

Trial Hearing
WITNESS: CAR-OTP-P-2973

(Open Session)

ICC-01/14-01/18

1 International's Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 22 August 2023
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:37] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:50] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:56] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you.
20 The appearances of the parties. Ms Prathaban first.
21 MS PRATHABAN: [9:33:16] Good morning, Mr President, your Honours, and
22 everyone in the courtroom. The Prosecution today is represented by
23 Mr Pierre Belbenoit-Avich, Mr Yassin Mostfa, Mr Kweku Vanderpuye and myself,
24 Manochitra Prathaban.
25 PRESIDING JUDGE SCHMITT: [9:33:27] Thank you.

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1 Ms Massidda next.

2 MS MASSIDDA: [9:33:30] Good morning, Mr President, your Honours. Good
3 morning, everyone in courtroom. For the victims of the other crimes appearing
4 today myself, Paolina Massidda, accompanied by Mr Enrique Carnero Rojo.

5 PRESIDING JUDGE SCHMITT: [9:33:41] Mr Suprun.

6 MR SUPRUN: [9:33:43] Good morning, Mr President. Good morning, your
7 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:50] Ms Dimitri next.

10 MS DIMITRI: [9:33:52] Good morning, Mr President. Good morning, your
11 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom
12 represented today by Ms Alexia Legault, Mr Jason Antley, Mr Gyo Suzuki and myself,
13 Mylène Dimitri.

14 PRESIDING JUDGE SCHMITT: [9:34:15] And finally Mr Knoops.

15 MR KNOOPS: [9:34:11] Good morning, Mr President. Good morning, your
16 Honours. Good morning, everyone in the courtroom. We are in the same
17 composition as yesterday, Mr President. Thank you.

18 PRESIDING JUDGE SCHMITT: [9:34:18] Thank you very much.

19 And a warm welcome to our witness. Good morning, Mr N'Douba. I hope you
20 hear and understand me well.

21 WITNESS: CAR-OTP-P-2973 (On former oath)

22 (The witness speaks French)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:34:27](Interpretation) Yes. Good morning, your Honour.
25 Good morning, everybody.

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1 PRESIDING JUDGE SCHMITT: [9:34:31] We can continue with the examination
2 then and it's -- Ms Dimitri, you have something else before that?

3 MS DIMITRI: [9:34:37] Yes, Mr President, I have the answer to your question of
4 yesterday.

5 PRESIDING JUDGE SCHMITT: [9:34:40] Yes, okay.

6 MS DIMITRI: [9:34:42] So it's dated 2015. It was a presentation done by a
7 university in 2015. That's the date of the slides.

8 PRESIDING JUDGE SCHMITT: [9:34:53] Thank you very much.

9 We then turn now to the examination by the Defence of Mr Ngaïssona.

10 Mr Knoops, you have the floor.

11 MR KNOOPS: [9:35:01] Thank you very much, Mr President.

12 QUESTIONED BY MR KNOOPS:

13 Q. [9:35:06] Good morning, Mr N'Douba. I'm one --

14 A. [9:35:08] Good morning.

15 Q. [9:35:08] I'm one of the attorneys of Mr Ngaïssona in this case, and I'm
16 today -- my name is Alexander Knoops. I'm assisted today by Mr Michael Rowse,
17 on my right side, and Mr Alexandre Desevedavy, who also assisted me in preparing
18 some questions for you today.

19 I will focus today on a different subject matter compared to my colleagues on the
20 team of Mr Yekatom, and I will primarily focus on the extractions of the CDRs and
21 the question how they were processed.

22 My first question to you, sir, is the following: In your evidence you gave to the
23 investigators of the OTP, you mentioned Mr Teddy Kopati as one of the persons who
24 was responsible for the extraction of CDRs. Is that still your evidence today?

25 A. [9:36:22] Yes. Mr Teddy Kopati was responsible for the extraction of the CDRs

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1 when he was working for Moov. And I pointed out that he was no longer employed
2 by the company Moov.

3 Q. [9:36:38] Was he the only individual who was in 2013-2014 responsible for the
4 production of CDRs?

5 A. [9:37:03] Yes, indeed. During this period he was the only person responsible
6 for this activity in his capacity as an IT expert.

7 Q. [9:37:13] And which department did he belong to within your company in
8 2013-2014?

9 A. [9:37:30] He belonged to the IT department.

10 Q. [9:37:33] Do you know, Mr N'Douba, if Mr Kopati in that time consulted with
11 other departments within your company to check the accuracy of the information
12 which was contained in the CDRs and ultimately transmitted to the Office of the
13 Prosecution in this case?

14 A. [9:38:09] Yes, indeed. In the procedure of processing the CDRs, he was meant
15 to ensure with the team of the network, all the -- that all the CDR files were well
16 repatriated.

17 Q. [9:38:32] Were you yourself privy to that process of verification of the CDRs?
18 In other words, were you yourself involved in the verification process before the
19 CDRs went to the government and ultimately to the International Criminal Court?

20 A. [9:38:59] Yes -- no, personally, I didn't have a direct role in the procedure, but
21 I was well informed about the procedure and the work concerning the CDRs.

22 Q. [9:39:15] Were you yourself in a position to consult with these various
23 departments to confirm the accuracy of the content of the CDRs?

24 A. [9:39:30] What has to be said here is that with regards to the content of the CDRs
25 as such, we didn't have the hand on that. So we weren't able to say or to look at the

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1 content or to verify what was generated by the system. It was only afterwards, after
2 the processing that we could validly look at the content of the CDRs.

3 Q. [9:40:09] Can you explain what you mean with "only afterwards we were in a
4 position to check the content" in terms of time?

5 A. [9:40:24] Yes. When I say "afterwards", by way of explication, the CDRs, they
6 have a group of alphanumeric characters that are not readable for us as technicians, so
7 the CDRs which are generated automatically by the network server are collected.
8 And these CDRs, well, we put them through the mediation server which makes it
9 possible to decode them. So this decoding programme comes out -- well, it makes it
10 possible to make the content of the CDRs readable, and it's after the decoding process
11 that we can read in an understandable way what is contained therein.

12 Q. [9:41:35] You speak about "we" were involved in this decoding process. What
13 do you mean with "we"? Was that yourself? One of your colleagues?

14 A. [9:41:54] Yes, when I speak about "we", I'm speaking about an entity, the
15 company Moov, that in the processing process, it was the IT service who managed the
16 mediation platform, and at the time, this was my collaborator Teddy, he was the one
17 who ensured that all the CDRs were properly collected and that the decoding process
18 had been done correctly as well.

19 Q. [9:42:27] So you would agree with me, Mr N'Douba, that you yourself, you were
20 not involved in this decoding process, correct? It was Mr Kopati and not you?

21 A. [9:42:48] Yes. Mr Kopati was in charge of that, but in my role, which was quite
22 common on an interim basis -- as director on an interim basis, I knew very well the
23 functioning of the processing treatment within the directorate.

24 Q. [9:43:09] But you were not able to check the findings of Mr Kopati in terms of its
25 content, right?

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1 A. [9:43:26] No, it wasn't the case. It's an activity which has a specific procedure
2 that governs it. There were several different possibilities in order for the Moov
3 company to ensure that this processing and that the procedure is respected and to
4 guarantee the reliability of the data contained therein.

5 Q. [9:43:54] Mr N'Douba, you just mentioned that according to your evidence
6 Mr Kopati was at that time responsible for the extraction and the production of the
7 CDRs through a readable process to the authorities, right? Was nobody else who
8 was involved within the company to process these CDRs apart from Mr Kopati?

9 A. [9:44:33] No. To the best of my knowledge, it was the one who was responsible
10 therefor. It was done in this way because once the CDRs had been decoded, that
11 was information which is perfectly readable. And when it came to keeping this
12 private, that's something that was done.

