

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Opening Statements - Courtroom 1
8 Monday, 26 September 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:32:10] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:36] Good morning, everyone.
14 I would like to welcome all of you into this courtroom.
15 Madam Court Officer, could you please mention the case.
16 THE COURT OFFICER: [9:32:50] Good morning, Madam President, your Honours.
17 This is the situation in the Central African Republic II, in the case of The Prosecutor
18 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SAMBA: [9:33:09] Thank you very much.
21 Counsel, can you please introduce yourselves, starting with the Prosecution, please.
22 MR KHAN: [9:33:20] Good morning, Madam President, your Honours. My name
23 is Karim Khan, and I lead the Prosecution in this case. I'm joined on my left by
24 Deputy Prosecutor Mr Mame Niang; trial lawyer, Leonie von Braun. And then
25 behind me, we have the senior lawyer in this case, Holo Makwaia. We have

1 Ms Brunhild and also Ms Andreina Rodriguez. And then right at the back, we have
2 Ramu Bittaye, our case manager; Sanyu Ndagire, also a trial lawyer in the case.
3 Thank you.

4 PRESIDING JUDGE SAMBA: [9:34:00] Thank you very much, Mr Khan.
5 Counsel for the victims, please.

6 MS PELLET: [9:34:10](Interpretation) Thank you very much. The victims in this
7 case are represented by Adeline Bedoucha, Tars Van Litsenborgh and myself,
8 Sarah Pellet, *Counsel within the Office of Public Counsel for Victims.

9 PRESIDING JUDGE SAMBA: [9:34:33] Thank you very much.
10 Defence counsel, please.

11 MS NAOURI: [9:34:39](Interpretation) Thank you very much. Beside me today,
12 Dov Jacobs, associate counsel; Léa Allix, and behind, Francois, and as for myself, I am
13 Jennifer Naouri, lead counsel, representing Mr Said. Thank you.

14 PRESIDING JUDGE SAMBA: [9:35:02] Thank you very much, Ms Naouri.
15 I don't know if we have any representative from the Registry. Anybody from the
16 Registry? No?

17 For the record, I take note that the accused, Mr Said, is in court.

18 So for members of the public, let me quickly introduce the Chamber. I myself, I am
19 Miatta Maria Samba, and I'm the Presiding Judge. To my immediate right is Judge
20 Socorro Flores and to my left is Judge Sergio Ugalde.

21 As you are aware, we are here today for the opening of the trial of Mr Said Abdel
22 Kani. For the record, Mr Said Abdel Kani indicated it to the Chamber in January
23 that he goes by the name of Mahamat Said. So we will be referring to him as
24 Mr Said in these proceedings.

25 I will open with a few preliminary remarks and then the charges will be put to

1 Mr Said. We then intend to hear opening statements by the Prosecution. This will
2 be followed by the opening statements of the Legal Representatives of Victims and
3 then the Defence.

4 As an introduction, I wish to provide some short background information to this case.

5 On 30 May 2014, the government of the Central African Republic referred this
6 situation to the Court. This referral pertains to crimes within the Court's jurisdiction
7 that may have been committed since the first day of August 2012.

8 On 7 January 2019, the Pre-Trial Chamber issued a warrant of arrest against Mr Said.

9 He was surrendered to the Court on 24 January 2021 and made his first appearance
10 on 29 January 2021.

11 On 9 December 2021, the Pre-Trial Chamber confirmed the charges against Mr Said,
12 which are now brought before this Court. Today is the opening of the trial.

13 At this juncture, I would like to emphasise that the Chamber is aware of the
14 importance of parties being able to fully present their case. At the same time, we
15 wish to stress that we will expect the trial to be carried out in an effective and
16 expeditious way. Not only for the benefit of all participants, but more
17 fundamentally for the benefit of the accused and the victims.

18 We will now turn to Rule 134 of the Rules of Procedure and Evidence. In decision
19 243, the Chamber sets a deadline of 22 July 2022 for the filing of any motions
20 requiring resolution prior to the commencement of trial.

21 The Chamber notes Rule 134(2) of the Rules. The Chamber will now ask the parties
22 whether, save any pending request with the Chamber, they have any remaining
23 objections or observations concerning the conduct of the proceedings which have
24 arisen since 22 July 2022, which was the deadline set by the Chamber.

25 Be mindful that, in accordance with Rule 134(2), no such objection or observation may

1 be raised during the trial proceedings without the leave of the Court.

2 Mr Prosecutor.

3 MR KHAN: [9:39:16] Thank you, Madam President.

4 No objections as far as the Prosecution is concerned.

5 PRESIDING JUDGE SAMBA: [9:39:21] Thank you very much.

6 Ms Naouri, I note your email of -- you may want to stand up, please. I note your
7 email of Thursday, 22 September, that you do not intend to raise any objections or
8 observations. Could you kindly confirm that for the record.

9 MS NAOURI: [9:39:45](Interpretation) Thank you, your Honour.

10 Indeed, as the Defence has taken good note of the earlier decision by email, on 21
11 September, namely, that we could make observations only about things that
12 happened after 22 July. In that situation, the Defence has no observations because it
13 would be difficult for us to make this artificial distinction about events occurring
14 before the date in question and those events occurring after.

15 PRESIDING JUDGE SAMBA: [9:40:28] Thank you very much, Ms Naouri.

16 So in accordance with Article 64(8)(a) of the Rome Statute, the charges will now be
17 read to the accused, following which Mr Said will be afforded an opportunity to make
18 an admission of guilt or to plead not guilty.

19 As agreed by the parties and the Chamber, the court officer will now read the charges,
20 omitting those portions containing confidential information that cannot be read in
21 public session.

22 Madam Court Officer, can you kindly read the confirmed charges to Mr Said. Thank
23 you.

24 THE COURT OFFICER: [9:41:18] Thank you, Madam President.

25 The charges against Mr Said, as confirmed by Pre-Trial Chamber II, read as follows:

1 Regarding the contextual elements of war crimes, Pre-Trial Chamber II confirmed that,
2 at all times material to the charges, including from at least March 2013 until at least
3 January 2014, there was an armed conflict not of an international character on the
4 territory of CAR.

5 The parties to this non-international armed conflict were distinguished from one
6 another by factors including their affiliation or opposition is Francois Bozizé
7 ('Mr Bozizé'), (President of CAR from 2003 until 24 March 2013), even though their
8 outward appearance, military organisation, and tactics significantly adapted as time
9 passed and according to the vicissitudes of war.

10 Thus, forces loyal to Mr Bozizé initially included the CAR armed forces (the *Forces*
11 *Armées Centrafricaines* or 'FACA'), and later the coalition known as the Anti-Balaka,
12 and forces opposed to Mr Bozizé formed a coalition known as the Seleka, led by
13 Michel Djotodia ('Mr Djotodia').

14 Later, after the Seleka temporarily assumed control over the CAR, pro-Bozizé
15 forces - including FACA members and former presidential guards under
16 Mr Bozizé - regrouped, rearmed and re-organised themselves as a broader insurgency
17 that became known as the Anti-Balaka. While the intensity of hostilities between the
18 pro-Bozizé forces and the Seleka varied, at no point in this period was the conflict
19 resolved by a peaceful settlement, such as the complete obliteration of one of the
20 parties or a lasting absence of armed confrontation between them.

21 The conduct that forms the basis of the charges in Counts 3 to 4 and 6 took place in
22 the context of and was associated with this armed conflict. At all material times, the
23 perpetrators of the charged acts, including Mr Said, were aware of the factual
24 circumstances established -- establishing the existence of the armed conflicts.

25 1. The intensity of the armed conflict.

1 The armed hostilities in the CAR between the pro-Bozizé forces and the Seleka were
2 protracted, exceeding the level of internal disturbances and tensions (such as riots,
3 isolated and sporadic events of violence or other acts of a similar nature) and
4 sufficient to establish a non-international armed conflict.

5 Specifically, in late 2012, the Seleka launched a military offensive in northern CAR,
6 occupying major towns and advancing southward towards Bangui, the capital of
7 CAR. The FACA and other forces loyal to Mr Bozizé were unsuccessful in resisting
8 their advance. By 24 March 2013, the Seleka were in a position to assault Bangui and
9 drove Mr Bozizé into exile. Mr Djotodia proclaimed himself the new President of
10 the CAR.

11 From 24 March 2013, Mr Bozizé and his allies rapidly regrouped, rearmed, and
12 reorganised to strike back against the Seleka. This led to the formation of the
13 Anti-Balaka coalition, which combined elements of the FACA and the presidential
14 guard with pre-existing and new self-defence groups in the CAR. By September
15 2013, within six months, these forces resumed significant combat operations against
16 the Seleka. By 5 December 2013, they were in a position to launch a large-scale
17 attack on Bangui in a coordinated attempt to oust the Seleka. While this was
18 unsuccessful, further intense conflict followed. This led to the resignation of
19 Djotodia on 10 January 2014, the retreat of the Seleka to the north and east of CAR,
20 and the installation (under international pressure) of a non-aligned transitional
21 government led by interim President Catherine Samba-Panza.

22 2. The organisation of the parties to the armed conflict.

23 At all material times, the parties to conflict were sufficiently organised so as to
24 establish the existence of a non-international armed conflict.

25 The Seleka were a coalition of several previously uncoordinated political factions and

1 armed groups, including: (1) the *Union des Forces Démocratiques pour le Rassemblement*
2 (*UFDR*); (2) the *Convention des Patriotes pour la Justice et la Paix-Fondamentale* (*CPJP-F*);
3 and (3) the *Convention Patriotique pour le Salut du Kodro* (*CPSK*). The Seleka exhibited
4 sufficient characteristics to establish that it was an organised armed group, including
5 possessing an ability to carry out military operations, and to take whole territory, and
6 having significant logistical capacity.

7 Likewise, for as long as they constituted the State armed forces (while Mr Bozizé was
8 President), the FACA compromised a key part of the pro-Bozizé forces and enjoyed a
9 legal presumption of sufficient organisation. While Mr Bozizé's ouster from Bangui
10 was a significant setback, it did not interrupt the effective functioning of his inner
11 circle and persons loyal to him.

12 The pro-Bozizé forces (including elements of the FACA who remained loyal to
13 Mr Bozizé) were re-organised to include pre-existing or new self-defence groups,
14 which came to be known as the Anti-Balaka. To any extent required, and at all times,
15 they were sufficiently organised, as demonstrated by their maintenance of an effective
16 command structure; their ability to carry out complex military operations; and their
17 development of an effective logistical capacity, including to recruit new fighters.

18 Regarding the contextual elements of crimes against humanity, Pre-Trial Chamber II
19 confirmed that:

20 From at least April 2013 until at least November 2013, the Seleka committed a
21 widespread and systematic attack against the civilian population in Bangui perceived
22 to be Bozizé supporters.

23 The Seleka engaged in a course of conduct that involved the multiple commission of
24 Article 7(1) acts, including multiple acts of murder, rape, torture, imprisonment,
25 persecution and other inhumane acts. This attack was committed pursuant to and in

1 furtherance of a state or organisational policy to commit such an attack against the
2 civilian population in Bangui perceived to be Bozizé supporters.

3 The Seleka perceived civilians with certain affiliations to be Bozizé supporters,
4 including (1) Christians; (2) people from the ethnic tribes of the Gbaya, Mandja or
5 Banda; (3) people living in certain neighbourhoods of Bangui; (4) people who had
6 certain professions perceived to be supportive of Bozizé, such as members of the
7 FACA, former presidential guards who had served under Mr Bozizé, and people
8 close to them; and (5) people who had been employed by the Bozizé government.

9 The attack included the multiple acts which took place at the detention facility in
10 Bangui referred to as the *Office Central de Répression du Banditisme* (Central Office for
11 the Repression of Banditry, 'OCRB').

12 The attack further involved non-charged Article 7(1) acts that took place during other
13 incidents in Bangui, such as:

14 An assault on 13 April 2013 on the 7th arrondissement of Bangui; a 14-16 April 2013
15 operation in the Boy-Rabe neighbourhood of Bangui; an operation in Boy-Rabe
16 starting in 20 August 2013; and an attack on at least six passengers taken from a
17 minibus at the PK9 checkpoint in Bangui, on or around 13 July 2013.

18 The attack was systematic. The crimes comprising the attack were not committed at
19 random. The crimes at the OCRB were (1) planned, coordinated, and overseen by
20 Seleka commanders; (2) committed by the Seleka on a regular basis over a substantial
21 period of time; and (3) executed by the Seleka according to a consistent pattern.

22 The attack was widespread. The attack was directed against the civilian population
23 living in densely populated neighbourhoods in Bangui, the country's largest city.

24 The attack resulted in a large number of victims.

25 The Article 7 acts in Counts 1-2, 5, 7 of these charges were committed as part of this

1 widespread and systematic attack. As a senior leader of the Seleka, and an
2 individual who was often present at the location of the charged crimes, Mr Said knew
3 and intended for his conduct to be part of the widespread and systematic attack
4 against the civilian population in Bangui perceived to be Bozizé supporters pursuant
5 to and in furtherance of the state of order or organisational policy.

6 Regarding the common elements of modes of individual criminal responsibility,
7 Pre-Trial Chamber II confirms that:

8 At all material times relevant to the crimes charged in Counts 1-7 committed between
9 12 April and 30 August 2013, Mr Said was a senior Seleka colonel operating in Bangui.
10 After the Seleka's military advance and takeover of Bangui, Mr Said was a direct
11 subordinate of Nouradine Adam (Mr Adam), who was the minister of public security
12 until 22 August 2013. Mr Adam appointed Mr Said as the *de facto* head of the OCRB,
13 effectively putting him in charge of this police unit, including all Seleka who were
14 stationed there. In this position, Mr Said had full authority over the Seleka elements
15 (OCRB-Seleka) stationed there.

16 In this role, Mr Said oversaw the functioning and conditions of the OCRB detention
17 centre. Mr Said exercised control over the OCRB-Seleka stationed at the OCRB who
18 complied with his instructions. Mr Said provided them with supplies and ordered
19 the arrest, detention and mistreatment of persons targeted on political, ethnic,
20 religious and/or gender grounds by the OCRB-Seleka. He personally participated in
21 arrests and interrogations.

22 Mr Said is individually criminally responsible for the crimes charged in Counts 1-7
23 committed at the OCRB between 12 April 2013 and 30 August 2013 for:
24 Committing those crimes jointly with others (Article 25(3)(a)), and ordering or
25 inducing those crimes (Article 25(3)(b)).

1 Concerning the charged crimes, Pre-Trial Chamber II confirmed that:

2 Between 12 April 2013 and 30 August 2013, Mr Said, together with the OCRB-Seleka,
3 targeted perceived Bozizé supporters by arresting, detaining and mistreating them at
4 the OCRB.

5 The targeted victims were (1) predominantly Christians; (2) predominantly
6 belonged to the Gbaya, Mandja or Banda ethnicity; (3) predominantly males; and
7 (4) predominantly from certain neighbourhoods in Bangui, like Boy-Rabe, perceived
8 as supportive of Bozizé. These victims were targeted for arrest on political, ethnic,
9 religious and/or gender grounds. Mr Said and the OCRB-Seleka severely deprived,
10 contrary to international law, these persons of fundamental rights, including the
11 rights to life, bodily integrity, private property, freedom of movement, and freedom
12 from torture or cruel, inhumane or degrading treatment.

13 The OCRB-Seleka violently arrested these victims, often at night, and beat and
14 hooded them. At the OCRB - which was an enclosed compound, not publicly
15 accessible, surrounded by high walls, and guarded by armed OCRB-Seleka - the
16 perceived Bozizé supporters who were arrested were detained in small cells.

