
14 unstructured coalition could have magically become a structured coalition.
15 And to set aside that sort of -- that failing within their case, the Prosecution has
16 decided to act differently. They have presumed a certain degree of coordination
17 because a number of groups came to Bangui.
18 * And if we talk about these people flowing into Bangui, even though this is outside
19 of the time frame. What do the witnesses say? That the situation was entirely chaotic,
20 there was no coordination. Some people joined up with friends after unfathomable
21 diversions, taking taxis, walking, {PFR: (Redacted)}. Another wanders off and goes to
22 repair a taxi - {PFR: (Redacted)}.
23 * Another speaks of a journey that is impossible to piece together and recounts
24 hearsay as to what was going on elsewhere during the influx -- {PFR: (Redacted)}.
25 In actual fact, even before the period of the charges, no instructions about which route

1 to take, nothing about a coordination of a group, no FACA positions had been
2 identified, nothing.

3 * No witness who was called was at any meeting whatsoever of Seleka leaders, none.
4 They merely give us an account of hearsay. They don't report anything with a clear
5 structure. It's completely incomprehensible. And when it comes to the actual time
6 when everyone was streaming into Bangui, well, basically they show us a map
7 depicting the hearsay and ask us to believe it. So what's the Prosecution saying?
8 They're saying that they were coordinated because they had military ranks. But this
9 reveals the lack of realism and the fact that it's not listening to its witness.

10 At least 13 witnesses explain that ranks were self-assigned and therefore did not
11 reflect any hierarchy. P-0338, P-2563, P-2105, P-2240, P-1563, P-0964, P-2161, P-1737,
12 P-0234, P-0119, P-2926, P-0035, P-0037.

13 * What are they telling us? They are telling us that these ranks — and I quote — “are
14 fantastical” — fanciful. What coordination can we try to prove based on ranks that all
15 witnesses tell us are ‘self-attributed’ and ‘fanciful’? And there's a witness that says,
16 and I quote: “In the Seleka, there were - and it's fair to say - several hundred colonels.
17 Even those who weren't there at the start when the Seleka arrived in Bangui, even
18 traders in Bangui with limited means became colonels.” {PFR: (Redacted)}.

19 Witnesses also report that upon arrival in Bangui, the FACA disbanded and there was
20 no fighting, apart from a skirmish with South Africans at PK5.

21 In reality, the case file shows that the instructions clearly conveyed by the
22 representatives of the Bozizé government were to lay down arms and flee the fighting.
23 In such a context, there was no need for organisation or coordination. They
24 disbanded, they left and they surrendered, put down their arms.

25 And what did the new arrivals in Bangui do? And I told you this morning, each one

1 was going basically to find his own bounty, his loot.

2 But in such a situation where everyone in Bangui is actually trying to get richer and
3 claiming themselves to be Seleka, so what exactly is the Prosecution referring to after
4 24 March 2013? It's impossible to know.

5 So this morning we spoke about the Seleka government created by the Prosecution
6 and we said -- we demonstrated how it was basically a national government. And
7 I'm not going to come back to this. What's really interesting is the instruction given
8 by this government that functions with its ministers.

9 Now, the witnesses, whether it's the military police, the OCRB staff, or the ministers,
10 say that it's the government of Djotodia who gave instructions, who issued
11 instructions.

12 And I insist, ever since the Prosecution speaks of a policy permitted by a government,
13 a government that it defines as Seleka, what it must demonstrate is that the members
14 from the presidential majority should have a plan and give instructions, especially to
15 the police.

16 And how do they give these police the instructions? By written documents, by
17 meetings so that this policy can be implemented. And that's what the Prosecution
18 must prove. And the instructions are there. These are these confidence-building
19 measures. And I'm going come back to this, but I want to talk about this

20 government which is multiparty but also has a security advisory body which for the
21 Prosecution is a suspicious weekly meeting forum. This is what they said. * But
22 this national advisory body is created by the prime minister, M. Tiangaye. He came to
23 tell you. And all members of the government participate in order to set out the
24 objectives and coordinate the security policy of the Defence.