13 THE INTERPRETER: [9:45:05] There was an overlap and the interpreter didn't get
14 the last bit.

15 MR KNOOPS: [9:45:10]

16 Q. [9:45:11] Mr N'Douba, I would like to show you a document which is in our
17 Defence binder 7. It's CAR-OTP-2018-0622. And my colleague,
18 Mr Alexandre Desevedavy, he will point you now to a certain individual mentioned
19 in this document, which is one of the CDRs which was apparently provided by Moov.

20 PRESIDING JUDGE SCHMITT: [9:45:59] Ms Prathaban.

21 MS PRATHABAN: [9:46:01] Sorry, it's just that the last answer wasn't captured by
22 the interpreter at timestamp -- line 45 in the English transcript.

23 PRESIDING JUDGE SCHMITT: [9:46:12] Then we would have to ask the question
24 again and the whole answer again, Mr Knoops. Excuse me, but we ...

25 MR KNOOPS: [9:46:21] Well, the answer was given by the witness and he added

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1 something himself which had nothing to do with the answer, but I --

2 PRESIDING JUDGE SCHMITT: [9:46:29] Mr Witness, do you recall the end of your
3 last answer there? The interpreters did not get it.

4 THE WITNESS: [9:46:40](Interpretation) Yes, indeed. I was explaining to counsel
5 that the processing of the CDRs was dedicated to this colleague and he managed the
6 IT service, and it was the case in order to preserve the secrecy of the information of
7 clients, the client data.

8 PRESIDING JUDGE SCHMITT: [9:47:07] Thank you, Mr N'Douba.
9 Please proceed, Mr Knoops.

10 MR KNOOPS: [9:47:10]

11 Q. [9:47:11] So, Mr N'Douba, if correct, you see now on the screen a CDR, one of
12 the CDRs?

13 A. [9:47:27] Yes, I can see it. I can see the document.

14 Q. [9:47:32] And you see just that the first line of the bottom the name of Hyacinthe
15 Ghislain Zoakouma as the person who apparently extracted these CDRs. Is this the
16 first time that you hear of Ms Zoakouma or you have any recollection to her
17 involvement in the extraction of CDRs?

18 A. [9:48:18] Mr Zoakouma was one of the collaborators in the information service,
19 so I knew him well.

20 Q. [9:48:28] And is it correct, Mr N'Douba, that this document would say that
21 Mr Zoakouma was, in addition to Mr Kopati, also involved in the extraction of the
22 CDRs?

23 A. [9:48:59] Yes, indeed, it's possible because Mr Zoakouma at that time, he was
24 one of the employees under the responsibility of Mr Kopati. And at that time, I don't
25 know if Mr Kopati was in service. I don't even know whether he was working

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1 within the information service under Mr Kopati.

2 PRESIDING JUDGE SCHMITT: [9:49:27] Just a correction to the record because tab 7
3 in the Defence list is CAR-OTP- -- excuse me, CAR-D30-0011-0007 and we looked at
4 0009. Thank you, Mr Knoops.

5 MR KNOOPS: [9:49:45] And, Mr President, just for the Bench, to clarify that we have
6 created this file, this sheet on the basis of the information available in the court
7 records.

8 PRESIDING JUDGE SCHMITT: [9:49:59] Okay.

9 MR KNOOPS: [9:50:01]

10 Q. [9:50:01] Mr N'Douba, you see that this CDR was created in 2015, that's the third
11 line under the name, "Creator: Hyacinthe Ghislain Zoakouma", "Created: 2015".
12 It's correct that at that time Mr Kopati was still in service, right, of Moov?

13 A. [9:50:35] Yes, at that time, Mr Teddy Kopati was working for the company
14 Moov.

15 Q. [9:50:42] Is it fair to say, Mr N'Douba, that therefore not only Mr Kopati, but
16 several other individuals in that department were responsible for the creation of
17 CDRs?

18 A. [9:51:04] Yes, other persons in the department indeed had the competence, but
19 in terms of responsibilities at that time, it was Mr Teddy Kopati had to ensure that
20 things worked properly.

21 Q. [9:51:24] Were you familiar, Mr N'Douba, that at that time there was a uniform
22 protocol how to format the CDRs to the clients for billing? Was there one uniform
23 protocol to say to all those employees how they should format the CDRs?

24 A. [9:52:01] As you asked, the CDRs, we have the documentation of the team
25 which describes the structure of the CDRs and which makes it possible to be able to

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1 explain the different fields for the understanding of the client or of the authorities
2 requesting information.

3 Q. [9:52:31] Mr N'Douba, I mean what -- in what format was the billing conducted
4 by Moov at that time to the clients? In which format? Was it PDF, was it Excel, was
5 it CSV, was it another form? How did clients receive the billing for the
6 remuneration of their phone use?

7 A. [9:53:07] Well, I would have to clarify that. Bills were not systematically put
8 for our prepaid clients, unless the client had a specific claim to make and we had to
9 deal with that, but otherwise the bills were edited for the clients who were paying
10 afterwards. And to answer your question, in the billing data we would indicate to
11 the client the dates -- yes?

12 MR KNOOPS: [09:53:47] I'm sorry --

13 PRESIDING JUDGE SCHMITT: No, please --

14 MR KNOOPS: -- there's an objection.

15 PRESIDING JUDGE SCHMITT: [9:53:43] Well, I think we have -- Ms Prathaban,
16 what's the matter here?

17 MS PRATHABAN: [9:53:49] Nothing. I would just like to clarify the timeline, if we
18 could just establish --

19 PRESIDING JUDGE SCHMITT: [9:53:54] But now the witness was just in the
20 process of explaining something, so perhaps we let him finish his sentence.

21 Mr Witness, please finish your answer and then we -- then we establish the timeline.

22 MR KNOOPS: [9:54:06]

23 Q. [9:54:07] Sorry, Mr N'Douba, there was a remark of the Prosecution. So please
24 continue. You were speaking about the billing process to clients and please indicate
25 also the time frame, if you refer to the billing process to clients at that time, which

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1 time frame you speak about?

2 A. [9:54:36] Well, the principle of billing for clients is the same now as it was then
3 and -- so the principle is still the same now. So what I was explaining to you was
4 with regard to your first question, namely, what was sent to the clients as data with
5 regards to the billing. Now, on the bill itself we would communicate to the client the
6 date and time of the calls the client had made, and we would also specify the
7 destination of these calls that had been made with the duration of the communication
8 and what that client was being billed for each communication. That's the
9 information that's included in the bill to the client, the person who had issued the call
10 from his telephone number.

11 Q. [9:55:35] Mr N'Douba, we just showed you a CDR format created by the person
12 I mentioned, Mr Zoakouma. Was this the billing sheet the client received in this -- in
13 this type?

14 A. [9:56:12] No. The bills, as we would send them to the client, were CDR -- these
15 are the CDR details to manage the claims or requests of a legal nature. Now, when it
16 came to the bills, they're formatted differently.

17 Q. [9:56:38] So it's fair to say, Mr N'Douba, that CDRs akin to the ones we just saw
18 created by Mr Zoakouma were specifically prepared for the purpose of litigation
19 before the Court, right?

20 A. [9:56:59] Not only for the purposes of litigation, but also to manage any claims
21 made by clients.

22 Q. [9:57:13] Have you any -- have you any knowledge, Mr N'Douba, in which way
23 the CDRs were in this case presented to the Office of the Prosecution? Was there a
24 special protocol in place how, when you were asked through your government to
25 produce the CDRs of your company Moov to the International Criminal Court -- did

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1 you come to any agreement how, in which format these CDRs were to be provided to
2 the Court?

3 A. [9:58:02] There I don't remember particularly in order to give an exact answer.

4 Q. [9:58:14] In your statement you say in paragraph 33 that the CDRs which were
5 presented to the Office of the Prosecution derived from a binary format, right?

6 A. [9:58:37] Yes, I remember.

7 Q. [9:58:40] So, Mr N'Douba, is it fair say to that these records which were deriving
8 from binary format did not have the same form as the billing sheets in the ordinary
9 course of business?

10 A. [9:59:05] Yes, indeed, the binary format is not the format in which we give the
11 information to the clients.

12 Q. [9:59:20] Because that's -- because a binary format is a specific database, right, as
13 you mentioned in your statement as SQL? SQL is the database, right?