17 Overall, the detention conditions were dire as the detainees were held in dark, hot,
18 cramped cells, and not provided with adequate food, water or regular independent
19 medical attention.

20 During the charged period, the OCRB-Seleka arbitrarily detained persons who were
21 predominantly male at the OCRB. They deprived them of fundamental rights
22 contrary to international humanitarian and human rights law, including having
23 access to prompt independent review of the basis of their detention and humane
24 treatment. While some detainees learned during their interrogations that they may
25 have been suspected of being a fighter or a spy for Mr Bozizé, others were merely

1 accused of protesting the Seleka regime, supporting Mr Bozizé politically, or being
2 from the Gbaya, Mandja, or Banda ethnic groups. During the relative time frame,
3 individuals were detained in a small and overcrowded underground cell by Mr Said's
4 office.

5 The OCRB-Seleka under Mr Said's control, and with his support, mistreated detainees
6 on an almost daily basis. Mr Said oversaw the detention of men who were beaten
7 with rifle butts, or slapped violently, and threatened with death. Others were
8 whipped with horsehide whips or sticks with metal wires; beaten with truncheons on
9 their feet while kneeling, or with rifle butts; burnt; or had their ears pulled with pliers
10 and partially ripped off. Some men were inflicted with severe physical and
11 psychological pain and suffering by having their hands, elbows and feet tied together
12 tightly behind their backs in a method called "*arbatachar*".

13 In line with the Chamber's instruction, I omit paragraph 29 of the confirmed charges
14 as it contains confidential information. I will now proceed with reading the
15 remainder of the charges.

16 The facts [referred to in paragraph 29], constituting the factual basis for Counts 1 to 6,
17 also form the underlying conduct of the crime of persecution (Count 7). This
18 conduct was committed in connection with these crimes. At the material times,
19 Mr Said and the other perpetrators targeted the victims, who were perceived as
20 Bozizé supporters as described [above], on political, ethnic, religious and/or gender
21 grounds.

22 Mr Said was aware of the factual circumstances that established the gravity of the
23 conduct, such that it violated fundamental rules of international law, as charged in
24 Count 1. Mr Said knew that detainees were arrested on an arbitrary basis, deprived
25 of their right to prompt independent review of the basis of their detention, held in

1 dire conditions, and subjected to severe physical and/or mental treatment.

2 Mr Said knew that the perpetrators inflicted the pain or suffering on detainees at the

3 OCRB for such purposes as obtaining information or a confession, punishment,

4 intimidation, or coercion, or for any reason based on discrimination of any kind

5 (Count 3). Mr Said was also aware that the persons detained at the OCRB were

6 civilians or persons *hors de combat* (Counts 4 and 6). Mr Said was further aware of

7 the factual circumstances that established the character of the acts as charged in Count

8 5 as acts similar to other acts referred to in Article 7(1) of the Statute.

9 Regarding Mr Said's individual criminal responsibility, Pre-Trial Chamber II

10 confirmed the following forms of criminal responsibility:

11 1. Under Article 25(3)(a) of the Statute for directly co-perpetrating crimes at the

12 OCRB.

13 Mr Said and Mr Adam, Tahir Babikir, Hissene Damboucha, Yaya Soumayele,

14 Mahamat Sallet Adoum Kette, Adoum Rakiss, Fadoul Al-Bachar, and other members

15 of the OCRB-Seleka shared a common plan or agreement to target perceived Bozizé

16 supporters in Bangui by committing the crimes charged in Counts 1-7 at the OCRB

17 (the 'OCRB Common Plan'). The crimes charged in Counts 1-7 were committed by

18 the co-perpetrators, including Mr Said, and occurred within the framework, and

19 resulted from the implementation of the OCRB Common Plan. The OCRB Common

20 Plan came into existence as soon as 12 April 2013.

21 Mr Said made an essential contribution to the Common Plan until 30 August 2013 by:

22 Arresting and detaining perceived Bozizé supporters at the OCRB, including the

23 detention of victims in an underground cell situated by his office in the OCRB;

24 instructing OCRB-Seleka to mistreat detainees who allegedly supported Mr Bozizé,

25 including by tying them up using the painful *arbatachar* method; supplying the

1 OCRB-Seleka with weapons, food, uniforms, and ID cards; interrogating detainees
2 violently and supporting such interrogation methods by OCRB-Seleka; and
3 overseeing the overall functioning of the OCRB detention centre, including the
4 detention conditions, by giving instructions and orders to the OCRB-Seleka, deciding
5 who could get access to the judiciary and by reporting to Mr Adam.

6 Mr Said meant to engage in the conduct described above and intended to bring about
7 the objective elements of crimes charged in Counts 1-7. He was also aware that the
8 implementation of the OCRB Common Plan would, in the ordinary course of events,
9 result in the commission of the type of crimes charged in Counts 1-7.

10 Mr Said was aware that the OCRB Common Plan involved an element of criminality.
11 He was also aware of his essential role in the OCRB Common Plan, the essential
12 nature of his contributions, as set out above, and of his ability, jointly with other
13 co-perpetrators, to control the commission of the crimes.

14 2. Under Article 25(3)(b) for ordering crimes at the OCRB.

15 Mr Said ordered members of the OCRB-Seleka, over whom he had a position of
16 authority, to commit the crimes charged in Counts 1-7. Mr Said gave instructions to
17 his subordinates to use the *arbatachar* method, praising this method as the best way to
18 extract confessions. He supported other forms of severe mistreatment. Mr Said
19 gave instructions to his subordinates to detain men in the small, dark and
20 overcrowded underground cell by his office, where they were provided little food
21 and water and no access to independent review of their detention.

22 Mr Said meant to engage in this conduct and was aware of his position of authority
23 over the physical perpetrators of the crimes. Mr Said meant for the OCRB-Seleka to
24 commit these crimes and/or was aware that, in the ordinary course of events, they
25 would commit the crimes and was aware that this conduct would contribute to their

1 commission.

2 3. Under Article 25(3)(b) for inducing crimes at the OCRB.

3 Through the conduct described above at paragraph 34, Mr Said induced the
4 OCRB-Seleka to commit the charged crimes. Mr Said exerted influence over the
5 OCRB-Seleka, prompting them to commit the charged crimes.

6 Mr Said meant to engage in the conduct described above. Mr Said meant for the
7 OCRB-Seleka to commit these crimes and/or was aware that, in the ordinary course of
8 events, they would commit the crimes and was aware that this conduct would
9 contribute to their commission.

10 The Pre-Trial Chamber gave the following legal characterisation of the above facts
11 and held Mr Said criminally responsible for:

12 Count 1: Imprisonment or other severe deprivation of physical liberty as a crime
13 against humanity at the OCRB of persons perceived to be Bozizé supporters between
14 12 April 2013 and 30 August 2013, including as summarised in paragraphs 29.a-r,
15 punishable under Article 7(1)(e) and pursuant to Article 25(3)(a) (direct
16 co-perpetration) and 25(3)(b) (ordering or inducing) of the Rome Statute.

17 Count 2: Torture as a crime against humanity of people perceived to be Bozizé
18 supporters, who were tied using the *arbatachar* method, between 12 April 2013 and 30
19 August 2013, as well as other detainees who were severely mistreated, including as
20 summarised in paragraphs 29.b, 29.e, 29.h, 29.m and 29.q, punishable under Article
21 7(1)(f) and Articles 25(3)(a) (direct co-perpetration) and 25(3)(b) (ordering or inducing)
22 of the Rome Statute.

23 Count 3: Torture of a war crime of people perceived to be Bozizé supporters, who
24 were tied using the *arbatachar* method, between 12 April 2013 and 30 August 2013, as
25 well as other detainees who were severely mistreated, including as summarised in

1 paragraphs 29.b, 29.e, 29.h, 29.m and 29.q, punishable under Article 82(c)(i)-4 and
2 pursuant to Articles 25(3)(a) (direct co-perpetration) and 25(3)(b) (ordering or
3 inducing) of the Rome Statute.

4 Count 4: Cruel treatment as a war crime of people perceived to be Bozizé supporters,
5 who were tied using the *arbatachar* method, between 12 April 2013 and 30 August
6 2013, as well as other detainees who were severely mistreated, including as
7 summarised in paragraphs 29.b, 29.e, 29.h, 29.m and 29.q, and detained under dire
8 conditions at the OCRB, punishable pursuant to Article 82(c)(i)-3 and Articles 25(3)(a)
9 (direct co-perpetration) and 25(3)(b) (ordering or inducing) of the Rome Statute.

10 Count 5: Other inhumane acts as a crime against humanity of people perceived to be
11 Bozizé supporters, who were detained in deplorable conditions at the OCRB, and
12 who were verbally and physically abused, including during interrogations between
13 12 April 2013 and 30 August 2013, including as summarised in paragraphs 29.a-r,
14 punishable under Article 7(1)(k) and Articles 25(3)(a) (direct co-perpetration) and
15 25(3)(b) (ordering or inducing) of the Rome Statute.

16 Count 6: Outrages upon personal dignity as a war crime of people perceived to be
17 Bozizé supporters, who were detained in deplorable conditions at the OCRB, and/or
18 were tied using the *arbatachar* method, and/or were verbally and physically abused,
19 including as summarised in paragraphs 29.a-r, between 12 April 2013 and 30 August
20 2013, punishable under Article 82(c)(ii) and Articles 25(3)(a) (direct co-perpetration)
21 and 25(3)(b) (ordering or inducing) of the Rome Statute.

22 Count 7: Persecution as a crime against humanity on political, ethnic, religious,
23 and/or gender grounds, concerning the people detained at the OCRB, based on the
24 facts underlying Counts 1-6, including as summarised in paragraphs 29.a-r, and
25 punishable under Article 7(1)(h) and Articles 25(3)(a) (direct co-perpetration) and

1 25(3)(b) (ordering or inducing) of the Rome Statute.

2 PRESIDING JUDGE SAMBA: [10:11:29] Thank you very much, Madam Court
3 Officer.

4 Now, Ms Naouri, Defence counsel, can you please confirm that you have explained
5 the nature of the charges.

6 Ms Naouri, can you stand up, please. Can you please confirm that you have
7 explained the nature of the charges to Mr Said and his right to make an admission of
8 guilt or to plead not guilty to the charges. Can you confirm that, please.

9 MS NAOURI: [10:12:10](Interpretation) Thank you, your Honour. I was just
10 waiting for the translation to end.

11 I confirm that we have discussed in detail the charges, and Mr Said is aware, and he is
12 also aware of his rights to either plead guilty or not. And I can inform you that we
13 are here because he has decided to plead not guilty.

14 Thank you so much, your Honour.

15 PRESIDING JUDGE SAMBA: [10:12:38] Thank you very much.

16 If we can hear that from Mr Said.

17 Mr Said, can you rise, please.

18 Good morning, again.

19 MR SAID: [10:13:01](Interpretation) Good morning, your Honour.

20 PRESIDING JUDGE SAMBA: [10:13:03] Now, do you understand the nature of the
21 charges read out to you today?

22 MR SAID: [10:13:13](Interpretation) I've listened to everything, and I'm pleading not
23 guilty.

24 PRESIDING JUDGE SAMBA: [10:13:21] You are pleading not guilty to all the
25 charges or to some of the charges or to any of the charges?

1 MR SAID: [10:13:41](Interpretation) I'm pleading not guilty to all charges and all
2 situations.

3 PRESIDING JUDGE SAMBA: [10:13:47] Thank you very much, Mr Said. You may
4 be seated.

5 Can you turn your microphone off, please. Thank you.

6 So now I turn to the opening statements. The Prosecution will commence its
7 opening statement today and have been allotted four and a half hours.

8 I know you said you will use less time.

9 I note for the record, in line with the actions given to the parties on Thursday, that
10 speakers must speak slowly and observe the five-second rule for the interpreters and
11 court reporters. Furthermore, please indicate if you are shifting from one language
12 to another.

13 Ms Naouri, please. Defence Counsel. Ms Naouri.

14 MS NAOURI: [10:15:04](Interpretation) Sorry, I was just reading the transcript.
15 Thank you.

16 We are going to plead in French because that's the working language of the Defence
17 team.

18 PRESIDING JUDGE SAMBA: [10:15:13] I just wanted to catch your attention to what
19 I'm saying to the Court, please, to both counsel.

20 So, furthermore, please indicate if you are shifting from one language to another to
21 assist the interpreters and for the accuracy of the record.

22 Mr Prosecutor, you may now make your opening statement. Thank you.

23 MR KHAN: [10:15:48] Madam President, your Honours, I am acutely aware that, as
24 we speak, outside of this courtroom, in the Central African Republic, and particularly
25 in Bangui, people are riveted to their screens.

1 I applaud the Registrar of this Court, Mr Peter Lewis, and the colleagues at the
2 Registry, for ensuring that there was sufficient attention given to try to help the
3 people of the Central African Republic follow these proceedings. They have been
4 patient, and they have shown a great deal of stamina, waiting nine years to be able to
5 have this trial start.

6 I'm grateful, Madam President, to the court officer for detailing the charges and the
7 parts of the confirmation decision and for the diligent painstaking work of the
8 Pre-Trial Chamber, but the matter now is in your hands. And we are blessed to have
9 three independent and impartial judges that will assess the merits of the Prosecution's
10 case, subject it to scrutiny, and decide whether or not we have proved that case
11 beyond reasonable doubt.

12 We say we have. And by the end of this trial, you will be convinced that, in relation
13 to all seven counts, Mr Said will be found guilty.

14 Madam President, Mr Said has entered not guilty pleas, and that is his right, and
15 there is a presumption of innocence, but the beauty of the law is that there is no place
16 to hide. And in the course of this trial, Mr Said will be confronted with evidence,
17 with witnesses that knew him, that fell into his hands, or were apprehended by him,
18 and they will speak in relation to the charges that were confirmed.

19 As I mentioned, this has been a day long in coming. This is the first time a senior
20 member of the Seleka has appeared before this Court for trial. And the charges that
21 are faced are really quite awful, and they are reflected, to some extent, in the
22 confirmation decision, charge of imprisonment, of persecution, torture. And these
23 were not isolated incidents. They were, for the reasons you will hear, part of a
24 widespread or systematic attack directed against the civilian population, and part of
25 this attritional violence between the Anti-Balaka and the Seleka. This is the tragedy

1 of so many countries, and it is the tragedy of the Central African Republic, that these
2 groups focused and vied for power, for hegemony, and not for the interests of the
3 people who far too often were caught up or targeted and suffered as pawns in a
4 greater game.

5 The discrimination, underlying the grounds of persecution, will also be a feature of
6 this case and will be elaborated upon in due course.

7 My portion of the opening is really going to be focused on an orientation. What is
8 the OCRB, and where was it?

9 Deputy Prosecutor Niang will then speak in French, and he will go into much more
10 detail, followed by the senior lawyer in the case that sits behind me, Holo Makwaia.

11 But between 24 March 2013 until 10 January 2014, for ten horrendous months, the
12 Seleka ruled Bangui. To say they governed would be an abuse of the English
13 language. They ruled by dictate, by fear, by terror, and they targeted individuals
14 that they perceived as being on the other side, not because they were, not because
15 they were combatants, but simply because they believed they were on the side of
16 former President Bozizé.

17 And Mr Said was in charge of the location that we will zoom in and focus on in the
18 course of this trial, the OCRB, at least between mid-April 2013 and August of that
19 year. And he was in charge of about 35 to 60 Seleka members. And along with
20 Mr Yaya Soumayele and Mahamat Tahir, his voice determined the fates of so many
21 individuals. He brought people to the OCRB. He did not protect them, but, rather,
22 he actively participated in their capture, hunting them down, and subjecting them to
23 the most dire conditions that he could conjure up.