25 Now, that's absolutely normal. When there is a transition government, it's good to

1 have an advisory body which is in charge of the security policy and defence policy.
2 And what do the witnesses say, who comes to these meetings where the questions on
3 securing the capital, billeting, disarming people bearing arms are discussed? So you
4 have the chief of staff, he's not Seleka, the director general of the police, the director
5 general of the military police, the gendarmerie, the prime minister and international
6 representatives. Have you ever seen a state that decides to come up with a plan with
7 a single political party in the presence of international representatives like France?
8 * We are a long way from meetings at the CNS aimed at establishing a questionable
9 policy by a circle of insiders. And I refer you, in particular, to the attendance lists we
10 have at our disposal.
11 Now, these instructions given during the meetings -- now, these instructions, they
12 show a will on behalf of the government to restore stability in the country through
13 these confidence-building measures. Now, confidence-building measures are
14 actually decided upon in front of the international community. First of all, you have
15 instructions to encourage -- I'm sorry. First of all, you have instructions to encourage
16 civil servants to get back to work. We have several calls -- official calls -- we have
17 several official calls from the president, from the prime minister, from the army chief
18 of staff who basically instruct civil servants to get back to work. * We also have
19 radio broadcasts, and the call from Djotodia is issued again for the police officers
20 through Nouradine Adam, the minister for Security. And this led to a major report.
21 Benjamin Malo testified to that.
22 Now, unlike what the Prosecution says, the new authorities encouraged FACA, who
23 were seemingly targeted, and it's the government that encouraged these FACA to get
24 back to work, and it's not to amuse the public, because it's going to bare fruit and this
25 is what the Prime Minister Tiangaye says. It does bear fruit and this has been

1 confirmed by a security report dated 25 July and it says * that 744 police officers went
2 back to work. 2,600 military police officers went back to work. 4,458 FACA agents
3 went back to work. This is tab A -- tab 1 from our list of notifications.

4 Other instructions, arresting the uncontrolled arm bearers, weapons bearers. This
5 instruction is implemented through the joint patrols comprising official civil servants,
6 members of FOMAC and volunteers from the five groups of the coalition. And here
7 again, there are meetings -- meetings of the FOMAC where the general of FOMAC
8 suggested to Djotodia, the president, and I'm quoting, "An officer from the Seleka
9 should be appointed in order to work together with FOMAC in order to end these
10 exactions."

11 So, again, there are meetings, there are meetings where FOMAC agents are saying
12 that "we will be collaborating with Seleka generals", and this is not something that is
13 hidden.

14 * And what's happening? The director general of the police, Linguissara, participates
15 in implementing these confidence-building measures.

16 A member of the military police, {PFR: (Redacted)} says that it's Djotodia who created
17 the military police in order to avoid criminal activity and to basically get the people to
18 lay down their arms, corroborated by other elements, but there is a report on the
19 security situation of 25 July 2013 that indicates that in order to disarm uncontrolled
20 agents, activities had been carried out by a joint team comprising of disciplined Seleka
21 elements, gendarmerie, the military police, the police and the FOMAC, the Central
22 African force. It's quite clear. They are working to implement to the
23 confidence-building measures.

24 Now with regard to the instruction to billet and disarm, we've seen the joint patrols
25 here and the CNS is also participating in implementing the billeting and the

1 disarmament process. And as of 29 March 2013, Tiangaye, the prime minister, says
2 on RFE the initiatives deployed for billeting, and this is a government-led initiative.

3 * During a meeting with the CEMA – the army Chief of Staff – the ambassador of
4 Chad, Mr Babacar from the UN, and General Mukojo from the African Union, the
5 President Djotodia gave an instruction to the army chief of staff, Dolle Waya, to
6 implement a joint force for billeting. So, again, it's the auspices of the -- this is again
7 under the auspices of the international community.

8 Another evidence that is corroborated, in a press released dated 3 April 2013, the
9 ministry -- the minister of security calls for billeting and he says, and I'm quoting him,
10 "The uncontrolled elements bearing arms who are making the most of the situation,
11 who are continuing to loot and vandalise and committing other exactions should stop
12 doing so immediately." Tab 605.

13 So these are the instructions issued by the minister of security, "Stop your acts, your
14 exactions and we're going to disarm you." This is absolutely positive. No inference,
15 no hypothesis, it's clearly to be drawn from the evidence.

16 So the OCRB was basically drawing on these confidence-building measures. This is
17 not something new for Djotodia - we've seen this this morning - for the government.

18 It's an open place where the public can go, whether it's for family visits or the
19 international representatives. And I've said this this morning, witnesses have shown
20 that this is a place that's extremely open. It's -- it's a place of temporary detaining,
21 temporary remand. People who were suspected are held there. These people
22 suspected who are there are basically low-level bandits.

23 And I just wanted to add something. I'm not saying this, it's the witnesses. {PFR:
24 (Redacted)} who says that amongst the 17 prisoners, three were FACA, two were
25 civilians and all the others were basically Seleka. P-2563 says the detainees were

1 diverse in nature and it was maintained at the OCRB for various reasons, and he
2 specifies that the uncontrolled elements had actually looted the population and these
3 are the grounds for arrest and this is why they are in prison.