14 A. [9:59:49] If you would allow me, I will give you some clarifications with regards
15 to the format. The binary format to which I refer to is the basic format that the
16 system generates for the data. We make this format available either to the
17 authorities at their request or to the teams in order to make it possible to give the
18 basic elements. They cannot be altered in any way by us or by the requester and that
19 guarantees the authenticity, the authenticity of the information after the decoding,
20 because you will understand after the decoding, the information is readable. It's
21 clearly readable for anyone who knows how to read. And you will understand that
22 in the Excel form, that is a format which can be modified, so in order to guarantee the
23 credibility of the information for the entity that requests it, we accept in the case
24 where the party so wishes, to make available to that party this binary format because
25 this binary format is a format -- it is a raw format which cannot be subject to any

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1 alteration or amendment by us through any will or misdeed -- through any error or
2 misdeed.

3 Q. [10:01:38] Thank you, Mr N'Douba, but just to be clear, the binary format is not
4 the format which ultimately is transformed into a billing sheet for the client; the
5 billing sheet of a client is something different than the binary format, right?

6 A. [10:02:08] That's right.

7 Q. [10:02:22] Can you recall, Mr N'Douba, that the Prosecution in this case, as far as
8 your knowledge goes, did not ask for the binary format data, right?

9 A. [10:02:46] I don't remember, so I don't really know.

10 Q. [10:02:51] Are you familiar, Mr N'Douba, with the fact that your company Moov
11 in 2015-16 presented the data from the binary format into CDRs for the purpose of the
12 proceedings before this Court, International Criminal Court, in the different formats?
13 In specific, would you agree that Moov provided the Prosecution service of this Court
14 in 2015-2016 the information derived from binary format through the different
15 formats like Microsoft Excel, the CSV file and in the form of PDFs? Are you familiar
16 with the differences between those three?

17 A. [10:04:01] Could you rephrase your question?

18 Q. [10:04:12] Do you know that the CDRs which were presented to the Office of the
19 Prosecution in this case for the purpose of litigation here in this Court were produced
20 with different formats: Format Excel sheet, format CSV and format PDF? So they
21 were presented in three different styles: Excel, PDF, CSV. Did you know this?

22 A. [10:05:08] I don't know what was provided at that time, but these formats you
23 mention in -- generally speaking, these are formats that are provided to -- in response
24 to various requests because they're readable and understandable to everyone.

25 Q. [10:05:33] Do you know if the Prosecution asked Moov to provide the CDRs in a

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1 specific format? Did they ask to provide them in an Excel sheet or in a PDF form or
2 in a CSV form?

3 A. [10:06:01] No. I don't know. I don't know what format was requested
4 specifically in that case.

5 Q. [10:06:12] Are you familiar with the CSV format, Mr N'Douba? Do you know
6 what it is?

7 A. [10:06:29] Yes. CSV, in simpler terms, is a format that serves as an intermediate
8 between a text file and an Excel file -- between text format and Excel format.

9 Q. [10:06:54] Would you agree with me that the CSV file, the so-called
10 comma-separated values file has a disadvantage compared to the Excel sheet format?
11 And if so, can you say what disadvantage this CSV file has compared to an Excel
12 sheet format?

13 A. [10:07:32] I don't know of any specific disadvantages, because each format has
14 its particular use within a computer system.

15 Q. [10:07:46] Would you agree with me, Mr N'Douba, that a CSV file is only
16 capable of storing a single sheet without content or format, contrary to an Excel sheet?
17 Did you know this?

18 A. [10:08:13] Could you be more explicit, Counsel?

19 Q. [10:08:20] Would you agree with me, Mr N'Douba, that the disadvantage of a
20 CSV file is that this file can only store one single sheet without having any content,
21 which is different with an Excel sheet? Would you agree with this proposition?

22 A. [10:08:54] You're talking about formatting?

23 Q. [10:08:58] That's right.

24 A. [10:09:04] Yes, that's right.

25 Q. [10:09:08] Okay. I would like to show you, Mr N'Douba, some CDRs now.

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1 It's our Defence binder tab 7, and my colleague Mr Alexandre Desevedavy will
2 control the documents.

3 First I'd like to show you in Defence binder tab 7, CAR-D30-0011-0007.

4 I have five of these documents, and every time I will ask you to confirm or not
5 confirm the questions I put to you, starting with the document 0007, which is --

6 PRESIDING JUDGE SCHMITT: [10:10:15] Can we enlarge it a little bit more, please.

7 THE WITNESS: [10:10:19](Interpretation) Please, yes, yes, if you could zoom in
8 somewhat.

9 Yes, that's better.

10 MR KNOOPS: [10:10:32] Again for the Court and the participants and the parties,
11 the document is based on the information on the Nuix Discover database of the Court.

12 Q. [10:10:46] You see here, Mr N'Douba, a CDR sheet, and if you would go to the
13 left column, A, you see a column for the targeted number. Would you agree,
14 Mr N'Douba, that the targeted number is not mentioned there?

15 A. [10:11:33] I can see that there's nothing in that particular column, but I don't
16 know exactly what was requested.

17 Q. [10:11:42] If we go to the IMEI number or the title on the right side, very right
18 side of the sheet, we don't see any IMEI number?

19 A. [10:11:58] Yes.

20 Q. [10:12:01] Do you agree?

21 A. [10:12:04] Yes.

22 PRESIDING JUDGE SCHMITT: [10:12:06] That is -- I'm always wondering -- well,
23 that's not -- not a reproach, but just I'm commenting, and I did that several times
24 during all these years here at the ICC, I don't know -- the obvious we don't have to
25 ask a witness. There is nothing in this column and you can proceed from there

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1 simply.

2 MR KNOOPS: [10:12:26]

3 Q. [10:12:27] Any explanation to this, Mr N'Douba, why the IMEI number is not
4 mentioned here nor the IMSI number, IMSI number? So we have here in a CDR
5 provided by Moov no targeted number, no IMEI number, no IMSI number.

6 A. [10:12:59] Okay. Now, for column A, the targeted number is not mentioned.

7 As I said earlier, I don't know what kind of request was made, so we answer and
8 provide CDRs strictly in keeping with what was asked of us, the request received.

9 As for the IMEI column, which is also empty, that can be explained by the fact that on
10 the Moov network we don't have the IMEI recording platform, so we can't store the
11 IMEI data and transfer it to the CDRs. But the IMEIs can be seen at the time of the
12 call by way of a snapshot.

13 Q. [10:14:17] How are these -- sorry. How are these so-called snapshots then
14 processed? Is there somebody who at the time of the call makes a note of the IMEI
15 number and these notes of that individual are processed later in the CDRs?

16 A. [10:14:39] No, that's not how it works. If at the request of someone we have to
17 register the CDRs, that's at the level of the data capture and the orders to query the
18 system to obtain the IMEI. But as I said, the Moov mobile network doesn't have a
19 platform to store long-term data such as IMEI data.

20 Q. [10:15:23] And when are these snapshots then made to capture the IMEI number?
21 And by whom?

22 A. [10:15:40] The IMEI numbers aren't -- aren't captured. That's the information
23 that -- the information that the network registers instantaneously and some
24 information is on the CDR.

25 Q. [10:16:05] Mr N'Douba, coming back to this document, you would agree with

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1 me this is a document in Excel, draft in Excel. And maybe my colleague
2 Mr Desevedavy can point you to the bottom of the sheet. Would you agree with me
3 that the number CAR -- sorry, OTP-CAR2-CF-9g-ID-cdpt is the sheet name? Is this
4 the column for the sheet name?

5 A. [10:16:49] The information at the bottom, I must admit that I don't know who
6 defined that name, but at least that's the name of the file as it's currently displayed up
7 on the screen.

8 Q. [10:17:16] Right. If we please would go to CAR-D30-0011-0008, it's the next
9 sheet.

10 Mr N'Douba, do you notice any difference -- do you notice any difference with the
11 previous sheet, in terms of the sheet name?