24 Although a *de facto* leader, Mr Said wielded immense power. And, in fact, in
25 that area, and definitely in the OCRB, he was only -- only ahead of him was

1 Mr Nouradine Adam.

2 Madam President, perhaps if we can go to evidence 2 on your monitors, we will show
3 a map of Bangui, and you will see there in red the OCRB is marked. And along with
4 that are the locations of other incidents that you and the members of the public will
5 hear in the course of this trial. To the north, we have the 7th arrondissement, to the
6 northeast. Above that, we have Boy-Rabe, which has two incidents detailed in
7 April 2013 and August 2013. To the west, we have an awful incident, executions, at
8 the PK9 minibus incident, and they were then taken to the river and thrown dead.

9 And their bodies, some of them were recovered, but they were certainly
10 photographed. And then we have CEDAD, not too far from the OCRB.

11 But if we move to the next photograph, Madam President, you will see an aerial shot
12 of OCRB. You will be able to make out perhaps a larger building towards the north
13 of the picture, outhouses. And if we move down from the air, we will then see the
14 gate of OCRB. This was the outside world view. People that were passing, this is
15 what they saw, a pre-existing base used by the Seleka for criminal purposes, in the
16 Prosecution's respectful submission.

17 And, Madam President, if we look at the video in front of you, in a few moments, you
18 will see a compilation that's been put together by the Office of the Prosecutor's
19 forensic section from missions in 2016. This shows the inside of the compound.

20 And, first of all, you will see the main office building to your left. To the right, you
21 will see some other cell buildings, including towards the southeast, which are marked
22 on the video G5 to G7. These are cells in which men were detained and subjected to
23 what the Prosecution says was grotesque abuse.

24 And right across from the OCRB building, there is another cellblock which includes
25 four more cells, which you can see labeled G1 to G4. Around the whole perimeter is

1 a high wall. And if we keep moving, Madam President, we will come to the gate
2 that you see now on the right-hand side of the picture, and we started with a picture
3 from the other side from the road in which OCRB was emblazoned upon it.
4 If we go, with the help of Ms von Braun, to the main building, we can go inside.
5 And inside this main building, Mr Said had an office. And perhaps we can go into
6 that office. Because in that office, he controlled the whole of the facility. And what
7 is more, literally under his feet, he put civilians in a space called the hole.
8 In that hole, civilians were kept in really putrid conditions, filth around them, their
9 own feces, stale air, lack of ventilation; treated not as humans, not even as animals, a
10 class below. Their humanity apparently eviscerated by the policies and action of the
11 accused that faces trial in these present proceedings.
12 There they were not given water. There was no due process. They were cut off in
13 every sense from the protection of the law. And those victims come to this Court
14 and will come before your Honours to have their rights vindicated, to have a
15 determination underlined that what took place was wrong, it's illegal, and it was
16 against the provisions and the protection of the Rome Statute.
17 I would ask that we can play the video. And this is taking your Honours into the
18 hole.

19 (Viewing of the video excerpt)

20 Nine witnesses will give evidence in the course of these proceedings about what it
21 was like to be down in that space where their air was rank, stale and stinking, with a
22 lack of ventilation, given the number of people that were crowded together. You
23 will hear them speak about having to sit in feces, a bucket they were given
24 overflowing, rats running around.
25 And this dump, this hole away from the light of legality, is not the only place where

1 these poor souls were kept. Six other cells were above ground. We have shown
2 those from outside. But the conditions were similarly dire. So bad in the heat,
3 emaciated and thirsty, compelled to drink their own urine to quench the thirst in such
4 a deprived and unnecessary manner.

5 And I would ask that we could also play the video of one of those rooms.

6 (Viewing of the video excerpt)

7 This is room cell G3. When the door is closed, it is dark inside. And you will hear
8 witnesses saying that it was so crowded, they couldn't even lie down.

9 Madam President, the courtyard that you're looking at was not a safe haven.

10 Witness after witness will testify that they came out from those cells, not for fresh air
11 but for beatings, beatings with all kinds of instruments, gun butts, whips.

12 To make that not inconsiderable pain cut even deeper, witnesses will describe having
13 their backs covered in mud or soil or gravel so that the lacerations would go deeper
14 and the whips would cut more effectively.

15 Madam President, you will hear, and your Honours, what the court officer mentioned
16 regarding the *arbatachar* method. A singular design of tying a person's hands and
17 elbows and feet together behind their back in a way that strains every ligament,
18 causes agony, not just discomfort, and left so many with partial paralysis, temporary
19 paralysis and numbness. And these wounds cut deep, indeed.

20 You will see some photographs in a moment, but what the photographs do not tell is
21 what perhaps your Honours will hear in the course of this trial. The psychological
22 effects of that treatment, which can be just as profound as the physical cruelty and
23 torture the Prosecution allege Mr Said committed against these individuals. Many,
24 many remain traumatised today. Many can't move in the manner they could before
25 they fell into the hands of Mr Said, the Seleka, and his henchmen that were in charge

1 of OCRB.

2 At least 16 people were tied in the *arbatachar* method. One example is P-547. And
3 God willing, your Honours will hear his testimony soon. You can see with the
4 naked eye the deep lacerations into his arms. The *arbatachar* seared his flesh, and
5 years later, it is all too apparent. Marked for life because, the Prosecution allege,
6 Mr Said did not intervene, did not protect, did not lift a little finger, to use any iota of
7 his authority to alleviate their suffering. Rather, he deliberately exacerbated it in
8 many ways that he could.

9 P-547 lived to tell the tale. And his voice, Madam President, represents other victims
10 who were beaten and tortured at the OCRB and not photographed. They will tell
11 you about the mental anguish and the pain and the distress that they feel today.
12 Now, the Prosecution allege that Mr Said was not a passive spectator, not simply
13 somebody who failed to prevent and repress and punish, but he actively hunted
14 down civilians himself and brought them to the OCRB knowing exactly what he had
15 planned for them, what nightmare awaited them under his control and custody.
16 For example, P-3053, P-3056, P-3064 will all testify about being apprehended, not by
17 unknown individuals, but by the person who is in the dock, brought by himself.
18 And, also, you will hear evidence from the Prosecution that Mr Said also ordered the
19 arrest and detention of Mr Oswald Sanze and two other men were detained in the
20 OCRB.

21 And you will hear evidence also that the OCRB, with that high wall and the perimeter
22 and the forbidden gate, was guarded by Seleka members with heavy weapons.
23 People couldn't escape, even if they were not hand strung with the *arbatachar* method.
24 This was no office to repress banditry. This was no location to assess any criminal
25 conduct. This was a torture centre designed as such, to spread terror, hardship and

1 pain.

2 The evidence comes from many sources. And, Madam President, your Honours will
3 hear not just from victims and survivors but from insiders, people that worked with
4 Mr Said, that saw his actions, that can testify to his presence at the OCRB, such as
5 P-2105, P-2161, P-2563.

6 You will hear evidence of relatives - imagine that - all thought to be tortured without
7 protection of the law. And when some have managed to find out, sniff out where
8 their loved ones had been taken, imagine the desperation because of the state of the
9 unknown and knowing what was happening in that period. And you will hear
10 evidence from P-2241, P-2692, P-3053, P-3064, P-3056, that they were forced to pay
11 what was for them enormous sums of money to the accused and the co-perpetrators
12 mentioned in this case to obtain the release of their loved ones. A bit of profit,
13 perhaps, on the side of the cruelty that was being committed.

14 And the evidence will show powerfully that the accused at no time disciplined any of
15 his subordinates with respect to what he saw; the degrading treatment, the
16 ill-treatment of the people that were there in the OCRB.

17 As I mentioned earlier, Madam President, figuratively and literally, below the room
18 in that hole, Mr Said had his feet on the heads of his fellow brothers in Bangui.

19 A little surprised, perhaps, the Prosecution alleged, that he didn't prevent or punish,
20 because P-3338 will testify that Mr Said told him himself, "The *arbatachar* method was
21 the best way, was the best way to secure confessions."

22 Mr Said's crimes, alleged by the Prosecution and confirmed by the Pre-Trial Chamber,
23 were not isolated or spontaneous acts, but were committed as part of a widespread or
24 systematic attack and constitute crimes against humanity. He knew, Mr Said clearly
25 knew, and had knowledge that his own conduct formed part of that wider attack,

1 because he also took part in those wider attacks.

2 Madam President, one of the features of this case is the discriminatory nature of what
3 took place. When the Seleka took power on 24 March 2013, ousting President
4 Francois Bozizé, the evidence will show that, with real no finesse, with no attempt at
5 discernment or distinction, individuals with certain attributes were targeted because
6 they were deemed a threat to the Seleka. They were targeted on political, ethnic,
7 religious or gender grounds. Sometimes these intersecting grounds as well;
8 Christian, FACA, presidential guards, ethnic groups, such as the Gbaya, the Mandja,
9 and the Banda.

10 Sometimes it's enough just to live in a certain locality, like Boy-Rabe. You were
11 perceived, such unfortunate souls were perceived by dint of their residence, where
12 they managed to find a home, to be supporters of the previous regime.

13 And, Madam President, you will hear evidence of the attacks on the neighbourhoods
14 of Boy-Rabe where men, women and children were killed, women and girls were
15 raped, men and boys arbitrarily arrested, and houses systematically looted.

16 After these attacks, the hospitals of Bangui were full of the injured. And on the
17 picture before you, Madam President, you will see a photograph taken by a journalist,
18 Witness P-342, an individual being brought to the hospital. Some of the fruits, fruits
19 of the Seleka efforts. Weird fruit, as the song goes; strange fruit, as the song goes.

20 Mr Said knew about these attacks and the policy as he was a senior member of the
21 Seleka and was in a position of authority directly subordinate to the minister of public
22 security, Mr Nouradine Adam. And witnesses will testify that he took part, Mr Said
23 himself took part in some of these attacks. He looted goods himself and brought
24 them from Boy-Rabe back to OCRB himself, looting to go with the cash for hostages,
25 cash for prisoners release that we have already spoken to.

1 In April 2013, the Seleka attacked the 7th arrondissement, looting and killing, and you
2 will see another photograph, P-312, who will testify in these proceedings, God willing,
3 a civilian, escaped with his life by the narrowest of margins. The wound itself shows
4 how fortunate he is to be alive.

5 And in July 2013, six to eight men were taken from a bus at PK9, if you remember the
6 first map, towards the west of Bangui, and brought to Camp de Roux, executed, in
7 fact, and thrown in the water. We can see those individuals floating. Not just
8 corpses. Beloved sons or children to those whose families they belong to.

9 This is not easy for people in Bangui to watch. It's not easy for them to hear, but the
10 reason we have trials and we have due process, it's to separate specious from the
11 truth. And it's our belief that in the course of this trial, the truth will out, and those
12 that are responsible for this, and Mr Said himself, will have a chance to answer as to
13 why he says he is not guilty. But we assert, in any event, that the evidence will show
14 that all seven counts are proved beyond reasonable doubt that the Seleka didn't bring
15 peace. They brought misery.

16 And in the course of this opening - in fact, it will be the part led by senior trial lawyer,
17 Holo Makwaia -- you'll also see a variety of the evidence that the Prosecution has in
18 terms of testimonial and documentary evidence, including military ports and email
19 communications, that will demonstrate beyond reasonable doubt the responsibility of
20 Mr Said.

21 You will see identification cards that Mr Said issued bearing his own initials. He
22 was a man of great power. How unfortunate it is for the people of the Central
23 African Republic, how unfortunate it is for Mr Said that he didn't use that authority,
24 that power properly and humanely, but instead abused his own people.

25 Madam President, on 28 July 2022, the arrest warrant for Mr Nouradine Adam, the

1 former minister of public security and second in command of the Seleka, was
2 unsealed. Mr Adam, of course, was the immediate superior of Mr Said. It's only
3 right to use this opportunity, with your leave, to reiterate the importance for justice,
4 that the warrants issued by this Court and by Judges of this Court are executed in a
5 timely manner, because victims have a right to the truth.

6 At the same time, this Office that I have the honour to lead has been trying to work
7 more closely with the special court in Bangui, the Special Court in Bangui, to give
8 further dynamism to the spirit of complementarity. We will endeavour to deepen
9 that so that there is more justice, and the evidence that my Office has collected can
10 find a home in independent courts wherever that is possible. But for today and at
11 this moment, the eyes and the focus is on Mr Said and what he did and what he chose
12 not to do.

13 With your leave, at the end of this opening speech, and certainly by the end of this
14 trial, I am convinced when you've heard from the opening of Deputy Prosecutor
15 Niang and the senior lawyer in the case, Holo Makwaia, you will have a much better
16 picture of the strength of the Prosecution evidence and why we say, with confidence,
17 that this is a case that you will be able to be convinced about beyond reasonable
18 doubt, that Mr Said is responsible and did commit all seven counts that were
19 confirmed in these proceedings.

20 Thank you so much.

21 And with your leave, Madam President, perhaps I can pass the floor to Deputy
22 Prosecutor Niang.

23 PRESIDING JUDGE SAMBA: [10:47:55] Thank you very much, Mr Khan.

24 Mr Niang, I note we have -- you have like 13 -- 12 or 13 minutes more. Would you
25 want to start your own part of the opening speech?

1 MR NIANG: [10:48:14](Interpretation) If you don't mind. It's up to you. If you
2 think it would be better to start after the break, that would be fine. Of course, it's
3 really your call, Madam President.

4 PRESIDING JUDGE SAMBA: [10:48:29] Thank you very much. I'm just looking at
5 the time. Okay, you may start now. If we finish -- if it's 11 o'clock and we are not
6 done, when we come back after the break, you could continue. Thank you.
7 Carry on, please.

8 MR NIANG: [10:48:52](Interpretation) Thank you, your Honour.

9 Madam President, your Honours, it is with humility and a deep sense of duty that I
10 appear before you today for the first time, and also it is with the same humility that I
11 am honoured to speak after the Prosecutor, Mr Karim Khan, QC, who has already
12 provided a backdrop for this case.

13 I will now provide a description of the Prosecution's case against Mr Said. And I
14 think I will need 40 to 50 minutes. I certainly will not go beyond the time allocated
15 to me because the Chamber has already received a detailed overview of the case in
16 the pretrial brief provided to you.

17 Today, I will speak to the high points, the main evidence that the Prosecution will be
18 adducing, which constitute the main events that occurred and the main elements that
19 allow us to create the charges and determine the mode of liability.

20 The Chamber will be convinced beyond all reasonable doubt that Mr Said is guilty of
21 the crimes that he has been charged with. And this criminal liability is personal in
22 nature for war crimes, crimes against humanity committed at the office -- Central
23 Office for the Repression of Banditry. You all saw the videos and the photographs.
24 This place was known as the OCRB, between 12 April and 31 August of the same year,
25 2013.

1 The Prosecution will be basing itself on its evidence to prove the worthiness of its
2 cause. As Prosecutor Khan has already mentioned, we will rely not only on
3 testimony. We will also rely on video footage and written evidence and digital
4 forms of evidence that will show the accused person's guilt beyond any shadow of a
5 doubt.

6 The -- we will also be adducing evidence from insiders, people who have experienced
7 what happened with the accused person, the people who were actually present
8 during the period of time covered by the charges and who are familiar with the
9 accused person's behaviour and attitudes.

10 Your Honours, during this trial, you will hear poignant testimony from victims who
11 suffered at Mr Said's hands and at the hands of his co-perpetrators, some of whom
12 were already mentioned by Mr Khan.