4 And {PFR: (Redacted)} says that most of the other prisoners were young Seleka
5 delinquents who were accused of robbery, drug trafficking and theft.

6 In fact, when you listen to the witnesses, their narratives illustrate that they are
7 actually suspected of common infractions. One witness was arrested because he was
8 transporting a suspicious suitcase of documents. These were sensitive documents
9 and he was basically crossing the border between the CAR and the DRC. Another *

10 witness was suspected of having a weapon in his possession and committing an
11 armed robbery. One witness was suspected of stealing gold. Another witness
12 of -- suspected of not paying back his debt. Another witness was suspected of
13 stealing diamonds. Another suspect was suspected with association with Seleka.

14 Another one was holding a machete. And another was actually the subject of a
15 complaint filed against him. And the list continues. I'd like to actually refer you to
16 our brief.

17 And this is exactly what happens -- what's coming up from the case.

18 As it's clear that the OCRB is trying to function in spite of the fact that it is
19 understaffed. And the witnesses who worked at the OCRB said that the OCRB is a
20 mixed unit.

21 P-2161 says that the repression unit is a mixed unit. It's not my words, these are his
22 words, that you had the national police supported by the Seleka and they specified *
23 that all OCRB staff received instructions from the minister of security without any
24 distinction, irrespective of where they come from, as confirmed by P-1737 and P-1004.

25 * This organisation was put in place upon the instruction of Djotodia and this is what

1 P-1019 confirms, as I said during my opening remarks.

2 As I said in my opening speech, * the insider witnesses P-0338, P-0478 and P-0787 say
3 that the officials of the judicial police have an active role, and this is confirmed by the
4 other OCRB staff and the detainees as well. The OPJ were receiving complaints, they
5 carried out investigations, especially on the crimes, they were hearing detainees, they
6 were working with the prosecutor. Benjamin Malo, who was the director of the
7 OCRB explains that he had the keys of the cell. He organised the movement of the
8 members of the government. He carried out investigations and also received direct
9 instructions from the director general of the police.

10 So this is the judicial police we are talking about, the pseudonym OPJ, the judicial
11 police.

12 The members of the supporting mission have -- are basically in charge of
13 administrative work, logistic work, staff management, purchasing, procurement, and
14 also secretarial tasks, such as registration. So all support staff had actually registered
15 the detainees and this is their main job.

16 (Counsel confers)

17 MS NAOURI: [12:20:15](Interpretation) With regard to the organisation of the
18 supporting missions -- support mission, it is not possible to know who was -- who
19 was part of this mission and when and you really cannot draw up a hierarchical chart.
20 What -- this is what Benjamin Malo corroborates and * P-0234, who actually says it, he
21 says that the hierarchy was changing all the time. Benjamin Malo said that some of
22 the people were actually uncontrollable. They were consuming drugs and they
23 would answer to no one, and they would act by their own will, especially a certain
24 person called Mr Tahir, who was designated by a witness on the basis of a photo, as a
25 person who is in charge of his misfortune, and not Mr Said.

1 And this is why many people designated various heads at the OCRB, especially with
2 regard to the incidents. As I was saying this morning, there's Tahir, Mazangue,
3 Linguissara, a gentleman with a long beard and long hair.

4 So when there is such a doubt on the person in charge of the OCRB, this doubt cannot
5 be overlooked.

6 * Now, the reality at the OCRB, there were efforts to implement the peacekeeping law
7 enforcement, but it was very difficult because of lack of directives, because of excessive
8 criminal behaviour for personal reasons. And this is what comes out from the incidents in
9 the file. Let's take the example of the incident against {PFR: (Redacted)}. The
10 person who hurt {PFR: (Redacted)} is a person who was actually -- and was under the
11 influence of narcotics. And that is exactly what the witness said. He did not say because
12 he was asked to do something, he was drugged and he apologised later. And that's
13 extremely unfortunate, but this is excessive behaviour that is not for international crime
14 and it is definitely not about any kind of common plotting or anything. You really have to
15 be realistic about all this when you analyse incidents that are being discussed here and
16 they have to be put in their context, in the Central African context.

17 The ICC should -- the mission of the ICC is not about interfering in the institutions of
18 the state of a country. The narratives of the witnesses basically tell us about how the
19 OCRB worked during the period covered by the charges and before and including
20 today.

21 P-1737 basically puts it the right way. This actually brings the Central African reality
22 at the heart of the debate at the ICC. He says:

23 "The OCRB, the central office for the suppression of banditry, this department bears
24 its name because it's a police-based organisation where police officers were basically
25 fighting, combating banditry in the country. And until this day, until this very day,

1 when you go to the OCRB, certainly you will observe that, you will observe this after
2 a couple of days. You will see from time to time small criminals who are arrested
3 and who are taken to the OCRB to be beaten, corrected, so that they do not become
4 repeat offenders. I never said that people were arrested any way to -- and they were
5 brought to the OCRB to be beaten. That is not what I said. I just gave you the real
6 explanation."