12 A. [10:18:14] Yes, yes, indeed.

13 PRESIDING JUDGE SCHMITT: [10:18:16] Ms Prathaban.

14 MS PRATHABAN: [10:18:17] Yeah, I'm just wondering if it would be more useful
15 for the witness to see the whole document, instead of screenshots, if you're going to
16 ask which tab it's opened on.

17 PRESIDING JUDGE SCHMITT: [10:18:25] Well, also I would agree here that it's
18 better if the witness sees everything.

19 But what difference do you see, Mr Witness?

20 Of course, it's striking that we have now the column A and the column H filled out,
21 and we don't have to ask the witness if this is the case.

22 But, Mr Witness, what difference would you want to refer to in your answer?

23 THE WITNESS: [10:19:02](Interpretation) Just before you were asking me about the
24 name of the file. Here I can see the name of the file is up on the screen, and I can see
25 a page called "2013". Now the other difference is that I see that column A and

1 column H have been filled out properly, so that's the difference that I'm talking about.

2 PRESIDING JUDGE SCHMITT: [10:19:32] Thank you, Mr N'Douba.

3 MR KNOOPS: [10:19:39]

4 Q. [10:19:40] Could you please look for us, Mr N'Douba, at a document we're going
5 to show you now. That's CAR-D30-0011-0010. I ask you the same question.

6 PRESIDING JUDGE SCHMITT: [10:20:12] Perhaps a bit smaller that we have all the
7 columns.

8 Thank you.

9 So, Mr Witness, you see here obviously there is a difference if we look at the columns.
10 Again, column A is not filled properly and there are additional columns. And on A,
11 do you have -- could you explain a little bit perhaps what you see here from your
12 professional background?

13 THE WITNESS: [10:20:56](Interpretation) Well, given what I know about the
14 structure of the CDRs, I would say that when I look at column B, the first column that
15 has been filled out, that's the number that's sending out the call. Column C is the
16 number that normally receives the call from column B. Column D is the destination
17 of the call, the identification of the network of the number called. Column F, we see
18 the date of the call. The display here is a bit tight. It should also show the time of
19 the call, the hour and minute -- oh, I apologise. I was talking about column E for
20 date of call. Now, column F shows the duration of the call and that's for the billing
21 of the customer in question. Then we see column G. That's the call scenario that
22 specifies whether it's an incoming call, that means number B made the call to C or
23 received a call from C, or if it's a SMS communication. Then we see column H that
24 shows the location so we can distinguish between local calls, namely domestic calls,
25 versus calls to other countries, to other networks. The second-last column tells us

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1 about the equipment, the terminal that the SIM card was in at the time of the call.

2 That's indeed the case. And then column F at the far end, I must acknowledge that I
3 don't see exactly what information is there, what information is up on the screen.

4 MR KNOOPS: [10:24:02]

5 Q. [10:24:02] Mr N'Douba, would you agree with me that the column headers of
6 this sheet are different from the two previous CDRs? Mr Desevedavy can maybe
7 with the curser --

8 PRESIDING JUDGE SCHMITT: [10:24:17] This is obvious that they are different.
9 Again, you see, Mr Witness, the label, so to speak, of the columns is different than
10 with other sheets we have seen already. Do you know why?

11 THE WITNESS: [10:24:40](Interpretation) Yes. The reason, I might venture here,
12 this is just a matter of presentation. The last document that I was explaining to you,
13 those were names taken directly from the system and I think you'll notice that
14 everything is written in English.

15 MR KNOOPS: [10:25:04]

16 Q. [10:25:05] Mr N'Douba, just one final question on this document. You see that
17 the document in question is created by the gentleman we mentioned, Mr Zoakouma,
18 and you see at the bottom of this document, "Created: 2022", April 2022, from
19 a -- from five calls of January 2013 -- so that's close to 10 years ago -- while in your
20 statement you say that the information in Moov has been stored -- will be stored for
21 five years. Have you any explanation why this file was created by Mr Zoakouma in
22 2022 based on several calls of January 2013? How was this possible?

23 A. [10:26:20] Yes, it is indeed possible. When I said that the data are stored for
24 five years, I'm talking about the storage on the active server. You need to
25 understand this. When the equipment supplier Ericsson installs the servers, we ask

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1 for certain storage or archiving capacity for the active database. The active database
2 is the one that is online and colleagues from the informatics department can query it
3 at any time if there is a request.

4 In addition to the five-year storage, we have another database that is not active, that is
5 not constantly online. It contains older data. If ever, for some particular reason, for
6 example, we receive a request, and usually these are legal requests dating back to that
7 period, we get the data from that database which is not online. But we can get the
8 data. So that is why the date of the calls is different to the date of processing of the
9 file.

10 Q. [10:28:04] Do you know, Mr N'Douba, of whether this older database
11 was -- apart from apparently this CDR, was this accessed by your company on
12 request of the Prosecution service?

13 A. [10:28:37] I couldn't tell you. I don't know what request was actually made.

14 Q. [10:28:45] Next document I would like to show you, Mr N'Douba, is the
15 document CAR-D30-0011-0012. And my question to you, Mr N'Douba, is just one.
16 Apart from the observation by the Court that also here we have different headings
17 and different sheet names, do you agree that this is a CDR from Moov which was
18 processed in a CSV placeholder file? Because you see it's mentioned at the bottom of
19 this document:

20 "To Process\CPI\OTP_CAR2_CAF9m\2013.csv Placeholder".

21 Right? You agree with me that this was presented in a CSV format to the OTP?

22 A. [10:30:14] Yes, I see that, that's right.

23 Q. [10:30:18] You have -- do you have any explanation why this -- these CDRs were
24 provided through a CSV file -- (Overlapping speakers)

25 A. [10:30:29] Yes, yes, go ahead.

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1 PRESIDING JUDGE SCHMITT: [10:30:34] Please repeat the question, Mr Knoops.

2 MR KNOOPS: [10:30:37]

3 Q. [10:30:38] Mr N'Douba, do you have any explanation why these CDRs were
4 presented to the Prosecution in a CSV file format, contrary to the other CDRs we have
5 just shown you?

6 A. [10:30:54] Well, as I wanted to say, the processing of requests that we receive is
7 done according to the request that's submitted, but when it comes to the format, it's
8 one of the formats that we used in order to be able to transmit the CDR to the
9 requester. So it depends on the request or whether there was another element, such
10 as the person who did the work. I wasn't the person who did it, so it's difficult for
11 me to give you a clear answer in that regard and a correct answer.

12 Q. [10:31:38] So you're suggesting that it was the Office of the Prosecution who
13 asked for a format in CSV?

14 PRESIDING JUDGE SCHMITT: [10:31:53] Ms Prathaban?

15 MS PRATHABAN: [10:31:54] He's asking for speculation.

16 PRESIDING JUDGE SCHMITT: [10:31:57] Well, the witness has answered he doesn't
17 really know and he might have an idea, but I think you can continue from there.

18 MR KNOOPS: [10:32:06]

19 Q. [10:32:07] Mr N'Douba, what, in accordance with your experience, would be the
20 reason to file CDRs in a CSV file and not in an Excel sheet file, which was done with
21 the previous sheets? You could give us any reason why specifically these CDRs
22 were filed in a CSV format?

23 A. [10:32:38] No, really I don't know.

24 Q. [10:32:47] Mr N'Douba, a third form of formatting which we discovered in our
25 investigation in this case in terms of the CDR provided to the Office of the

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1 Prosecution were the formats of PDF. Do you have any recollection how many
2 PDF -- how many CDRs in PDF format were presented by Moov to the Office of the
3 Prosecution?

4 A. [10:33:20] No, I don't know.

5 Q. [10:33:24] I'd like to show you Defence tab 14 and 15. And I have the D
6 numbers. It's D -- sorry, it's CAR-OTP-29 -- 2091-3049-R03. It's an investigation
7 report and specifically I ask you to look at page 2. You see, Mr Witness, that the
8 document says that Moov provided CDR data in the form of a PDF document of 108
9 pages and: "The call data records show that the [phone] number associated with
10 IMSI" --

11 PRESIDING JUDGE SCHMITT: [10:34:50] And so on and so on, yeah, yeah. We
12 see it, you don't have to read the numbers.