13 Madam President, your Honours, first of all, I will set out the events that show the
14 responsibility of Mr Said's responsibility for what had happened at the OCRB before I
15 move on to the evidence that set out the constituted elements of war crimes and
16 crimes against humanity.

17 First of all, we will begin with Mr Said's role at the OCRB. Mr Said has been
18 accused - and the seven counts are now shown on the screen - first of all,
19 imprisonment or another form of severe deprivation of physical freedom, constituting
20 a crime against humanity; Count 2, torture, constituting a crime against humanity;
21 Count 3, torture, constituting a war crime; Count 4, cruel treatment, constituting a
22 war crime; Count 5, other inhumane acts, constituting a crime against humanity;
23 Count 6, indignities upon a person, constituting a crime against humanity; and, finally, Count 7,
24 persecution, constituting a crime against humanity.

25 Madam President, your Honours, the Prosecution argues that Mr Said perpetrated

1 these crimes jointly with other people, and this is in the meaning of Article 25(3)(a),
2 and he ordered or encouraged the commission of these crimes in the meaning of 25(b)
3 of the Statute.

4 The evidence that will be brought before this Court will show that Mr Said, a
5 member -- a high-ranking member of the Seleka coalition, headed -- led these
6 elements of the Seleka at the OCRB, at the time of the crimes -- covered by the crimes,
7 between April and August 2013.

8 On 12 April 2013, or around that particular date, Nouradine Adam, who -- a leading
9 member of the Seleka and minister of public security, appointed the accused person
10 as the head of the OCRB. This appointment occurred shortly after the time when the
11 coalition took control of Bangui. And President Bozizé was ousted, and then he fled
12 the country.

13 Within this position, Mr Said had full authority over Seleka elements, who followed
14 his orders, as the Prosecutor mentioned a few moments ago and as the evidence shall
15 demonstrate in the course of this trial. He supervised the day-to-day operations of
16 the OCRB, as well as being responsible for the conditions of detention. He also
17 managed the imprisonment of those being held. Not only did he lead the Seleka
18 at -- the Seleka and supervised them, he also provided them with the resources they
19 needed; the money. He provided food, uniforms, and even weapons. He also
20 ordered them to arrest people, to put them in detention, and to mistreat them.

21 Seleka elements and police officers assigned to the OCRB during the time covered by
22 the charges will appear before the Court to testify. In April 2013, when the Seleka
23 took control of this office, the Central Office for the Repression of Banditry, this place
24 had already been used as a holding centre for detainees in Bangui. You will hear
25 from witnesses that for more than four months, the accused person filled these cells

1 with people who had been detained and held in an arbitrary fashion. You will see a
2 number of photographs which will be quite striking.

3 The complex was surrounded by a high perimeter fence, and it was almost impossible
4 to escape. To escape -- the only way to escape was to take tremendous risks, even
5 the risk of losing one's life.

6 Your Honours, the people who survived the crimes charged will give testimony.

7 They will tell you that there were six cells at ground level. You have already seen
8 these cells in the photographs shown earlier. These people were held for long
9 periods of time. And as you can see on the next slide, these cells were cramped and
10 had no windows.

11 In addition to the holding cells at ground level, there was an underground cell called
12 the hole. You saw an image of the hole earlier today, and that hole was used to hold
13 other prisoners. They too were there, literally under the office of the accused person.
14 Mr Khan mentioned a very striking fact, namely, that these people were literally
15 under the feet of Mr Said. Many people were held by the Seleka at the OCRB in the
16 most horrific and inhumane conditions that one can imagine, deprived of their most
17 basic rights and of any guarantee of normal procedures -- proceedings.

18 It was not easy for -- Witness 2400 will testify he had to jump into the underground
19 cell. There was no ladder leading down. There were no steps. One literally had
20 to jump into the cell. He will tell the Court that the cell wreaked of urine and feces,
21 and that it was dark and cold in the cell, and the floor of this underground cell was
22 covered in garbage and dirt.

23 In the OCRB's cells, people who were considered to be supporters of Bozizé were held;
24 Christians, members of certain ethnic groups who were targeted, the Gbaya people.

25 PRESIDING JUDGE SAMBA: [11:00:58] Mr Niang, maybe this is a good time to stop,

1 so that we can adjourn and come back at 11.30, for a short break. Okay?

2 MR NIANG: [11:01:11](Interpretation) Very well, your Honour.

3 PRESIDING JUDGE SAMBA: [11:01:13] Thank you.

4 Madam Court Officer, can we adjourn till 11.30, please.

5 THE COURT USHER: [11:01:21] All rise.

6 (Recess taken at 11.01 a.m.)

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

8 THE COURT USHER: [11:33:27] All rise.

9 Please be seated.

10 PRESIDING JUDGE SAMBA: [11:33:57] Good morning, again.

11 Mr Niang, you were on your legs. We'll continue with your opening speech, please.

12 Thank you.

13 MR NIANG: [11:34:08](Interpretation) Thank you, your Honour.

14 I just finished speaking about what the hole was, with this hole wreaking of feces and
15 urine, and I'm going to continue with the cell of OCRB.

16 Now, in the cell -- in the OCRB cells, your Honours, Seleka elements, under the
17 control of Mr Said, detained people considered to be loyal to Bozizé, and also

18 Christians, members of certain targeted ethnic groups, such as the Gbaya, the Mandja,
19 or the Banda, or even military personnel, former members of the Central African
20 Armed Force, commonly known as the FACA, or the presidential guard, or people
21 associated, affiliated with Bozizé in some way or the other.

22 The statements of P-2161, P-2478, P-2105, P-1737 will demonstrate that Mr Said had
23 full authority at the OCRB, where he commanded the 35 to 60 Seleka elements who
24 were stationed there.

25 At the time the accused was in command, he wore a military uniform. He had a

1 military escort. And the Seleka elements called him "Colonel". And this is how
2 they would call him; "Commander". He was also called the "chief" or "director of the
3 OCRB".

4 Your Honours, on your screens, now you will see an official list of Seleka elements
5 who were stationed at the OCRB in 2013. Now, on this list, you will see that the
6 accused is listed as number 1, and his deputy and head of operations, Colonel
7 Mahamat Tahir, is number 2.

8 Now, Mr Said and Mr Tahir were not the only ones involved in the crimes
9 perpetrated in this structure called as the OCRB. According to the testimonies of
10 insider witnesses, such as P-0338, P-2161, and P-2563, a Seleka called Yaya Soumaine
11 was also one of the subordinates and counselors of -- or advisers of Said, just as
12 Hissene Damboucha. Now, these men were members of the common plan as they
13 also played a decisive role in the arrests and tortures inflicted in this structure called
14 as the OCRB.

15 According to P-0338 - you will hear the testimony from him - Yaya was Said's most
16 trusted ally. He would actually turn to him for anything.

17 At the times of the crimes committed, Mr Said was subordinate to Nouradine Adam.
18 He was reporting to Nouradine Adam. He insured that the orders given by Adam,
19 as the minister of public security, was executed.

20 Your Honours, we shall present evidence that arbitrary detentions and torture were
21 ongoing continually; that Adam provided funds for the Seleka in the OCRB to
22 Mr Said; and that he organised meetings on site and received reports.

23 Your Honours, at that time, Adam issued identification cards to Seleka members. As
24 the Prosecutor said in his opening statements, he issued ID cards to the Seleka
25 members with his signature. Now, these cards bore the reference, as you can see,

1 "CMSAK", which is short for Colonel Mahamat Said Abdel Kani.

2 One of these cards obtained from the Seleka element, P-1737, is displayed on your
3 screens. Your Honours, this card was issued in 2013, when the crimes were
4 committed, and these cards were used to identify the Seleka elements. So, in fact, it
5 was their I card, so to speak.

6 Apart from Adam, Mr Said regularly worked with other Seleka leaders who were also
7 involved in the arrests and ill-treatment of detainees at the OCRB, in particular. And
8 as you can see on the screen, General Fadoul Al-Bachar, who was the deputy director
9 of the extraordinary committee for the defence of democratic assets. The acronym is
10 CEDAD. You can also see the photo of General Adoum Rakiss, who was the deputy
11 director of the police. And, lastly, you can also see in the circle General Mahamat
12 Sallet Adoum Kette.

13 Now, through insider witnesses, such as P-2105, P-2563, P-0338, and P-0787, and
14 victim witnesses, such as P-0547 and P-0356, the Prosecution shall present evidence
15 that these senior Seleka leaders, whose photos you just saw, and Mr Said collaborated
16 to imprison and inflict ill-treatment on the detainees at the OCRB. Now, this
17 collaboration is further corroborated by the telephone data records, as I previously
18 said.

19 So, over and above the testimonies, we've got documentary evidence as well. So
20 these are telephone data records collected, and they correspond to the telephone
21 numbers assigned to Mr Said.

22 On your screens, you can see, your Honours, an extract of these call sequence tables
23 drawn up from the raw data of telephone data records of Witness P-3108.

24 The incoming and outgoing telephone calls corresponding to Mr Said's mobile phone
25 numbers show that, during the period covered by the charges, he communicated with

1 Nouradine Adam on at least 101 occasions, with Hissene Damboucha on 249
2 occasions at least, and with Mr Mahamat Sallet on at least 133 occasions.
3 Your Honours, police officers were also stationed at the OCRB facility. However, the
4 presence and activities of Mr Said and the Seleka he commanded effectively stripped
5 them of any power.

6 P-0338 and P-0787, that I referred to shortly a while ago, will explain that the police
7 officers had to follow Mr Said's orders. The testimony you will hear will show that
8 Mr Said decided who was to be investigated and who was to be presented to the
9 Prosecutor. They were rarely informed by Adam or Mr Said on the operations
10 underway, nor did they have access to the prisoners held in the underground cell, the
11 same cell that was beneath the feet of the accused.

12 The evidence shall also demonstrate that they feared the Seleka of the OCRB in the
13 performance of their duties. In other words, the police in fact was stripped of their
14 powers.

15 Mr Said's control of the OCRB lasted for four months, until 30 August 2013. This
16 was when the Seleka were removed from the OCRB following criticism and voices
17 raised in both international and national media alike on their conduct towards
18 detainees on site.

19 Your Honours, on your screens you can see the photo of the handover ceremony at
20 the OCRB. You will see President Djotodia; the accused, Mr Said; Tahir; and other
21 Seleka leaders and dignitaries who were present. And they have all been circled so
22 that they can be identified.

23 Your Honours, I shall now address the crimes that were committed at the OCRB
24 during the period when Mr Said was in control of the detention centre. I will then
25 love my colleague to talk about his individual criminal responsibility.

1 Now, in the paragraphs 129 to 256 of the trial brief, the Prosecution has set out the
2 essential facts and evidence in support of Counts 1 to 7 that are already listed by the
3 Prosecutor, and you're well aware of this.

4 Between 12 April, at least 12 April, and the day he left the OCRB, namely,
5 30 August 2013, Mr Said, with the help of his deputies and his close collaborators and
6 other Seleka elements of the OCRB, arrested and detained alleged Bozizé supporters.
7 These detainees were mostly men, Christians, and members of the ethnic group, such
8 as the Gbaya, Mandja, or Banda, who were traditionally associated with the former
9 President Bozizé. Others were targeted for having worked in his administration.

10 Your Honours, I shall now turn to the subject of the crime of imprisonment. The
11 detainees, all civilians, were deprived of their liberty, which constitutes the crime of
12 imprisonment. The OCRB compound was closed and guarded throughout their
13 detention. They were under the control of the accused and could not leave the
14 facility without his permission.

15 The victims in this case were detained arbitrarily, without prompt review of their case
16 by an independent and impartial authority, without consideration of whether their
17 arrest and detention was required for imperative reasons of security or without any
18 procedural safeguards.

19 As the international committee of the Red Cross has argued, the imperative reasons of
20 security criterion must remain the minimum legal criterion governing the internment
21 of civilians. Even if these detainees were to be considered interned, under
22 international humanitarian law, none, and I say "none" of the detainees' rights were
23 respected.

24 On the contrary, the deprivation of liberty was imposed arbitrarily and without
25 prompt review of their case. The seriousness of the conduct was such that the

1 fundamental rules of international law were violated. The arrests were arbitrary.
2 Victims, such as P-1743 and P-2263, were arrested. Why were they arrested? On
3 the pretext that they were preparing a coup d'état, whilst they had only picked up a
4 political leaflet or held a sheet of paper in their hand, and that was enough to arrest
5 them. Others were accused of being affiliated with Bozizé because of their family
6 name, or perhaps they were worked in his administration previously.
7 The number of arrests and detentions increased in mid-August 2013, after the
8 disruption of the inauguration ceremony of President Djotodia. Several men and
9 one woman were arrested without clear evidence of their alleged responsibility for
10 the disturbances. These arrests came as the second disarmament operation was
11 taking place in Boy-Rabe, a neighbourhood associated with President Bozizé, who is
12 Gbaya and so are his supporters. There was absolutely no review on the basis of
13 their detention and no procedural safeguards were provided. So it was completely
14 arbitrary. Detainees were entitled to a prompt, independent and impartial review of
15 the lawfulness of their detention, as well as other safeguards.
16 Now, although the detainees were not always treated equally, they did fall into two
17 broad categories. On the one hand, you have the ones who were treated in some
18 way as if they were suspected or charged with a crime, but they were not given
19 adequate rights. And then, on the other hand, there were those who were
20 apparently detained completely outside the law. Thus, while some detainees have
21 been formally charged with crimes after their initial detention, even though the
22 charges were manifestly ill-founded, such as those detained following the leafletting
23 events, as I mentioned shortly, and others have not been any -- have not been
24 afforded any due process.
25 The victims were held in conditions that can be described, without any exaggeration,

1 as deplorable. The cells were cramped and overcrowded. About 12 to 15 detainees
2 were squeezed together in cells without windows where the air was stifling, and there
3 was only a bucket which is to be used as a toilet.

4 Your Honours, Witness P-0622 will tell you, and I quote him: "It was impossible to
5 lie on the floor because the cell was full." End of quote. It was that horrible. And
6 people were all cramped and squeezed in that cell. So the witness 622 will say that it
7 was impossible to even lie on the floor.

8 The evidence that we shall present will demonstrate that the detainees were afraid.

9 They were thirsty. They were hungry and could not sleep. They received little
10 food or no food at all. Even water, that was so important, was very rare, and this
11 rareness was pushed to such extremes that you will hear this witness, P-622, who
12 shall come here -- who will come here and who will speak about what he had to
13 endure. There was no water, and he will tell you that he was reduced to a situation
14 where he was forced to drink his own urine.

15 The Prosecutor also talked to you about the underground cell under Mr Said's office,
16 and he used a very poignant metaphor. It was under his feet. Your Honours, at the
17 time of the charges, at least, and I say at least, 31 male detainees were placed in this
18 underground cell, which was called the hole. The Prosecution will get victims to
19 appear who survived the extremely harsh conditions of detention and the
20 ill-treatment inflicted upon them in this hole.

21 For instance, Witness P-3056 testified -- and just to give you a slight peak, a sneak
22 peak, I'm just going to quote his testimony, and I'm quoting him: "The basement cell
23 was a rather smelly place. It was about 4x4 metres with a very small opening in the
24 wall. Around noon, we had a bit of light, but after 3 p.m., we were plunged into
25 darkness. The first detainees had to put cardboard boxes and paper to make

1 mounds on which they would lie down. Now, in front of these mounds, at a
2 distance of about 2 metres, we would relieve ourselves." Just to say that they would
3 either urinate or defecate. "We lived with our excrement and urine. The inside of
4 the cell wreaked of bad odour. There were cockroaches, lizards and rats."