7 Until this day, the witness says, "I just gave you the real explanation", and I think it's
8 crucial that we demonstrate that we can listen to the witnesses in this Court without
9 any *a priori* and we should know when this goes beyond our jurisdiction.

10 Now, there are cases that basically are for the national legislation and there is no war,
11 there is no attack and it's basically up to the Central African Republic to take
12 ownership of its history, but we cannot impose unrealistic standards on the country.

13 Madam President, your Honours, the evidence is clear and it's compelling. The
14 Prosecution actually tasked upon us an imaginary reality and they did not call upon
15 the experts who would have actually put an end to their narrative. It is up to us at
16 the end of the trial to give the word back to the Central Africans. Their narrative
17 comes from a reality that was existing in Bangui during troubled times, prior to the
18 fall of a regime, characterised by chaos and efforts, to basically restore public order.

19 And we have to know when international justice should step in and when national
20 justice should step in. Currently we all have to give their destiny back to the Central
21 African people and give Mr Said back to his country.

22 I said this at the opening of the trial. The Central African Republic is a country that
23 the Africans say that the destiny was stolen away from the people of the country.
24 Let's not take any more from them. Let's give the country back its autonomy by
25 giving it back its jurisdiction and competence.

1 And this is where the entire point of the case is. The Prosecution did not actually
2 present a case which is for international justice. It uprooted Mr Said from his origins
3 and he paid the price on account of his health.

4 Mr Said never yielded in spite of the obstacles, in spite of a coma that lasted several
5 weeks, operations, and he was far from his near and dear ones for so many -- for such
6 a long time. Except -- in spite of the pain, in spite of the health problems, there were
7 various health problems, he's still undergoing, he actually was there in this court
8 without evading, without causing any delays. He came. Sometimes -- and it was
9 very difficult for him, so that justice is done. Because he believes in justice and in the
10 truth.

11 This truth is there. It's right in front of our eyes. And it's the task of the Chamber
12 to unveil this. And all the witnesses who had the courage to talk about this, you,
13 your Honour and the bench, must recall that there can't be justice without truth. It's
14 on the Prosecution to provide -- it's on the Prosecution that -- that must provide proof,
15 not the Defence. The burden of the proof rests on the shoulders of the Prosecution,
16 not on the Defence. We must focus on the facts. The facts come from reality and
17 this reality is right there before our eyes. Let's take note, let's draw all the necessary
18 conclusions and recognise Mr Said's innocence by clearing him of all charges.

19 That will be justice.

20 Thank you so much, your Honour.

21 PRESIDING JUDGE SAMBA: [12:31:09] Thank you very much, Ms Naouri.

22 Now, this brings us to the end of the closing statements in this case. And pursuant
23 to rule 142(1) of the Rules of Procedure and Evidence, the Chamber will now retire to
24 deliberate on its judgment pursuant to Article 74 of the Rome Statute.

25 The Chamber notes that in its judgment it will decide whether to convict or acquit the

1 accused. If, and only if, the outcome is a conviction, sentencing procedures will
2 follow. The Chamber puts the parties and participants on notice that, if there is a
3 conviction in this case, it intends to proceed to sentencing as expeditiously as possible.
4 So with this in mind, the Chamber trusts that the parties and participants will make
5 proper use of the time in preparation of any outcome of the proceedings pending the
6 trial judgments' issuance. This instruction is given without prejudice to the
7 decision of the -- or without any prejudice of any decision the Chamber may take as to
8 the guilt or innocence of the accused.

9 That said, speaking on my own behalf as Presiding Judge of this Chamber, and on
10 behalf of my colleague Judges, I would like to thank the Prosecution, the Defence, the
11 victims representatives for their dedication and assistance during this trial. I thank
12 persons here present in the courtroom and those viewing online, especially those
13 viewing from the Central African Republic.

14 In addition, these proceedings would not have been possible without the support of
15 the Registry. I've said it many times before, but I thank the court officers and the
16 court clerk, the interpreters and court reporters, the victims and witnesses unit, our
17 abled security officers and all staff behind the scenes who made this trial possible.
18 Your skills and professionalism are commended.

19 Finally, I would like to express our thanks to the Chamber's legal and administrative
20 staff for their invaluable assistance throughout this trial.

21 I thank you all very much. This matter stands adjourned.

22 THE COURT USHER: [12:34:39] All rise.

23 (The hearing ends in open session at 12.34 p.m.)