13 MR KNOOPS: [10:34:57]

14 Q. [10:34:58] Were you familiar, Mr N'Douba, with this information which what
15 was provided by Moov to the Prosecution?

16 A. [10:35:16] No, not particularly for this case.

17 PRESIDING JUDGE SCHMITT: [10:35:20] That's -- Mr N'Douba, that's also not
18 surprising to say this way, but were you aware that these -- that also this other format
19 PDF was used or do you -- that this is used sometimes for the CDR?

20 THE WITNESS: [10:35:42](Interpretation) Yes, your Honour. We use it. As I said
21 in my interventions, there are three formats in which CDRs can be presented, and in
22 the case in point, there's PDF, there's CSV and there's Excel as well. And in terms of
23 the requests that we receive, sometimes they mention specifically a format which they
24 request or all formats are requested. So everything depends on the precise request
25 that is received at any given time.

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1 PRESIDING JUDGE SCHMITT: [10:36:18] Thank you for this very clear answer.

2 I think, Mr Knoops, we can take it now that there were these three formats and that
3 the witness's testimony is that normally they follow the request with regard to the
4 format.

5 Please move on from there.

6 MR KNOOPS: [10:36:36]

7 Q. [10:36:38] Mr N'Douba, were you aware or not aware that the CDRs which were
8 presented to the government - and one of the examples is tab number 15, that's
9 CAR-OTP-2049-0019 of our Defence binder - that the CAR government themselves
10 converted CDRs in different formats such as PDF so that Moov presented the CDRs to
11 the government in terms of a request for judicial cooperation and that the government,
12 the department in the government transformed them into a different format?

13 A. [10:37:52] I have to admit I haven't fully grasped your question. I can see the
14 document, but I haven't understood the question. Could you reformulate it, please.

15 Q. [10:38:02] Maybe I put it different.

16 In tab 15, we can display it, you see the letter (Interpretation) "Answer to Judicial
17 Cooperation."

18 (Speaks English) In the second line of this letter --

19 A. [10:38:16] Yes.

20 Q. [10:38:18] -- it directed from Moov to the government, to the judicial authorities
21 in the CAR, you say -- or Moov says (Interpretation) "We are providing you attached
22 with the confidential and closed information requested for the period mentioned for
23 any useful ends."

24 (Speaks English) So the CDRs presented by Moov to the judicial authorities were
25 presented in an envelope; is that correct?

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1 A. [10:39:12] As written here, it's the case.

2 Q. [10:39:16] And do you have any knowledge, Mr N'Douba, what happened with
3 the envelope afterwards, how it was processed from the government level to the ICC?

4 A. [10:39:39] Well, I wouldn't be able to tell you that. I don't know what
5 happened to it or what they did with it.

6 Q. [10:39:50] I would like to show you now tab 4 of our Defence binder. In
7 specific, it's CAR-OTP-2126-2529. It's a report of a CDR expert retained by the Office
8 of the Prosecution. And if you would be so kind to look at page 4 of this report
9 under the title 2.2, "*Assemblage des données de connexion*", that's CAR-OTP-2126-2532.

10 (Interpretation) "Putting together of connection data".

11 (Speaks English) I'll read out two paragraphs of this report:

12 (Interpretation) "The connection data are contained in files of different formats (PDF,
13 TXT, CSV, TIF, XLS/XLSX). The image files, TIF files have been processed with
14 Adobe Acrobat, to make it possible to read the data and to prepare them in the form
15 of tables.

16 With a view to bringing together all the data in a single format, it was chosen to create
17 a database in SQLite format. This makes it possible to obtain a model of data which
18 is high performing and facilitates analysis. The data were firstly divided up by type
19 of file and thereafter regrouped into different internal formats. The result is 47
20 groups of different formats."

21 (Speaks English) Now, Mr Witness, Mr N'Douba, my question to is not only does this
22 expert of the Office of the Prosecution refer to PDF, CSV and XL, but also to other
23 various forms of formats which he had to transform into one unique table to digest
24 the information. What is your response to this conclusion of this expert?

25 PRESIDING JUDGE SCHMITT: [10:42:53] Well, we --

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- 1 MR KNOOPS: [10:42:56] (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [10:42:58] No. Can't we word it a little bit
- 3 differently.
- 4 Mr Witness, you see that -- were you aware that there were all these different formats
- 5 used?
- 6 Ms Prathaban.
- 7 Wait a second, please.
- 8 THE WITNESS: [10:43:13](Interpretation) All these different formats, not
- 9 particularly, no.
- 10 PRESIDING JUDGE SCHMITT: [10:43:17] Well, Ms Prathaban, what's the
- 11 (Overlapping speakers)
- 12 MS PRATHABAN: [10:43:19] No, I just want the question to be limited to Moov
- 13 company. He has only knowledge of that. So the question should be not broaden
- 14 enough to ask about his knowledge of (Overlapping speakers)
- 15 PRESIDING JUDGE SCHMITT: [10:43:26] Yeah, yeah, but it's clear that the witness
- 16 answered for Moov. You are right. But you are right, of course, yeah.
- 17 Mr Knoops.
- 18 And the witness was not aware, so it's not surprising.
- 19 MR KNOOPS: [10:43:45] And for the Chamber, the expert in question worked on
- 20 CDRs of Moov provided by Moov. That's obvious (Overlapping speakers)
- 21 PRESIDING JUDGE SCHMITT: [10:43:57] But still we have the answer by the
- 22 witness --
- 23 MR KNOOPS: Yeah, of course.
- 24 PRESIDING JUDGE SCHMITT: [10:43:56] -- he was not aware.
- 25 MR KNOOPS: [10:44:01] Yeah.

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1 Q. [10:44:04] Mr N'Douba, the expert of the Prosecution concludes on page 33,
2 that's CAR-OTP-2126-2561, in the second paragraph, the fourth line from below, that
3 there were significant differences in the way the CDRs were presented to the Office of
4 the Prosecution.

5 Again, do you have any explanation why so many different formats were used to
6 present the CDRs, different from the billing process to clients?

7 PRESIDING JUDGE SCHMITT: [10:45:00] Ms Prathaban, what's the matter --

8 MS PRATHABAN: [10:45:00] It is the same objection as before. This is a report that
9 is -- he talked about Moov, but he also talked about other companies, so the question
10 should be limited to his knowledge of Moov.

11 PRESIDING JUDGE SCHMITT: [10:45:11] And this question --

12 MS PRATHABAN: [10:45:14] And not just --

13 PRESIDING JUDGE SCHMITT: -- and this --

14 MS PRATHABAN: -- sorry --

15 PRESIDING JUDGE SCHMITT: [10:45:15] And this question, this question,

16 Mr Knoops, has been answered. I think we had this several times now. The

17 witness has explained that he does not know for a fact -- please listen to me,

18 Mr Witness, if I summarise you correctly. You don't know for a fact exactly why

19 different formats were used, but you assume that your company follows the request

20 by the Prosecution; is that a correct summary of what you wanted to say in that

21 regard?

22 THE WITNESS: [10:45:50](Interpretation) Yes, indeed. So with regards to the

23 request, things have to be put in their context so that we can know exactly. That's

24 indeed the case, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:46:03] Okay. Thank you.

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1 Mr Knoops, please move on.

2 MR KNOOPS: [10:46:14]

3 Q. [10:46:21] Mr N'Douba, I just read out from this expert report of the expert of the
4 Prosecution on page 4 how he had to uniformise all the CDRs into one working
5 format, the SQLite. Would you agree with me that this is indeed the proper
6 technique you would use if you receive CDRs in different formats to receive one
7 overall picture of all the information?