5 So there you have it. This is what Witness P-3056 will tell you here in court,
6 your Honours.

7 As you have seen from the video shown by the Prosecutor, your Honours, it was
8 indeed a hole, as described by the victims. There was no door to enter or to leave.

9 As one witness said, there was not even a ladder or steps down. You had to jump
10 down into this cell.

11 During the time the victims were detained in the hole, access to it was limited. And
12 some police officers will testify that they did not even know of its existence.

13 The Prosecution will call evidence from some who did know about this cell. For
14 example, Witness P-2478, who in late August 2013, while carrying out her duties,
15 this witness, a police officer, heard noises underneath the floor of Said's office where
16 he worked. When the witness heard these noises, when the witness lifted the
17 floorboards, she saw at least five prisoners in the hole.

18 She will testify that she was afraid that these people would die for their hands and
19 feet were tied, and their hands and feet had begun to swell. They were bleeding and
20 looked like they had been tortured.

21 Evidence will show that those arrested and detained were not always registered in a
22 logbook kept by the Seleka at the OCRB. Witness P-0547 will testify that no trace of
23 his detention existed in the OCRB records, despite being detained in the hole for
24 several days.

25 Evidence will also be led that Commander Yaya, one of the co-perpetrators of the

1 accused, instructed his men to tell the witness's relatives, Witness P-5046, that he was
2 not detained at the OCRB and that he had been taken elsewhere. This is what they
3 were to say when the relatives came looking for him.

4 The deprivation of the detainees' rights, together with the inhumane detention
5 conditions and the arbitrary nature of the arrests, Madam President, your Honours,
6 fulfil the elements of the crime against humanity of imprisonment pursuant to
7 Article 7(1)(e).

8 In some cases, the mistreatment, pain and suffering inflicted on the detainees
9 amounted to torture, cruel treatment, and outrages upon personal dignity.

10 Madam President, your Honours, I will now set out the evidence in support of the
11 material facts of the crime of torture.

12 Mr Said and his subordinates subjected at least 16 male detainees to the torture
13 method called the *arbatachar*. In his presentation, Prosecutor Khan briefly described
14 this method of torture and its effects.

15 Since this is such an important part of the Prosecution's case, your Honours,

16 Madam President, I'll have to hark back to this point for a few moments. This
17 method consisted of tying the hands, elbows and legs behind the person's back, with
18 their ankles tied to the elbows, thereby causing the body to arch in an extremely
19 painful stress position.

20 Here is an example of a man tied in this way. Now visible on your screen.

21 And to illustrate the effects of this torture, in addition to this photograph, I will share
22 with you the words of one survivor, P-0547. He will certainly appear before the
23 Court to give his testimony.

24 This is what he told us: "I was tied up so tightly that my legs were tired and my
25 arms were paralysed. I again hurled insults at the Seleka men, telling them to kill

1 me for once and for all and get it over with."

2 So this gives you an idea of the intense pain and suffering that are caused by this
3 torture method, to such an extent that the person who is subjected to this torture
4 would rather die than continue enduring such treatment.

5 Madam President, your Honours, you have seen these photographs of the witness,
6 P-0547. He was tied in this *arbatachar* method. Detainees were tied in this method
7 and also beaten in order to extort information on confessions.

8 Another witness, P-0481, will testify that he was arrested for conspiring, allegedly,
9 with former President Bozizé in June 2013. The Seleka at the OCRB, under Mr Said's
10 control, forced him to drink three glasses of water directly one after another, tied his
11 hands behind his back and made him lie on his back with the middle of his body
12 propped up on a wooden plank. He was beaten on his bare stomach while stretched
13 backwards. This lasted about 20 minutes.

14 The Seleka then put burning nylon on his hands, from which he bears visible scars to
15 this day. So not only the *arbatachar* method was used but water was used.

16 A few moments ago, I mentioned the complete deprivation of waters to such extent
17 that some detainees had to drink their own urine. And in this case, water was
18 provided in excess. Another form of torture.

19 Torture, and all its infinite methods, were explored thoroughly at the OCRB.

20 Victims of *arbatachar* will describe how they were unable to walk anymore, unable to
21 use their limbs. Some were temporarily paralysed. Others had discoloured arms
22 and could not even feed themselves. Others were so exhausted that they needed
23 help to even change position, and others suffered from infected wounds.

24 The pain suffered did not stop at that moment. Witnesses will testify that the impact
25 of the *arbatachar* method remains to this very day. Some of them are still unable to

1 perform their daily normal activities, and their suffering still haunts them.

2 As victims will testify, the *arbatachar* method carries severe risks to the life and health
3 of victims, including suffocation, paralysis and long term trauma.

4 Madam President, your Honours, this method, the *arbatachar* method, fulfills the
5 elements of the crime against humanity and the war crime of torture pursuant to
6 Articles 71(f) and 82(c)(i)-4.

7 Other forms of mistreatment rising to the level of torture were also used at the OCRB,
8 including intensive beatings with whips and other instruments which led to bleeding
9 wounds and -- and the use of mock executions.

10 Witness P-1743 will testify about the severe beating he and 15 others received when
11 they arrived at the OCRB in July 2013. They were beaten because some of them had
12 picked up or photocopied flyers in the street calling for a peaceful protest or strike
13 against the Seleka regime. The operation was called "Dead City". They were
14 subjected to this merely for picking up political flyers in the street.

15 P-2263, a victim of the same abuse, said the following, and this information lies at the
16 very heart of the testimony that you will hear. This is what P-2263 told us: "We
17 had to lie down, and we had water and mud spread over our backs. Gravel from the
18 ground was then added. I think it was done to make the pain worse. The Seleka
19 then came with ropes, which are normally used to tie up cows. One Seleka at a time
20 beat our backs with the rope; another" -- I'm talking about the people who were
21 hitting, not the people receiving the blows. So when one became tired, another
22 would take over. "The order," according to victim and Witness P-2263, "was that
23 everybody had to be whipped 20 times. They started again if anyone made a noise
24 during the beating. During the beating, I wet myself. I know that one of the others
25 defecated in his underwear during this beating." This is what you shall hear from

1 Witness P-2263.

2 The torture inflicted on victims at the OCRB was done with the specific purpose to
3 inflict pain and suffering, and to obtain information or confessions, to punish,
4 intimidate, or coerce the detained persons. Thus, the elements required for the crime
5 of torture as a war crime are fulfilled, your Honours, Madam President.

6 The evidence at trial will demonstrate that at all material times the detainees tortured
7 were under the custody and control of the accused and OCRB-Seleka, subordinates of
8 Mr Said. The prisoners held at the OCRB were, at minimum, *hors de combat*, or were
9 civilians, medical or religious personnel taking no active part in hostilities.

10 The severe mistreatment, Madam President, your Honours, the severe mistreatment
11 described by the victims also fulfills the element of the war crime of cruel treatment
12 pursuant to Article 82(c)(i)-3. This corresponds to Count 4.

13 In relation to outrages upon personal dignity, in addition, apart from the extreme
14 pain, the *arbatachar* method puts the victim into a bodily position designed to
15 humiliate and degrade the person, meeting the elements of the war crime of outrages
16 upon personal dignity pursuant to Article 82(c)(ii).

17 A few words about other inhumane acts. The dire detention conditions and the lack
18 of medical treatment, food, or water in the cells at the OCRB also amount to the crime
19 against humanity of other inhumane acts pursuant to Article 7(1)(k).

20 As for persecution, the evidence will also demonstrate beyond reasonable doubt that
21 the crime of persecution was committed by Mr Said; Count 7.

22 The evidence to be presented shows that individuals were targeted on the basis of
23 their ethnicity and on religious, political, and gender grounds. The victims were
24 overwhelmingly from certain targeted ethnic groups, such as the Gbaya, the Mandja,
25 or the Banda. Victims were Christian. Victims were almost exclusively male. The

1 victims were also targeted on political grounds, as they were perceived as supporters
2 of former President Bozizé.

3 The intention -- the discriminatory intention of Mr Said, your Honours, is established
4 by the pattern of crimes committed against the victims, as well as verbal utterances by
5 the OCRB-Seleka, such as Witness P-0481 was called "the big Bozizé supporter" by
6 General Nouradine Adam. P-0547 is called "a Bozizé mercenary" by General Fadoul
7 Al-Bachar, while Witness P-3056 was interrogated about his alleged links with
8 Ngaïkosset and Bozizé.

9 As you can see, Madam President, your Honours, the evidence that will be presented
10 in this trial will clearly establish beyond reasonable doubt that the crimes of
11 imprisonment, torture, cruel treatment, other inhumane acts, outrageous upon
12 personal dignity, and persecution were committed against detainees at the OCRB.

13 Madam President, your Honours, I thank you for your patience, and I will turn over
14 to my colleague. Ms Holo Makwaia, senior trial lawyer, will continue, and she will
15 discuss individual criminal responsibility. And she will be presenting in English.

16 Thank you very much.

17 PRESIDING JUDGE SAMBA: [12:25:59] Thank you very much, Mr Niang.
18 Ms Makwaia, please.

19 MS MAKWAIA: [12:26:08] Good afternoon, Madam President, your Honours.
20 Thank you, Deputy Prosecutor Niang.

21 I shall address you now with respect to the individual criminal responsibility of the
22 accused, Said, at the OCRB.

23 Madam President, the evidence will establish beyond a reasonable doubt that Mr Said
24 participated in the alleged crimes at the OCRB as a direct co-perpetrator under
25 Article 25(3)(a).

1 Your Honours, Mr Said did not commit these crimes alone. Mr Said shared a
2 common understanding or agreement with the members previously described by the
3 deputy prosecutor and Prosecutor Khan. He committed these crimes in agreement
4 with Nouradine Adam, Colonel Mahamat Tahir, Colonel Hissene Damboucha,
5 Yaya - and we are portraying the images of these names on your screens at this
6 present, your Honours - Yaya Soumayele, General Mahamat Sallet Adoum Kette,
7 General Adoum Rakiss, General Fadoul Al-Bachar, and other OCRB-Seleka elements
8 to target, your Honours, perceived Bozizé supporters in Bangui by committing the
9 crimes charged in Counts 1 to 7.

10 Your Honours, the Prosecution will present evidence that there existed an agreement
11 which was established through their regular mutual coordination on the commission
12 of the crimes. At all times relevant to the charges, Mr Said, the accused before you
13 today, was in control of the OCRB.

14 In this role, Madam President, Mr Said ordered, Mr Said oversaw the arrest, detention
15 and severe mistreatment of pro-Bozizé supporters or persons deemed to be affiliated
16 to him.

17 Your Honours, the accused exercised control over the commission of the crimes by
18 virtue of his essential contributions to the common plan.

19 The Prosecutor will call at least 12 insider witnesses, your Honour, witnesses with
20 their inner knowledge of how these crimes were committed, witnesses with a
21 perspective from within. These 12 insider witnesses, your Honours, will lead
22 evidence that will prove the different essential contributions to the crimes made by
23 the accused.

24 In addition, your Honours, we shall also be calling several victims, several victims of
25 the acts of the accused, Mr Said. These victims will describe to you his direct

1 participation. They will describe to you the severe mistreatment, the severe
2 inhumane conditions they went through at the OCRB.
3 Their testimonial evidence, your Honours, will be supported, as initiated indicated to
4 you, by documentary evidence, including release orders issued by Mr Said himself.
5 Your Honours, I will now list to you some of the -- what we will prove were the
6 essential contributions of the accused. You will hear evidence through the course of
7 this trial that he arrested, that he detained perceived Bozizé supporters. That he
8 detained these people at the OCRB.
9 For example, Madam President, your Honours, he arrested at least two soldiers; one
10 at a football field; another at home at night. And these two individuals,
11 Madam President, your Honours, were later killed.
12 The Prosecution will also present evidence of at least nine victims which were
13 detained by Mr Said in the hole, the basement that was under his office. You heard
14 from Prosecutor Khan, you also heard from Deputy Prosecutor Niang the description,
15 the horrendous nature of this hole.
16 Madam President, your Honours, you will hear evidence that Mr Said controlled the
17 underground cell, that Mr Said not only knew that detainees were there, but he could
18 smell them and he could hear them. You've heard, this hole, this cell was found
19 immediately underneath his own office. He cannot tell you, Madam President,
20 your Honours, that he did not know of the existence or the detention of tortured
21 victims in this hole.
22 It is the Prosecution's case that he participated in some of the interrogations, that he
23 participated himself in some of the arrests and the detention of those persons held
24 under the underground cell, the hole.
25 Madam President, he was fully aware at all times, we submit, of the inhumane

1 detention conditions and the lack of due process of the prisoners, of the detainees
2 held at the OCRB.

3 Your Honours, as head of the OCRB, Mr Said also had the power to arrest and release
4 detainees. The evidence will demonstrate that some of these detainees were released
5 after his instruction or authorisations. At times, he issued written instructions to
6 do so.

7 On your screens, Madam President, your Honours, we present to you one such order.
8 On this order, you will see, Madam President, you have the accused's telephone
9 number at the bottom, 75353523. That's his telephone number.

10 Also, Madam President, you'll notice that this release order is signed "*le colonel*".

11 This was the rank that Mr Said, the accused, was holding as he led and oversaw the
12 OCRB during the relevant period.

13 At the top, again, you'll see "*Sur Ordre du C'MSAK*". Deputy Prosecutor Niang told
14 you what that meant.

15 Madam President, it is our case, not only did he have the power to arrest and detain,
16 he also -- when it suited him, he also issued release orders to some of the detainees.

17 The next slide, Madam President, depicts another release order given at his
18 instructions. As with the previous order, Madam President, you will note that these
19 release orders were all issued in the year 2013, at the relevant time that Mr Said was
20 in charge of the OCRB, at the time when Mr Said was holding civilians, was holding
21 prisoners, exclusively male, at the OCRB.

22 Another essential contribution that the accused, Mr Said, is being held responsible for
23 is his use and his condoning, Madam President, his condoning of the *arbatachar*
24 torture method. Deputy Prosecutor Niang submitted to you at length about the
25 impact of the *arbatachar* torture. Mr Prosecutor Khan also alluded to the *arbatachar*

1 torture method.

2 We submit, Madam President, your Honours, that not only did he use it, but the
3 condoning of Mr Said of this torture method was an essential contribution, an
4 essential contribution of his to the common plan and agreement between himself and
5 the co-perpetrators.

6 You will hear from P-0338, Madam President, that Mr Said endorsed this method as
7 the best way, as the best way to achieve confessions. You've heard the grueling,
8 you've heard the impact the *arbatachar* had on the persons on whom it was subjected,
9 and yet, what did the accused Said tell his subordinates, what did the accused Said
10 tell P-0338? He told them it was the best method to achieve confessions.

11 Madam President, his subordinate, Yaya, tied P-0547 in the *arbatachar* way. You will
12 hear this yourselves when this witness comes to testify before you.

13 His subordinate, Yaya, tied P-0547 in the *arbatachar* way and hanged him, he hang
14 him from fork-posts at the OCRB. When this witness testifies, your Honours, you
15 will have the occasion to be presented with photographs of some of these areas where
16 he was tortured.

17 Mr Said's essential contribution did not stop at torturing victims, your Honours. He
18 also supplied the Seleka elements or members at the OCRB with weapons. He
19 supplied them with food. He supplied them with vehicles. He supplied them with
20 uniforms. And, as you've seen previously during the course of our presentation, he
21 issued identification cards which were meant to identify and separate the Seleka from
22 others.

23 His essential contribution did not end here. It didn't end here. His essential
24 contribution included the interrogation of victims using the most violent of manners
25 at times. He did so with his subordinates Yaya and Tahir. He did so at the OCRB

1 in order to elicit information from those perceived to be Bozizé supporters or with
2 affiliations to him.

3 You'll hear evidence, your Honours, that a witness was threatened by the accused at
4 gunpoint. He was threatened with death as he interrogated him.

5 Mr Said's essential contribution also included the overseeing in the functioning of the
6 OCRB. He directed the police officers stationed there and decided, your Honours,
7 who would be interrogated or sent to the Prosecutor. He had the power to decide
8 those who had no due to any legal or judicial recourse. He retained that power as
9 the person in charge of the OCRB.

10 The OCRB-Seleka under the control of Mr Said and the members of the common plan
11 at all material times collaborated closely with him in the commission of the crimes,
12 and they also made essential contributions within the framework of their common
13 plan.

14 Evidence will demonstrate that General Adam Nouradine interrogated detainees at
15 the OCRB. Colonel Tahir, Said's deputy, coordinated with him in the arrests and
16 detentions. In several instances, Madam President, your Honours, General Sallet
17 brought detainees to the OCRB who were perceived to be Bozizé's supporters.

18 General Rakiss, Adam and Said jointly arrested and detained a young baker because
19 he was perceived to be a Bozizé supporter. General Al-Bachar arrested P-0547, and
20 Yaya oversaw his detention and tortured him at the OCRB.

21 Madam President, these members of the common plan with the accused Said, such as
22 Yaya and Tahir, executed his orders with regard to the detention of detainees held in
23 the hole and elsewhere in the OCRB compound. You've heard from the Deputy
24 Prosecutor and the Prosecutor, and you have been shown images of the OCRB
25 compound. You've seen the other cells above ground, G1 to 7, and you were also

1 shown the hole, the basement.

2 In their common plan, as I've just stated, Yaya and Tahir executed his order.

3 Another member of the common plan, Damboucha, also coordinated with Said, the

4 accused, on arrests and detentions, and brought detainees to the OCRB.

5 Their actions, Madam President, were closely coordinated in support of the common

6 plan; to arrest, detain, and mistreat perceived pro-Bozizé supporters at the OCRB.

7 With respect to his intent and knowledge, Madam President, your Honours, the

8 Prosecution's evidence will show that Mr Said, not only knew but also intended, he

9 also intended to contribute to the charged crimes. He was not a passive bystander.

10 He intended to contribute to these crimes.

11 He was present continuously at the OCRB during the relevant time, almost on a daily

12 basis. The evidence to be led, Madam President, your Honours, will demonstrate

13 this.

14 Further, Mr Said was the most senior, the most senior and the most powerful Seleka

15 stationed at the OCRB. You will hear evidence of others who came and went, but he,

16 he was the one who was stationed there. He gave orders, and he managed the

17 OCRB central detention facility.

18 The evidence will also show that the underground cell was in his office, and he

19 ordered the detention of persons there. He also participated in arrests and physical

20 mistreatment of prisoners himself. He coordinated and communicated on a regular

21 basis with his Seleka elements, who also mistreated detainees.

22 When it comes to his ordering and inducing, your Honours, it is the Prosecution's

23 case, and we shall lead evidence to show, that the accused's conduct also fulfilled the

24 elements of Article 25(3)(b) of the Statute.

25 You will hear evidence that he ordered his subordinates to detain victims in the

1 underground cell in inhumane conditions. You will hear evidence that he gave
2 instructions to detain victims in the above ground cells, where he knew detention
3 conditions were also inhumane. You will hear evidence that he supported and
4 condoned the use of the *arbatachar* torture method by his subordinates.

5 Madam President, the accused also provided incentives, he provided incentives to
6 detained person in an arbitrary manner, including by enabling the extortion of the
7 relatives of victims. You've heard from Prosecutor Khan about this previously. He
8 enabled the extortion of the relatives of the victims who were detained there.

9 For example, he exerted significant influence and provided incentive for arbitrary
10 arrests and detentions, running an extortion team with another member of the
11 common plan, Tahir.

12 With your leave, Madam President, your Honours, I will now turn to the contextual
13 elements of the war crimes.

14 The war crimes that took place in the Central African Republic between April and
15 August 2013 occurred during the time that the accused was in charge of the OCRB.

16 Throughout this period, an internal armed conflict was taking place in the Central
17 African Republic. This conflict, Madam President, your Honours, started well before
18 the charged crimes and continued for some months afterwards.

19 In late 2012, Francois Bozizé, the then president of CAR, who had taken power
20 through a coup ten years earlier in March 2003 -- let me take that up again.

21 In late 2012, Francois Bozizé was the President of CAR. He had seized power by a
22 coup ten years earlier, in March 2003.

23 Madam President, your Honours, the belligerents, or one of the parties to the armed
24 conflict was a coalition of political factions, an armed group called the Seleka.

25 Mr Said, the accused, belonged to this group. He was a member of the Seleka

1 coalition.

2 Michel Djotodia and General Nouradine Adam led this coalition.

3 The other party to the armed conflict was a group of forces aligned with President
4 Francois Bozizé, the pro-Bozizé forces.

5 Over the course of the armed conflict, the pro-Bozizé forces would reactivate existing
6 and new self-defence group which evolved during the conflict into what then became
7 known as the Anti-Balaka.

8 Leaders of the group included Francois Bozizé and members of his inner circle, such
9 as Levy Yakete, Patrice Edouard Ngaïssona, Bernard Mokom, Maxime Mokom, and
10 Olivier Koudemon.

11 Your Honours, around August 2012, the Seleka rebel coalition emerged in the
12 northeast of the Central African Republic. This coalition was united by their
13 dissatisfaction with Bozizé and his regime. This coalition was united in their desire
14 to remove him from power.

15 Madam President, at this point, we shall be showing you photographs, pictures of
16 some of the Seleka armed group. These photographs, Madam President, were taken
17 at the time when the Seleka was marching towards Bangui.

18 From these photographs, you can see, your Honours, that the Seleka elements and
19 their leaders are armed with weapons, the Seleka elements and their leaders are
20 wearing military uniforms, the Seleka elements and their leaders possessed vehicles
21 which are mounted with military artillery weapons.

22 In the next slide, your Honours, are photographs taken by a Prosecution witness on
23 18 March 2013 in Sibut in Central African Republic. This was less than a week before
24 the Seleka advanced on Bangui, the capital city of the Central African Republic. In
25 this photograph, your Honours, you can see Djotodia, encircled, and Adam greeting

1 Seleka elements.

2 Six days later, six days after this photograph was taken, your Honours, on

3 24 March 2013, the Seleka had taken over Bangui. The Seleka had overthrown

4 Bozizé, who was forced into exile with his allies.

5 The Seleka leader whose photograph we've just shown you, Michel Djotodia, then

6 proclaimed himself the president of the Central African Republic.

7 Madam President, your Honours, the Seleka's assault on Bangui demonstrated their

8 military ability and capability. Their assault forced Bozizé and his allies to retreat.

9 This resulted in a temporary lull in the intense clashes, but it did not end the war.

10 One may ask, was there a peaceful settlement to the hostilities? No, there was not.

11 Was there a lasting absence of armed confrontations between the parties? No, there

12 was not.

13 Was there a real risk that serious fighting would resume? Yes, there was.

14 Something, Madam President, your Honours, something that both parties to the

15 conflict understood fully well.

16 After the taking of Bangui, the Seleka set up a transitional government under

17 Djotodia. Through decrees, they appointed key members of the Seleka coalition to

18 important positions.

19 We are now portraying to you some of these decrees.

20 And I'm not sure how you can make it clear. Can you zoom a little bit. Okay.

21 Some of the decrees that were issued by Djotodia and his regime. Your Honours,

22 state entities were taken over and other bodies were created. For instance, a national

23 security council, whose members included Nouradine Adam, and the council's

24 president was presided by Djotodia.

25 You have before you, Madam President, a list of ministries and the individuals who

1 were appointed to these positions when the Seleka took power.

2 When the Seleka took over the government ministries and established bases in Bangui
3 headed by senior Seleka commanders, such as at Camp Beal, Sapeurs de Pompiers
4 and Camp de Roux, you will hear evidence, Madam President, your Honours, that
5 these commanders engaged in a system of lateral coordination and cooperation in
6 order to achieve the common goal of maintaining power.

7 Mr Said was one such commander who was set up and established at the OCRB base.

8 You will further hear evidence, Madam President, that prisoners were transferred
9 between these bases that the Seleka was controlling and a system of food distribution
10 was also established where they shared some of the food.

11 You will also hear evidence, Madam President, that during this period, the Seleka
12 controlled important territory in the Central African Republic. Your Honours, this
13 included the capital city Bangui.

14 They also set up a system of checkpoints to monitor and control the movement of
15 people. The Seleka set up checkpoints across the Central African Republic to
16 monitor and control the movement of people.

17 To maintain its power and control, it also put generals, generals, Madam President, in
18 charge of different regions in Central African.

19 When the Seleka took over Bangui, they reportedly had about 5,000 fighters, 5,000
20 fighters, but by the end of 2013, they had around 15,000 to 20,000 fighters. This,
21 your Honours, demonstrates their ability to successfully recruit *en masse* members to
22 their coalition.

23 When Djotodia took power, when he proclaimed himself president, he set up his base
24 at Camp de Roux and created his own presidential security guards. He appointed
25 its leaders by decree. With these men, he was able to assert his power and establish

1 his role.

2 The other belligerents to this conflict, Madam President, your Honours, the other
3 members to the conflict, Bozizé and his allies, quickly set about regrouping their
4 fighters by supporting, by training and consolidating self-defence groups with one
5 aim, the aim of forcing their way back to power. At this point, they maintained an
6 effective command structure.

7 The evidence will also show or demonstrate that a substantial number of experienced
8 fighters remained loyal to Francois Bozizé. These, your Honours, included former
9 members of the Central African Armed Forces known as the FACA and former
10 members of Bozizé's presidential guards.

11 While the Seleka's takeover of Bangui had forced most of these fighters out of Bangui,
12 the evidence will show they withdrew in fairly good order. They had the time and
13 strength to hide or carry away military stockpiles. These, your Honours, included
14 state purchased weapons and ammunition.

15 For example, Witness P-2328, who as a member of an official mission sent to
16 neighbouring countries by the Central African government at the time, will give
17 evidence that many of the weapons taken by pro-Bozizé forces were later retrieved in
18 the neighbouring countries.

19 You will also hear evidence, Madam President, your Honours, that many pro-Bozizé
20 fighters retreated and gathered on the border regions of Central African Republic,
21 biding their time to launch a counterattack.

22 This does not mean to say that all the loyal forces to Bozizé fled Central Africa,
23 your Honour. Some, you will hear evidence, remained in the Central African
24 Republic and continued to display signs of armed resistance to the Seleka.

25 Madam President, your Honours, I would now like to direct your attention to a map

1 which should be showing on your screens. On this map, you can see Bangui. It's
2 appearing now in red. It sits right on the border with the Democratic Republic of
3 Congo, to the right.

4 Your Honours, many pro-Bozizé fighters retreated across the Oubangui river, to the
5 Democratic Republic of Congo, to a town called Zongo, also now shown on the map
6 before you. Other fighters pulled back to the areas on the border with Cameroon.

7 They gathered in places like Bertoua or Garoua Boulai. Both places are now also
8 showing on the map before you, Madam President, your Honours.

9 These locations were strategically chosen. Why they were strategically chosen?

10 Because they near the major supply route from Cameroon to Bangui, which, you will
11 hear evidence, Madam President, your Honours, was a crucial -- was the crucial road,
12 as food and other essentials were transported on this road.

13 Your Honours, within weeks of leaving Bangui, Bozizé held high level meetings to
14 plan his way back to power. Bozizé's associates liaised with pre-existing self-defence
15 groups and new recruits to organise, arm, and train them.

16 By June 2013, structured military trainings, overseen by former FACA members, were
17 taking place in locations such as Zongo and Kalangoi in the Democratic Republic of
18 the Congo. Both locations, Zongo and Kalangoi, are also now displayed on the
19 screen, Madam President, your Honours, in the Democratic Republic of Congo, and
20 in Govere within the Central African Republic itself. All these locations are now
21 displayed before you.

22 Your Honours will hear evidence from P-1339, an Anti-Balaka insider, who received
23 training by a pro-Bozizé member called Alfred Yekatom in Kalangoi.

24 PRESIDING JUDGE SAMBA: [13:00:42] Madam Prosecutor.

25 MS MAKWAIA: [13:00:45] Apologies, Madam President.

1 PRESIDING JUDGE SAMBA: [13:00:47] That's okay. I think this is a good place to
2 stop so we can go for lunch. But may I ask, how much more time you think you still
3 need when we come back?

4 MS MAKWAIA: [13:01:05] I hope to be done in 45 minutes, Madam President.

5 PRESIDING JUDGE SAMBA: [13:01:10] Forty-five minutes. Okay, thank you very
6 much.

7 I think I will adjourn the case till we come back at 2.30, please.

8 THE COURT USHER: [13:01:18] All rise.

9 (Recess taken at 1.01 p.m.)

10 (Upon resuming in open session at 2.31 p.m.)

11 THE COURT USHER: [14:31:33] All rise.

12 PRESIDING JUDGE SAMBA: [14:32:02] Good afternoon.

13 We continue with hearing the Prosecution's opening brief.

14 Mr Deputy Prosecutor, are you going to take over?

15 MR NIANG: [14:32:17] (Interpretation) No, no, no. She is going to do it. I have
16 got up to present my apologies from Mr Khan, who was here this morning and had
17 hoped to stay here throughout, but unfortunately, something has cropped up and
18 therefore he has asked me to send you his apologies. But there are no alternatives
19 under the circumstances.

20 I would also like to introduce the new members who have joined the team, who
21 weren't there this morning, Mrs Lise Tamm, Yuichiro Omori and Vanessa Hernández.

22 And now the senior trial lawyer, Holo Makwaia, will continue. Thank you.

23 PRESIDING JUDGE SAMBA: [14:33:11] Thank you very much, Mr Deputy
24 Prosecutor.

25 Yes, Ms Makwaia, please continue.

1 MS MAKWAIA: [14:33:18] Good afternoon, Madam President, your Honours. I
2 will continue to address you with respect to the contextual aspect on war crimes
3 against Mr Said.

4 Madam President, your Honours, you will hear evidence from Witness P-1339, an
5 Anti-Balaka insider who received trainings by a pro-Bozize member called
6 Alfred Yekatom in Kalangoi. He will state, and I quote: "We trained twice a day at
7 9 and at 14 hours in the bush" and "We received military training from Rombhot in
8 the bush, including on how to use weapons, [such as] machetes and knives". P-1339
9 will further testify that these pro-Bozize forces in Kalangoi, Democratic Republic of
10 the Congo, were receiving weapons and ammunitions, including from
11 Maxime Mokom in Zongo. Similarly, multiple Prosecution witnesses, such as P-0975,
12 P-0966, will speak about the military trainings in pro-Bozize structures at Gobere in
13 the Central African Republic.

14 Your Honours, at this time, the Seleka regime had already identified these forces as a
15 security threat and were acting accordingly. For example, in a letter to the
16 ambassador of the Democratic Republic of Congo on 3 June 2013,
17 Nouradine Adam - and this letter, Madam President, your Honours, is now being
18 portrayed before your screens - Nouradine Adam requested authority to deal with
19 the pro-Bozize forces who had gathered in the Democratic Republic with the aim to
20 destabilise the Seleka regime.

21 You will also see in another slide, Madam President, your Honours, that the
22 pro-Bozize forces -- that the pro-Bozize forces were engaged in financing and arming
23 their forces. Witnesses will testify that these operations were not only discussed in
24 meetings but also in email communications. For example, two key members of
25 pro-Bozize forces, Steve Yambete and Charles Ngremangou, exchanged information,

1 exchanged information on 19 July 2013 - it's also before you, Madam President, your
2 Honours - exchanged information on 19 July 2013 on the specific military needs to
3 fight back the Seleka.