8 PRESIDING JUDGE SCHMITT: [10:47:01] It's, of course -- I know what
9 Ms Prathaban wants to object to and perhaps she would be right, but can't we ask the
10 witness simply -- Mr Witness, you have read that. Now put yourself in the position
11 of this guy there, you get all these different formats. When you read it, SQLite, is
12 it -- is it a good idea to try to uniform it in this way?

13 THE WITNESS: [10:47:39](Interpretation) Personally in this situation, I don't think
14 so. It would have been simple to ask for a format which could be directly worked
15 on.

16 PRESIDING JUDGE SCHMITT: [10:47:52] And which format would that have been?

17 THE WITNESS: [10:48:03](Interpretation) Well, it depends on the needs of the
18 demanding or requesting party. What I know is that generally, in order to make it
19 possible to carry out analysis easily, Excel format is often requested. But also to
20 ensure that the Excel format contains the same data, you can also provide the PDF.
21 But afterwards, if you have a document which is several pages and you have to
22 analyse that, most often it's Excel which is the format requested, or CSV.

23 PRESIDING JUDGE SCHMITT: [10:48:44] Okay. Thank you.

24 I think, Mr Knoops, this answers it.

25 And actually, if I may comment positively on Mr N'Douba, he does

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1 really -- Mr N'Douba, you do really your very best so that we understand the whole
2 very complex and difficult matter. Thank you.

3 Mr Knoops, please move on.

4 MR KNOOPS: [10:49:03] I have one final question on this topic and then I would ask
5 the indulgence of the Court to have the break because then I arrive at a rather lengthy
6 topic.

7 PRESIDING JUDGE SCHMITT: [10:49:17] Fine. Fine with us.

8 MR KNOOPS: [10:49:19] Thank you, Mr President.

9 Q. [10:49:20] Mr N'Douba, wrapping up this topic on the formatting of the CDRs,
10 would you agree with me that -- we have shown you this morning several examples
11 of different CDR formatting. Would you agree with me that these type of CDRs
12 which you just saw this morning were not automatically produced for the invoicing
13 of clients?

14 A. [10:49:54] Yes, the CDRs with all these details contained therein are not
15 automatically produced for invoicing purposes. The invoicing elements are just
16 limited to what is necessary for the client, without going into details, such as the
17 localisation of the call.

18 Q. [10:50:22] Thank you, Mr N'Douba, for answering this morning the questions.

19 PRESIDING JUDGE SCHMITT: [10:50:27] Then, well, 11:30, coffee break until 11:30.

20 THE COURT USHER: [10:50:36] All rise.

21 (Recess taken at 10.50 a.m.)

22 (Upon resuming in open session at 11.31 a.m.)

23 THE COURT USHER: [11:31:52] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:32:13] Mr Knoops, you still have the floor.

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1 MR KNOOPS: [11:32:16] Thank you very much, Mr President.

2 Q. [11:32:21] Mr N'Douba, before we go to the next topic, I just have one document
3 to show you for simply a confirmation from you. It's in our Defence binder 7, tab 7.
4 It's CAR-D30-0011-0013. It's now shown on the screen. And my question to you,
5 sir, is can you confirm that this is a example of a PDF Moov file to the Prosecution?
6 You see it has no heading --

7 A. [11:33:16] Yes, that's right. Yes, it does correspond to the CDR lines.

8 Q. [11:33:31] And do you have any information that these type of PDF files could
9 have been modified in any way by the recipients?

10 A. [11:33:55] No. I have no information about any possible modifications.

11 Q. [11:34:02] Thank you, Mr N'Douba.

12 Now, my next topic deals with what information your enterprise in 2015-2016 did
13 provide or did not provide to the Office of the Prosecution in the context of the CDR
14 information.

15 I would first like to show you a document which is in our Defence list, tab 11,
16 CAR-OTP-2107-9159-R01 at page 9162.

17 It is a page from a letter of the Prosecution service to the ministry of the CAR in 2018
18 and it mentioned on this page a list of items which the Prosecution asked for
19 spanning the time frame September 2013 till December 2014 to the company Moov.
20 You find it under sub (a).

21 Now, my question to you, sir, is have you ever seen this request?

22 A. [11:35:46] No. I myself have not seen this request and the reason for that is
23 simple. In the process for responding to such requests, once the request has been
24 received by the headquarters, it is sent on to the IT department that processes the
25 request. So there's no really intermediaries, so to speak, to ensure secrecy. So I do

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1 not have any knowledge of this document.

2 Q. [11:36:30] You see, Mr N'Douba, in the excerpt from this letter with the request
3 of the Prosecution you see under sub (a) that Moov is requested to provide that
4 information asked for in this letter in the format *électronique* CSV. It's the third
5 sentence.

6 A. [11:37:07] Yes, I see that.

7 Q. [11:37:11] Do you know who within your enterprise transformed the telephone
8 information which normally is addressed at the clients, the billing information, into a
9 CSV file?

10 A. [11:37:47] Could you please repeat the question.

11 Q. [11:37:49] Do you have any information who transformed the telephone
12 information into a CSV file as requested by the Prosecution?

13 A. [11:38:08] I couldn't tell you who the person would usually be, but it's our
14 computer department that deals with this kind of thing.

15 Q. [11:38:17] But if you look at the requests under (a), several requests are made
16 also for IMEI numbers, IMSI numbers, and under (b), would it be possible to put all
17 this information in a CSV file, in light of the fact that we discovered this, we observed
18 this morning that a CSV file is different from an Excel sheet?

19 A. [11:38:53] Yes, that's possible.

20 Q. [11:39:08] Would this require a certain expertise by the person who has to
21 transform all this information in a CSV file?

22 A. [11:39:33] No, not necessarily, since -- well, I explained a bit earlier, after the files
23 are decoded by our mediation server, the format that the information is extracted in
24 and made visible, we mentioned the three various formats. So from that, as a
25 starting point, the formatting can be done directly from the source data and the data

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1 can be put into a PDF format or a CSV format. I've already said that.

2 Q. [11:40:16] Mr N'Douba, can you confirm that your company Moov in 2015-2016
3 never provided the IMSI information which was asked for in this request? Were you
4 aware of this?

5 A. [11:40:46] I was not aware of that.

6 Q. [11:40:49] According to our research, there were seven requests for judicial
7 assistance addressed to your enterprise in that time, and six out of those seven
8 involved a request to receive IMSI data, yet your enterprise, according to the
9 information we have, never provided the IMSI data. Is this the first time you hear
10 this?

11 A. [11:41:33] Yes, this is -- this is the first time I've heard of that. We regularly
12 receive requests, but this is the first time I've heard of this.

13 Q. [11:41:49] The Prosecution service also asked for information about cell tower
14 coverage. Were you aware that this information was not in full provided by Moov?

15 A. [11:42:15] It's difficult for me, Counsel, to say or to give a specific answer since
16 I'm having a hard time situating myself within the context with this information
17 you're giving me. Which data that were -- you are -- I really don't know about a
18 request. I really don't know how I can answer your question specifically.

19 PRESIDING JUDGE SCHMITT: [11:42:46] Mr N'Douba, that's fine. When you are
20 asked something that you are not aware of, then simply say so. And it's also
21 perfectly understandable because it was a very complex procedure and that you are
22 not aware of the details after 10 years or more is also understandable.

23 MR KNOOPS: [11:43:05]

24 Q. [11:43:06] Thank you, Mr N'Douba.

25 The next document we'd like to show in this regard -- thank you, Mr N'Douba. The

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1 next document I would like to show in this regard is tab 9 of the Defence binder,
2 CAR-OTP-2059-1308-R01, and this is page 2059-1350.

3 This is a page, Mr N'Douba, from an expert report issued by a CDR expert to the
4 Office of the Prosecution in August 2017, analysis of the PEN drive. And you find
5 on this page, 1350, some conclusions of this expert.

6 PRESIDING JUDGE SCHMITT: [11:44:24] Ms Prathaban, we don't find it there?

7 MS PRATHABAN: [11:44:27] It's just a clarification. It's not an expert report.

8 Because I think in legal terms there's a specific basis of saying "expert". It's just an
9 FSS internal document.

10 PRESIDING JUDGE SCHMITT: [11:44:39] Well, yes, okay. Done by an expert.

11 MR KNOOPS: [11:44:42] Well, page 1 says "Expertise Report".

12 PRESIDING JUDGE SCHMITT: [11:44:44] Yes.

13 MR KNOOPS: Okay. Anyway ...

14 PRESIDING JUDGE SCHMITT: [11:44:42] We -- we don't -- but you are formally
15 right.

16 MR KNOOPS: [11:44:49]

17 Q. [11:44:49] Mr N'Douba, I'm not going through all the conclusions. That's also
18 for the Court and the parties, participants to read. But I would like to draw your
19 attention to actually one specific bullet, that's the sixth bullet: "No information was
20 provided regarding the subscribers of the services that used Moov's IMSI or
21 associated MSISDN numbers."

22 So in this internal report of 2017 drawn by the scientific response unit of the Office of
23 the Prosecution concluded actually that the information Moov provided at that time,
24 or had provided at the time, did not contain any information regarding the
25 subscribers of the IMSI and MSISDN numbers. Were you aware of this information,

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1 that this was not provided?

2 A. [11:46:11] No, I was not aware.

3 Q. [11:46:22] Would you agree, Mr N'Douba, that in order to have a full analysis of
4 the communications between individuals, this is absolute necessary to draw any
5 conclusions from how the communications went?

6 PRESIDING JUDGE SCHMITT: [11:46:44] Mr Knoops, this is -- this depends on
7 what conclusions you want to draw, of course, but this is something -- this is a fact,
8 obviously, that is -- that could - let me put it cautiously - could be of some significance,
9 of course, but it stands for itself. One wonders, however, how -- what you can
10 draw -- if you can draw any conclusions from our side, not from the side of the
11 witness, if you don't know the subscriber.

12 MR KNOOPS: [11:47:23] May I put the question differently, Mr President?

13 PRESIDING JUDGE SCHMITT: [11:47:28] Give it a try, but you know it's -- we
14 have -- we have an expert in -- a witness that is also an expert.

15 MR KNOOPS: [11:47:38] Yeah, that's true, yeah.

16 Q. [11:47:41] Mr N'Douba, you agree that without this information, you cannot
17 draw any conclusion about the identity of the subscribers, right?

18 A. [11:48:02] Yes, if you don't know part of the information, it's difficult, one can't.

19 Q. [11:48:07] Thank you.

20 PRESIDING JUDGE SCHMITT: [11:48:08] Well, that was okay, Mr Knoops, because
21 you did not trust my -- when I said "one wonders", you wanted to verify it.

22 MR KNOOPS: [11:48:18] Mr President, if I could have a look in your mind and
23 predict the outcome of this trial --

24 PRESIDING JUDGE SCHMITT: [11:48:25] That would be nice.

25 MR KNOOPS: [11:48:27] -- that would be nice. That would probably speed up the

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1 case a little bit.

2 PRESIDING JUDGE SCHMITT: [11:48:30] But this goes both -- both ways,
3 obviously.

4 MR KNOOPS: [11:48:33] Yeah. Thank you.

5 Q. [11:48:34] Mr N'Douba, still speaking about what information was provided or
6 not by your enterprise at that time, were you aware that the Prosecution service asked
7 in 2023 -- no, that the Prosecution asked the Moov enterprise for any records on the
8 power outage in the CAR in 2013-2014? Were you aware of a request of the
9 Prosecution to provide that type of information if of course available?

10 A. [11:49:34] Yes, I remember that there was a request to identify the difficulties
11 that we had with the network in terms of electrical supply in relation to some of our
12 equipment. Yes, I do remember that.

13 Q. [11:49:59] And I believe you said yesterday that information was not available
14 within Moov, correct? There was no record on -- on exact where the power outages
15 were? It didn't occur in 2013-2014, right?

16 A. [11:50:27] Yes, that is to say, yesterday I said that the information was not
17 available because I had to be specific where the outages were and when, so I didn't
18 remember.

19 Q. [11:50:48] Mr N'Douba, one follow-up question on this point. It was already
20 touched upon yesterday in detail so I'm not going to repeat the questions here of
21 yesterday, but there's one interesting point on the power outages and the potential
22 destruction of electricity networks. I would like you to look at tab 2 of the Defence
23 binder, CAR-D30-0012-0024. That is a report by the ITU and I specifically ask you to
24 look at page 0107, CAR-D30-0012-0107.

25 And in specific the fourth paragraph you see -- in the third paragraph:

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1 "For two decades the Central African Republic [had] experienced military and
2 political crises."

3 And it mentions destruction of telecommunication infrastructure.

4 But the part I would like to ask you about is the part which follows saying that in

5 2014, the CAR, the government of the CAR: "... asked ITU for help with its emergency

6 telecommunications. As a result, [fuel] fixed and mobile satellite phones were

7 provided to help the country surmount the difficulties of communication in affected

8 areas. These tools were also used to cover the organisation of the double elections [...]

9 [in] 2016."

10 My question to you, Mr N'Douba, were you aware of the fact that the government in

11 2014 asked for the setting up of emergency telecommunications networks?

12 A. [11:53:42] No. This is news to me. I didn't know that.

13 Q. [11:53:48] You are aware of the organisation ITU?

14 A. [11:54:00] Yes. That's the International Telecommunications Union.

15 Q. [11:54:09] Okay. Thank you. Still on this subject, Mr N'Douba, yesterday you

16 gave evidence to the extent that in 2013, 2014, there were no field surveys. It was

17 one of the questions of my friends of the team of Mr Yekatom. That's the English

18 real-time transcript T-36, lines 12 till 17.

19 Did the Prosecution at the ICC at any moment of its investigation in this case,

20 according to your knowledge, ask to verify the coverage of Moov, Moov mobile

21 network, through a field survey in 2015, 2016?

22 A. [11:55:31] No, I don't remember any such requests.

23 Q. [11:55:37] Yesterday in your evidence given to the Court, it's English real-time

24 transcript T 35, lines 17 till 25, and T 36, lines 3 till 7, you said that the surveys -- field

25 surveys are the only way to know for certain that a given location is served by a given

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1 cell. And subsequently you said in your evidence that the surveys were not done
2 throughout the whole territory, but regularly in Bangui and in certain localities in the
3 provinces, right? That's your evidence of yesterday. My question to you is did you
4 ever present these findings --

5 A. [11:56:37] Yes, I remember that.

6 Q. [11:56:39] My question to you, Mr N'Douba, is did you ever present these
7 findings of those partially surveys, field surveys, to the Office of the Prosecution?

8 A. [11:57:00] No, I don't remember, no.

9 Q. [11:57:06] Was there any reason why they were not presented or it wasn't asked
10 for?

11 A. [11:57:26] I couldn't tell you. I don't know.

12 Q. [11:57:36] In your statement, Mr N'Douba, at paragraph 28, and that's OTP tab 4,
13 your statement, you refer to the -- speaking about the method of transfer of
14 information within your company to the FTP method. Could you explain to the
15 Chamber what you mean with the FTP method?

16 A. [11:58:19] The FTP method is a computer protocol that allows one to transfer
17 data between two computer systems.

18 Q. [11:58:32] Would you agree with me, Mr N'Douba, that the FTP data transfer
19 method is relatively easy to intercept by hacking the password?

20 A. [11:59:02] No. There are several security mechanisms around that protocol to
21 keep that from happening.

22 Q. [11:59:13] Are you aware that there is another method which is more secure
23 than the FTP method? Do you have any knowledge on the system which supersedes
24 the FTP system for the data transfer?

25 A. [11:59:43] No, not in particular, but I do know that there are many methods to

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1 transfer data these days, so it depends on the needs and the computer architecture
2 that is being used for the transfer in question.