4 You can see from this document being displayed in your screens, your Honours, that
5 they were also asking for supply -- they were also asking for the supply of men in the
6 four battalions and in particular for a specific type of weapons, including
7 ammunition.

8 Another member of the Anti-Balaka, Olivier Koudemon, as mentioned earlier, was
9 also engaging in the preparatory activities from the Cameroonian border area.

10 What your Honours have seen on your screens -- what your Honours will next see are
11 intelligence reports which were prepared by the Seleka-led government in the Central
12 African Republic in July and August 2013 about such activities.

13 These reports, your Honours, are from the B2 intelligence. It was an intelligence
14 office under the Seleka.

15 The movement of pro-Bozize forces were being monitored by these intelligence
16 officers as demonstrated in these reports. It demonstrates that eventually by mid to
17 late 2013, the pro-Bozize forces became what is now known as the Anti-Balaka. It is
18 the Prosecution's submission, your Honour, that in legal terms this was still the same
19 organised armed group, although now it has clearly come out and is being known as
20 the Anti-Balaka. It is still the same group that had been combating the Seleka
21 continuously since late 2012.

22 Madam President, your Honours, you will hear evidence that will demonstrate that
23 within some five months of the Seleka taking power, the Anti-Balaka launched major
24 attacks and started taking back territory from the Seleka. For example, a major
25 Anti-Balaka attack occurred in September 2013 in Bossangoa.

1 You have before your screens now a map of the region and we have highlighted for
2 you the placement of Bossangoa.

3 Evidence from P-0966, who participated in the attacks, states, and I quote: "our
4 strategy was to target little villages occupied by the Seleka around Bossangoa in order
5 to defeat smaller groups of Seleka and seize their weapons. Then we'd become
6 strong enough to attack Bossangoa where the Seleka were numerous." Closed quote.

7 Your Honours, we shall now put before you an intelligence report prepared by the
8 Central African government when the attack took place in early September 2013. It
9 reports the attack on Zere -- it reports on the attack on Zere and the activities of
10 pro-Bozize forces in the area.

11 Madam President, your Honours, the B2 was a government military intelligence
12 bureau based in the Camp de Roux and it analysed and gathered intelligence. You
13 will see from the documents we've displayed that it reported over 1,000 combatants
14 participated in the attack in the areas of Bossangoa and Bouca, that these combatants
15 were divided into six groups.

16 This is displayed in front of you, Madam President, your Honours.

17 From the intelligence reports before you, Madam President, you can see the
18 coordination with the B2, which is now advising the Seleka government to send more
19 reinforcement to these regions which were being attacked.

20 Another B2 intelligence document will be displayed shortly. And in this intelligence
21 report, Madam President, your Honours, it is clear that the Anti-Balaka were more
22 than mere villagers and youth who took up arms. This was not a group formed on
23 the spur of the moment. They were sufficiently organised, trained and armed to
24 launch major attacks.

25 Evidence to be led will show that by 5 December 2013, the Anti-Balaka were capable

1 and executed a large-scale, coordinated attack on Bangui in an attempt to overthrow
2 the Seleka. Your Honours, longstanding Bozize allies, like Maxime Mokom,
3 Alfred Yekatom and others, oversaw this large-scale attack.

4 With your leave, Madam President, I shall now address you on the contextual
5 elements of the crimes against humanity.

6 The Seleka directed an attack against the civilian population of Bangui perceived to be
7 Bozize supporters that was both widespread and systematic. After taking power in
8 March of 2013, the Seleka had no illusions. They knew that former President Bozize
9 and his allies were actively seeking to return to power. The Seleka knew well that a
10 threat to their regime still existed.

11 What do they do in response? Madam President, your Honours, they set out to
12 suppress any resistance to their regime. They did not distinguish between genuine
13 political opponents and real security threats. Instead, they targeted any and all
14 perceived Bozize loyalists and supporters.

15 How did they do this? You will hear from evidence to be led during the course of
16 the trial that the Seleka identified perceived Bozize supporters using a variety of
17 factors. For example, they considered those to be associated with Bozize to be a
18 target.

19 Of particular note, they targeted Christians, they targeted people of the Gbaya,
20 Mandja or Banda ethnicities, and thirdly, they targeted former FACA or presidential
21 guard members under Bozize. Sadly, as you heard from Prosecutor Khan and
22 Deputy Prosecutor Niang, they also targeted residents of specific neighbourhoods of
23 Bangui traditionally associated as supporting Bozize.

24 Your Honours, the crimes committed by Mr Said and his subordinates at the OCRB
25 formed part of this attack, but the attack also involved other incidents at other

1 locations, including the five additional incidents described in the confirmation of the
2 charges decision, as detailed in the Prosecution brief.

3 It is our submission that these additional incidents also formed part of the attack
4 against the civilian population, which included the following incidents in Bangui.

5 Your Honours, in April 2013, the Seleka attack on the 7th arrondissement of Bangui
6 and the operation of the Boy-Rabe neighbourhood was one such attack. In

7 August 2013 -- and just to orient you a bit, Madam President, your Honours, we do
8 have a slide of the neighbourhoods I'm speaking of. The 7th arrondissement is on

9 the extreme right of the map, titled "Location of Incidents". In August 2013, a second

10 Seleka operation took place on the Boy-Rabe neighbourhood. This is found on

11 number 2 and 3 of the map. There was also an attack on a minibus which was

12 committed in the PK9 area, at number 4 on your map, also described to you by the

13 Prosecutor and the Deputy Prosecutor in the morning. Also, the arbitrary arrests

14 and detention at the CEDAD.

15 Madam President, these were large-scale attacks based on the Seleka's policy to attack

16 densely populated residential areas inhabited by what they perceived to be Bozize

17 loyalists.

18 The most notorious attacks were committed against the Boy-Rabe neighbourhood in

19 April and August of 2013.

20 We will now present to you what we submit are Seleka vehicles which were used to

21 patrol the Boy-Rabe neighbourhood during the April and August operations.

22 It is the Prosecution case, Madam President, your Honours, that these were not

23 security operations focussed on neutralising combatants. Your Honours, these

24 operations were conducted under the command of Seleka leaders in execution of their

25 policy to target what they perceived to be Bozize loyalists.

1 You will hear evidence from P-0119, who described the operation as a collective
2 punishment. He will tell you that Nouradine Adam visited him a few days before
3 the attack in April 2013. And I quote, he said: "He approached me ... and told me
4 that some young men from Boy-Rabe had joined the Seleka ranks, only to escape
5 afterwards with their weapons. He asked me to find them and for the weapons to be
6 returned to the Seleka, or he would destroy Boy-Rabe." End of quote.

7 On another occasion, P-0119 heard from a Seleka officer that, open quote, "even when
8 he was in the bush, he and the rebels were told to burn Boy-Rabe and everyone in it,
9 as its residents were Bozize loyalists." Closed quote.

10 Your Honours, the Seleka's intention in executing these attacks is also clearly
11 demonstrated when considering the types of victims and the types of crimes
12 committed during these attacks. They were indiscriminate, Madam President, your
13 Honours. They targeted elderly people, women, young children, without any
14 distinction. This was the *modus operandi* of the Seleka.

15 In the next slide, Madam President, your Honours, you will see the photograph of a
16 woman named Sandrine, of blessed memory, and her baby, who were shot and killed
17 by the Seleka at their house.

18 Madam President, Sandrine and her baby were killed during the Seleka operation in
19 the Boy-Rabe neighbourhood of April 2013. These were civilians. These were
20 civilians, your Honours. But the Seleka did not make that distinction, killing an
21 innocent woman and her child.

22 Evidence to be presented will demonstrate that many victims were shot, wounded or
23 killed during this operation. P-0342 observed and took photographs of some of the
24 victims, as shown by the Prosecutor during his submissions this morning.

25 Your Honours, during this same operation, the Seleka raped multiple women. These

1 were not opportunistic acts of one or two random individuals. For example, one
2 victim described being gang-raped for multiple days on the order of a Seleka
3 commander.

4 Now, during the 7th arrondissement and Boy-Rabe incidents, the Seleka went door to
5 door looting homes from top to bottom. The looting, you will hear, during these
6 incidents went on for days and involved hundreds of Seleka members. Witness
7 P-1825 was at Boy-Rabe when the attack took place and he was forced by the Seleka to
8 participate whilst they looted. You will hear evidence from him that there were
9 around 100 Seleka men looting houses on that day in Boy-Rabe. Again, it is the
10 Prosecution case these were not isolated events or opportunistic attacks. The Seleka
11 systematically targeted and attacked the property of non-Muslims. They used the
12 so-called *indicateurs* or informers who pointed out the location of non-Muslim
13 households.

14 After such incidents, Madam President, these households and their occupants would
15 be the -- would be targeted while the households of Muslims would be spared.

16 P-1825 states that the Seleka asked him to point out the houses of the FACA during
17 the looting. He observed that while the Seleka entered into two Muslim houses, they
18 did not loot anything from these houses because they were Muslim households.

19 Witness P-1427 and 1263 describe that the Seleka arbitrarily grabbed men and boys off
20 the street in Boy-Rabe, forcing them to lie on the ground in a row and executing them
21 one by one.

22 Additionally, at least two witnesses will describe how, during the second major
23 operation on the Boy-Rabe neighbourhood in August 2013, they narrowly survived
24 being executed. P-1263 will give evidence that he was shot four times by the Seleka
25 but managed to survive. Your Honours, P-1263 was a lucky man. He will tell you

1 that those who lay right next to him, including a 12-year-old boy, did not survive.

2 They were killed.

3 In another episode or incident in July 2013, the Seleka arbitrarily arrested and
4 tortured and then murdered a group of individuals who were in a minibus, the
5 so-called PK9 incident that you've heard submissions on earlier this morning.

6 The victims of this bus, Madam President, your Honours, were targeted because the
7 Seleka found a bag which contained T-shirts printed with the former president's face.

8 These passengers were stopped at PK9 checkpoint by the Seleka, taken to
9 Camp de Roux and murdered by the Seleka. Later, as you heard earlier, and as you
10 saw in the photographs we displayed before you, their dead bodies were found
11 floating in the river.

12 Madam President, from mid-September 2013 to 8 November 2013, the Seleka also
13 unlawfully detained and mistreated perceived pro-Bozize supporters at the CEDAD,
14 an intelligence bureau created by Djotodia and headed by Adam after the closure of
15 the OCRB. They detained them in small, dark, crowded cells, systematically
16 mistreating them.

17 Some of the CEDAD cells are before you on the screens, Madam President, your
18 Honours.

19 Prosecution witnesses like P-0664, a civilian, will testify how they were blindfolded,
20 kidnapped and detained without any information or access to justice at the CEDAD
21 in September 2013 simply because they were considered supporters of
22 Francois Bozize.

23 Your Honours, Mr Said was well aware of these additional incidents taking place in
24 2013 through his own involvement and because they were widely covered in the
25 media.

1 Witnesses will testify that Mr Said was involved in Boy-Rabe operations in April and
2 August. Several Prosecution witnesses also placed the accused at the CEDAD and
3 attest that he continued to be involved with the Seleka stationed there.

4 Your Honours, the crimes committed at the OCRB form part of the widespread and
5 systematic attacks launched against the civilian population in Bangui at the relevant
6 period charged.

7 Before you, you have another map delineating the location of the various incidents
8 that took place.

9 It is our submission that the crimes committed at the OCRB were planned,
10 coordinated and overseen by Seleka commanders. They were executed according to
11 a consistent pattern. And they were committed against many civilian people. They
12 were committed on a regular basis over a sustained period of time. The Seleka
13 operations in April and August in Boy-Rabe, the April attack on the 7th
14 arrondissement, the attack on the passengers of the PK9 minibus, the arbitrary arrests
15 and detentions at the CEDAD also demonstrate advanced planning and coordination
16 by Seleka leaders, resulting in many civilian victims. The evidence will demonstrate
17 further that at the time relevant to the charges, the Seleka directed a widespread and
18 systematic attack against the civilian population of Bangui perceived to be Bozize
19 supporters.

20 Madam President, your Honours, during the course of this trial, the Prosecution will
21 present a focussed and compact case. The Prosecution will lead direct evidence,
22 testimonial and documentary evidence to prove its case. The Prosecution will prove
23 beyond a reasonable doubt that the accused before you today, Mr Said, committed the
24 crimes, induced the crimes or ordered and enabled other perpetrators.

25 With these remarks, Madam President, your Honours, I conclude the opening of the

1 Prosecution's case against the accused, Mr Said. I thank you for your attention.

2 PRESIDING JUDGE SAMBA: [15:01:25] Well, thank you very much, Ms Makwaia.

3 Ms Pellet, please. For the record, for the victims.

4 MS PELLET: [15:01:57] (Interpretation) Thank you, your Honour.

5 Your Honours, together with Mr Dibert-Bekoy - who, against his will, was unable to

6 attend today due to an air controllers' strike - *we represent, since 27 May, 20 victims

7 who are participating in the trial that is starting today before you. In addition, 22

8 applications for participation are still pending. These are the 19 applications that

9 were sent to you on 13 July and three additional applications sent on 12 September.

10 All the victims allowed to participate in the proceedings have therefore demonstrated

11 a causal and connecting link between the crimes suffered and the accused, Mr Said.

12 Indeed, they all demonstrated that they were arbitrarily arrested and detained at the

13 Central Office for the Repression of Banditry, OCRB, between 12 April and

14 30 August 2013. Some of them were never formally charged. Others were charged,

15 sometimes with retroactive effect. *Some of them were tortured and all of them were

16 subjected to cruel, inhuman and degrading treatment. Some of them were

17 eventually discharged after several days or even several weeks, whilst others died as

18 a result of the inhuman treatment inflicted during their detention.

19 And, your Honours, in the context of the opening statements, it is important that the

20 voice of victims is accurately relayed and communicated. *To do this, we consulted

21 the participating victims before the hearing. These statements are a rare and

22 valuable opportunity for victims to present their views and concerns, their

23 expectations, their fears in a more general way without being restricted by the need to

24 justify a specific interest and without having to limit their submissions to a particular

25 issue which is the subject of debate between the Prosecutor and the Defence. The

1 fact that victims are unable to come in person to speak to you today should not be
2 used as a reason or constitute an impediment to the exercise of their rights under the
3 Rome Statute.

4 It is therefore essential at this stage that the Chamber -- for the Chamber to hear from
5 the victims, at least through their legal representatives, so that the Chamber can
6 understand the extent of their sufferings and the extent of the damage that these
7 heinous crimes have caused the victims.

8 These opening statements made on their behalf are not evidence. They are just the
9 transmission of the views and concerns of the victims which have been shaped,
10 necessarily, by their experience. In order to comply with your decision on the
11 conduct of the proceedings, and in particular paragraph 9 thereof, I will refer to the
12 victims by the number assigned to them by the Victims Participation and Reparations
13 Section. *But let there be no mistake, behind this litany of figures and numbers,
14 there are real and most courageous men, women and children. But I must protect
15 their identity.

16 The victims were invariably imprisoned in inhumane conditions, deprived of food
17 and water, without being formally charged or charged with retroactive effect, simply
18 because some of them lived in Boy-Rabe neighbourhood, considered by the Seleka as
19 to be one of Bozize's strongholds in 2013; because some of them were members of the
20 FACA or simply suspected of being so; because some of them had practiced their
21 profession under the overthrown administration; because some of them were
22 suspected of being linked to the drafting or distribution of pamphlets calling for
23 Djotodia's resignation, even though they had nothing to do with the pamphlets in
24 question; or simply because they were in the wrong place at the wrong time; and
25 because the Seleka considered this, made them supporters of Bozize.

1 And indeed, *the victims participating in the proceedings today are all testifying
2 through their accounts of the events that victimised them to the particularly cruel
3 nature of the crimes committed against them but also to their systematic and
4 widespread nature.

5 Detainees at the OCRB were systematically beaten on their arrival, very often lying
6 bare-chested, covered with water and sand in order to amplify the pain. A/70291/22
7 recalled thinking that he would be beaten to death. And as if this were not enough,
8 a/70293/22 explained that he was then beaten with whips, gun butts and iron bars as
9 the prisoners walked into their cells. The same fate befell a/70301/22 and others.
10 A/70304/22 was trampled upon and had a knife held to his throat and was threatened
11 that his throat would be slit. A/70301/22 narrowly escaped execution at the hands of
12 the accused.

13 Your Honours, a/70295/22, a/70299/22, a/70300/22 and a/70305/22 felt that they were
14 very lucky not to have been tortured while in detention because the screams of the
15 tortured prisoners they heard when they were detained at the OCRB still echo in their
16 heads today. *A/70302/22 was less fortunate, subjected to the arbatachar torture,
17 described this morning by the Prosecutor and the Deputy Prosecutor - I am therefore
18 not going to go into detail - he would have wanted... the Seleka elements to finish him
19 off as the pain was unbearable. Instead, they hung him from the fence of the OCRB
20 for several hours before throwing him into the basement cell located under the office
21 of the accused himself. The aftereffects of this torture were such that the prosecutor
22 in Bangui at that point of time ordered the accused to be released immediately as the
23 detention was no longer compatible with his health.
24 Prisoners were then thrown into cells so small that they could not lie down and could
25 not -- and only could sit in turns or by crossing their legs. There were no windows

1 and it was so overcrowded that the prisoners found it difficult to breathe. Breathing
2 was made even more difficult by the stench that reigned because there were no toilets
3 or latrines. Of course, their wounds were not treated.

4 A/70301, a/70302, a/70304/22 and a/70306/22 were thrown into a cell under Mr Said's
5 own office. A/70304/22 explained that this cell was like a dustbin, full of rubbish and
6 excrement, it smelt of death, and he could not lie down in it because it was so filthy.

7 Your Honours, all the victims report the fact that they were not given water
8 except -- they were not nourished by the jailers but were fed only when their families
9 had found them, usually after searching for days throughout Bangui. The conditions
10 of detention had only improved for those who had been transferred to Ngaragba
11 prison. A/70290/22 explained that they felt safer there.

12 Although the majority of victims involved in these proceedings are men, women
13 weren't spared. A/70305/22, a young woman in her twenties at the time of the events,
14 was mistreated from the moment of her arrival and throughout her detention at the
15 OCRB and only narrowly escaped a number of sexual assaults, thanks to the
16 intervention of a detainee whom the Seleka elements seemed to respect, despite *his
17 status as a detainee. However, since her release, she has been stigmatised by the
18 people in the neighbourhood who think that she was defiled during her detention.

19 *Double jeopardy, your Honours.

20 After being beaten, a/70296/22 was thrown into a cell with her four-month-old baby
21 when she insisted on seeing her partner, who was detained at the OCRB. She and
22 her baby were held almost 24 hours without food or water.

23 Your Honours, the suffering inflicted on the victims we represent is such that words
24 cannot describe it. Over time, their scars have, for the most part, faded, but they still
25 suffer in their flesh and their minds. Some are still physically hindered as a result of

1 the physical torture, others report having nightmares almost on a daily basis, and all
2 find it very difficult to forget all this. The victims' lives are marked forever by the
3 events at the OCRB in 2013.

4 In addition to the physical and psychological scars, they all need to understand the
5 reason for this inhumane treatment in order to rebuild their lives on a better basis and
6 to try and forget, even though the security climate that prevails in the Central African
7 Republic today does not contribute to their daily well-being. Indeed, their former
8 tormentors have been incorporated into the army, the gendarmerie or the police, or
9 continue to hold high positions within the Central African administration.

10 According to a/70289/22, and I quote his own words: "This is the price of peace."

11 End of quote. A very expensive price to pay, your Honours.

12 The Defence repeatedly points out that the scope of the charges in this affair is rather
13 narrow, particularly in view of their limited nature in time and space, which you
14 expressly recognised in your decision dated 6 September on the scope of the charges.

15 And it is a fact that the charges against the accused that you're dealing with in this
16 trial are limited in comparison with other cases pending before this Court.

17 Yet, your Honours, there is no hierarchy of crimes within the jurisdiction of the Court.

18 All these atrocities defy imagination, beggar belief, and deeply shock the human
19 conscience; all these crimes affect the entire international community. *This

20 barbarism, whatever its scale, whatever the interpretation of the scope of the charges,
21 reduces lives to nothing, and it's the origin of trauma that will never heal. And this
22 is the case of the victims who are participating in the trial today; it is the case of those
23 who have been forgotten. And the allegedly narrow scope of charges does not make
24 them sub-victims.

25 Contrary to what the Defence will no doubt try to demonstrate during the trial that

1 opens today, this is not a trial of the Seleka but the trial of Mr Said. Mr Said, a
2 colonel in the Seleka, was the *de facto* head of the OCRB when the *victims were
3 detained in abject conditions and sometimes tortured. As such, he played a key role in
4 the execution of the common plan to target alleged Bozize supporters and to commit
5 the crimes referred to in the decision confirming the charges at the OCRB between 12
6 April and 30 August 2013. The fact that his superiors are not present in the
7 courtroom today does not change anything at all. It does not exonerate the accused.
8 Mr Said knew. Mr Said encouraged and supervised the commission of the crimes
9 against the victims. Mr Said did nothing to prevent them. When he did not
10 commit them himself, it was he who decided the fate of the detainees in the OCRB.
11 *It was under his own office that some victims were held in an underground cell in
12 conditions which, as I already mentioned, defy imagination. Mr Said could not have
13 been unaware of the inhumane conditions in which the victims were held.
14 A/70294/22, a/70300/22, a/70301/22 and a/70306/22 were placed in cells on the orders
15 of Mr Said. A/70304/22 even explained that upon his arrival at the OCRB, the Seleka
16 elements waited for the accused to return so that he could decide himself in which
17 cell he should be placed. A/70297/22, a/70301/22 and a/70305/22 were interrogated
18 by the accused himself while in detention at the OCRB, while a/70301/22 was
19 threatened with death by Mr Said.
20 A/70306/22 even states that since he had been placed in the cell under the office of
21 Mr Said, he regularly heard Mr Said questioning detainees and giving orders to his
22 men to bring detainees to his office.
23 So I agree that some victims have not named Mr Said as their torturer; *some of them
24 are not able to name their torturers. Many victims have not been able to identify
25 their torturer other than by their membership of the Seleka in their applications for

1 participation. But, your Honours, let us be clear on one thing, these are individuals
2 *who were disoriented, arrested without understanding the grounds of arrest, beaten
3 up, thrown into cells where conditions beggar belief, mistreated, malnourished and
4 sometimes tortured. The victims were thinking about their survival and were not
5 thinking about identifying their torturers. The fact that the victims did not name
6 Mr Said by name does not mean that he is not responsible for the crimes they suffered
7 directly or indirectly. It simply means that they did not know his name or they were
8 only concerned about their survival.

9 *Moreover, the colonial past of the Central African Republic cannot be invoked in an
10 attempt to justify the absence of criminal responsibility of Mr Said, your Honours.

11 In this regard, the victims implore you to break out of this straitjacket and focus on
12 the facts that are going to be presented throughout this trial. If the colonial past of
13 the Central African Republic makes it possible to explain certain social and political
14 phenomena, it does not absolve Mr Said of his responsibilities. Mr Said, regardless
15 of his country's past, deliberately and wittingly committed the crimes we're dealing
16 with, where some of his compatriots chose to behave otherwise, where thousands of
17 Central Africans have behaved differently.

18 Your Honours, it is important to remember the role of victims in the proceedings is
19 not to make any accusations against the accused. This is the role of the Prosecutor.

20 Instead, the Rome Statute offers them the opportunity to participate in the judicial
21 truth-finding process. This process is their only opportunity to try and make sense
22 of what happened in 2013, almost ten years after the events that victimised them.

23 Some victims still do not know the reasons for their arbitrary detention. Others were
24 tried and convicted for acts they were totally unrelated to them -- that were totally
25 unrelated to them. *All of them suffer from the after-effects, and this participation in

1 the establishment of the judicial truth is cathartic for them.

2 But their participation in today's trial is also essential in that it reminds everyone that
3 the justice done in this institution is done on their behalf in order to preserve future
4 generations *from atrocities that defy imagination and deeply shock the conscience of
5 humanity and not to leave unpunished the most serious crimes of concern to the
6 international community as a whole. The victims we represent all hope that the trial
7 that opens before you today will bring them justice, but will also bring justice to
8 victims who did not survive. They all hope that the trial that opens today before you
9 will provide them with the explanations of the fate that befell them during the events
10 that victimised them in 2013. They all hope that the trial that commences today will
11 be a guarantee that such crimes shall never be committed again.

12 The victims who are participating in the trial against Mr Said have been waiting for
13 almost 10 years to obtain explanations about what happened to them in the OCRB
14 jails. This trial under your responsibility is an important step in their reconstruction.
15 I hope that their participation will remind everyone that there is nothing abstract
16 about international criminal justice. That behind the facts and legal arguments, there
17 are men, women, children whose eyes are turned to you and who deserve to obtain,
18 finally, answers with regard to their victimisation. No victim is driven by a sense of
19 revenge. Your Honours, like a/70289/22, they will not rest until there is peace and
20 justice.

21 Thank you so much for your kind attention.

22 PRESIDING JUDGE SAMBA: [15:25:22] Well, thank you very much, Ms Pellet.
23 Ms Naouri, it's close to 3.30. Would you want to start your opening address on
24 behalf of the Defence today and finish off tomorrow, if you may.

25 MS NAOURI: [15:25:51] (Interpretation) Thank you, your Honour. I think for the

1 clarity of our words, because it's been drafted in such a way, it would be better to
2 start tomorrow and finish tomorrow because we've got -- for it to be clear and fluid,
3 the initial interventions will last for more than half an hour, so it is basically
4 preferable to start tomorrow. But we are completely in your hands.

5 PRESIDING JUDGE SAMBA: [15:26:32] That's okay. Inasmuch as we would have
6 loved for you to start today so that we make use of the remaining 35 minutes, or
7 thereabout, if you think you are better off starting tomorrow, then I guess that would
8 be it. I know you have four and a half hours afforded you. I'm not sure how long
9 you would be on your legs tomorrow, but of course, like I said when I, you know,
10 opened this session, we'd appreciate it if we do things nicely, expeditiously so that we
11 get this trial up and running. So tomorrow will be your day to give us your opening
12 address. If you could do it for less than four hours 30 minutes, we will appreciate.
13 But we know that you are given four and a half hours. Okay?

14 Well, that would be it for today for these opening remarks by the Prosecutor and
15 counsel for the victims.

16 I shall adjourn this matter and ask that we come tomorrow at 9.30 so that we hear
17 counsel for Mr Said. 9.30 it will be then. Thank you.

18 THE COURT USHER: [15:28:00] All rise.

19 (The hearing ends in open session at 3.28 p.m.)

20 CORRECTIONS REPORT

21 The following corrections, marked with an asterisk and not included in the
22 audio-visual recording of the hearing, are brought into the transcript.

23 Page 2 line 8: "counsel within the public -- the office of public for victims."
24 is corrected to

25 "Counsel within the Office of Public Counsel for Victims"

1 Page 67 line 6:" we've represented"
2 is corrected to
3 "we represent"
4 Page 67 line 15-16: "Some of them were tortured and were all subjected to cruel,
5 inhuman and degrading treatment."
6 is corrected to
7 "Some of them were tortured and all of them were subjected to cruel, inhuman and
8 degrading treatment."
9 Page 67 line 21-22: "To do this, we've consulted the victims and -- before the hearing."
10 is corrected to
11 "To do this, we consulted the participating victims before the hearing."
12 Page 68 line 13-15: "But let there be no mistake, behind these figures and numbers,
13 there are real men, women and children who -- and I must protect their identity. "
14 is corrected to
15 "But let there be no mistake, behind this litany of figures and numbers, there are real
16 and most courageous men, women and children. But I must protect their identity."
17 Page 69 line 1: "the victims participating in the proceedings today all testified"
18 is corrected to
19 "the victims participating in the proceedings today are all testifying"
20 Page 69 line 15-17: "A/70302/22 was less fortunate, subjected to the arbatachar torture
21 which was explained by the Prosecutor and the Deputy Prosecutor. And I'm not
22 going to go into detail. He wanted -- he would have wanted..."
23 is corrected to
24 "A/70302/22 was less fortunate, subjected to the arbatachar torture, described this
25 morning by the Prosecutor and the Deputy Prosecutor - I am therefore not going to go

1 into detail - he would have wanted..."

2 Page 70 line 14-16: "her status"

3 is corrected to

4 "his status"

5 Page 70 line 18: "It's a double whammy, your Honours."

6 is corrected to

7 "Double jeopardy, your Honours."

8 Page 71 line 19-21: "This barbaric side, whatever its scale, whatever its interpretation

9 of the extent of the charges"

10 is corrected to

11 "This barbarism, whatever its scale, whatever the interpretation of the scope of the

12 charges"

13 Page 72 line 2-5: "victims were detained in abject and sometimes tortured conditions.

14 As such, he played a key role in the execution of the common plan to target alleged

15 Bozize supporters and to commit the crimes referred to in the decision confirming the

16 charges against the OCRB between 12 April and 13 August 2013."

17 is corrected to

18 "victims were detained in abject conditions and sometimes tortured. As such, he

19 played a key role in the execution of the common plan to target alleged Bozize

20 supporters and to commit the crimes referred to in the decision confirming the

21 charges at the OCRB between 12 April and 30 August 2013"

22 Page 72 line 11: "It was under his own desk"

23 is corrected to

24 "It was under his own office"

25 Page 72 line 23-24: "some of them were not able to name their torturers. "

1 is corrected to

2 "some of them are not able to name their torturers. "

3 Page 73 line 1-2: "who are disoriented"

4 is corrected to

5 "who were disoriented"

6 Page 73 line 9-10: "Moreover, once again, during the trial, the Defence will invoke the
7 colonial past of the Central African Republic to try to justify the absence of criminal
8 responsibility of Mr Said. "

9 is corrected to

10 "Moreover, the colonial past of the Central African Republic cannot be invoked in an
11 attempt to justify the absence of criminal responsibility of Mr Said, your Honours"

12 Page 73 line 25 - Page 74 line 1: "All of them have suffered from the aftereffects, and
13 this participation in the establishment of the judicial truth is very important for them.
14 "

15 is corrected to

16 "All of them suffer from the after-effects, and this participation in the establishment of
17 the judicial truth is cathartic for them."

18 Page 74 line 4-8: "from atrocities that defy imagination and deeply shock human
19 conscience and not to leave unpunished the most heinous crimes that affect the entire
20 international community. The victims we represent all hope that the trial that opens
21 before you today will bring justice but also bring justice to victims who did not
22 survive."

23 is corrected to

24 "from atrocities that defy imagination and deeply shock the conscience of humanity
25 and not to leave unpunished the most serious crimes of concern to the international

- 1 community as a whole. The victims we represent all hope that the trial that opens
- 2 before you today will bring them justice, but will also bring justice to victims who did
- 3 not survive."