3 Q. [12:00:03] You ever heard of the method to transfer data SFTP, the SFTP
4 method?

5 A. [12:00:17] Yes, SFTP, I've heard that spoken about.

6 Q. [12:00:27] Would you agree that the FTP method Moov used in those days to
7 transfer data was actually an email -- sending files with an email without using an
8 envelope while the SFTP method is the method where you put the files in a locked
9 box and then send it through the email with that box? In other words, far more
10 secure than the FTP method. Were you aware of those differences?

11 A. [12:01:18] Yes, indeed.

12 Q. [12:01:21] In other words, FTP versus SFTP is a letter versus a box, right?

13 A. [12:01:38] Yes.

14 Q. [12:01:41] So you would agree with me that the SFTP method in this regard is
15 more secure than the FTP method of data transfer?

16 A. [12:01:59] Yes.

17 Q. [12:02:01] Was there any reason why Moov in those days of the time frame we
18 speak about - 2013-2014 and subsequently the providing of the information
19 2015-2016 - chose to use the FTP method and not the SFTP method? What was the
20 reason that they used the far less secure system for data transfer?

21 A. [12:02:49] In particular, I don't know the reason for that, but I think that it must
22 be just to say that there's a type of limitation of our information infrastructure at that
23 time.

24 Q. [12:03:04] And you would agree with me, Mr N'Douba, that the FTP, the file
25 transfer protocol, contrary to the secure file transfer protocol, the SFTP, is more

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1 susceptible for corruption than the last one?

2 A. [12:03:37] Yes, by definition, there's this -- there is this difference.

3 Q. [12:03:44] Thank you. Now, Mr N'Douba, I have some questions on -- that's
4 the next topic after having discussed with you what type of materials were not
5 provided, I go into the time of the calls and how we can really rely on the times which
6 were mentioned in the CDRs.

7 First of all, sir, is there any way from the CDRs we discussed this morning and which
8 were provided to the Office of the Prosecution in 2015, 2016 to determine whether the
9 call in question was made from abroad?

10 A. [12:04:42] Yes, it's possible to determine if a call comes from abroad.

11 Q. [12:04:49] How would that be reflected in either the billing sheet to the client or
12 on the CDR?

13 A. [12:05:12] Well, normally -- I don't remember exactly the title of the column, but
14 there's a column in the CDR file that is produced that indicates the provenance or the
15 destination of the call. So it will state whether it's national or international.

16 Q. [12:05:34] Indeed there are some CDRs which reflect the column -- have a
17 column with national or not national, but is there a specific column or way to detect
18 from which country and which city the person in question has made a call based on
19 the CDR?

20 A. [12:06:02] You can only determine the country of the provenance based on the
21 code of the -- the country code that was defined by the ITU.

22 Q. [12:06:20] So Mr N'Douba, you would agree with me that based on the CDRs,
23 there's no way to establish the exact location from the caller from abroad, apart from
24 the country, right?

25 A. [12:06:47] No, we can't know that because that's information which belongs to

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1 the network on which the call originated.

2 Q. [12:06:59] And when a call is made from abroad to -- in this situation to the CAR,
3 which timestamp would the CDRs reflect, that of the calling number or the receiving
4 number?

5 A. [12:07:28] No. For any call emitted from the Moov network, the timestamp
6 would be the Moov network, because it's the client who is looked after by the Moov
7 network.

8 Q. [12:07:44] Now the call is saved on this mobile switching centre, the MSC, you
9 also mentioned the timestamp is made. Now, the question is: Is the time zone on
10 all the MSC that belongs to Moov synchronised automatically?

11 A. [12:08:11] Yes.

12 Q. [12:08:29] Was this the case in 2013-2014 and, if so, how this synchronisation
13 was done?

14 A. [12:08:40] Yes, I can confirm that it was the case at the time. This
15 synchronisation is based on a GPS clock, so in order to avoid there being gaps in
16 terms of timestamps between our network and the other networks we have exchanges
17 with, then the network is equipped with a GPS antenna which communicates when it
18 connects to a server and it is the GPS time which is synchronised for the entire
19 network system.

20 Q. [12:09:25] Mr N'Douba, is the GPS system you refer to also depending on or at
21 that time dependent on the electricity networks and therefore susceptible to power
22 outages?

23 A. [12:09:53] No. This measure suffers from no problem with the power supply
24 because it is fed in the same way as the heart of the network.

25 Q. [12:10:07] Could the GPS network also be subject -- or be subject to destruction

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1 as you explained yesterday that there was destruction of networks in the country
2 2013-2014? And if so, if a GPS would be targeted by destruction, how, and if so,
3 would it be recalibrated afterwards?

4 A. [12:10:47] Well, we've known no case of destruction with regards to the GPS
5 system, but the GPS system, if it has to be recalibrated, then that is done automatically
6 because it's in direct relation with the GPS satellites.

7 Q. [12:11:27] Mr N'Douba, now, the same questions or similar questions with
8 respect to the record of SMS sent and/or received. In your statement at paragraph 19,
9 you did say that a failed SMS would appear on the CDR of the sender but not of the
10 receiver.

11 Could you please explain how the SMS would go from one device to another?

12 A. [12:12:23] Sending of the SMS from one device to another is an automatised
13 process in the system. So the network, you have the emitting network sends a data
14 package to a specific recipient and then when this destiny has received the package,
15 they will get it. So when it comes to the network, the network is transparent with
16 regards to this transaction between the two.

17 Q. [12:13:10] Could you explain us if a failed SMS would leave a trace in the CDR
18 or not?

19 A. [12:13:30] For a failed SMS, indeed, then you would find the trace of it with a
20 marking that there was a failed send.

21 Q. [12:13:57] And that would be different from a ordinary phone call which was
22 not connected to a receiver, right?

23 A. [12:14:18] Yes, it also depends on the reasons why the call wasn't connected.
24 There are several reasons that could come up when it comes to the functioning of the
25 network.

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1 Q. [12:14:29] Now, in the billing format to the clients, it's correct that the failed SMS
2 is not mentioned at all, right?

3 A. [12:14:44] Yes. Yes, because an SMS which isn't received is not billed to the
4 client.

5 Q. [12:14:59] And the mentioning of a failed SMS, if applicable, based on the binary
6 format data, that information should be requested for specifically, right?

7 A. [12:15:31] Yes, indeed, there has to be a precise request, because as telephone
8 operators, it is the successful transactions which are of interest to us when it concerns
9 the billing.

10 Q. [12:15:54] So you would agree with me, Mr N'Douba, that this is also a
11 difference in the formats we discussed this morning, the billing for the clients versus
12 CDR, but then in terms of the SMS information, right?

13 A. [12:16:14] I haven't understood the question. Please could you clarify this
14 difference.

15 Q. [12:16:32] Would you agree -- would you agree with me, Mr N'Douba, that the
16 difference between the format of billing to a client and the CDR provided to -- for the
17 purposes of litigation, the difference also lies in the reflection of the failed SMS
18 messages, therefore there is a difference in the information provided with the CDRs
19 versus the billing to the client? Right?

20 A. [12:17:14] Yes, indeed, there's a difference. The CDR contains a multitude of
21 information that the client cannot even understand or would have no interest in
22 knowing.

23 Q. [12:17:30] My last question on this topic is the following: In paragraph 20 of
24 your statement, Mr N'Douba, you mentioned that if an SMS message is bigger than
25 160 characters, it would split into multiple SMS messages and these, according to

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1 your evidence and your statement, would appear on the sender, on the sender's CDR
2 as separate messages, but the receiver of that message will only be seen -- will only
3 show one SMS. That was your statement in paragraph 20. So the receiver of the
4 message sees it as one, but the sender -- on the CDR for the sender it appears as
5 separate messages. Is that still --

6 A. [12:18:48] Yes.

7 Q. [12:18:49] (Overlapping speakers) -- your explanation? So I give you an
8 example. If person A sends one SMS of 320 characters to Mr B, is this to say that the
9 CDR of Mr A would show that two SMS messages of 160 characters was sent,
10 whereas the CDR of Mr B would show just one SMS as being received? Is that the
11 correct reflection of your -- of your statement?

12 A. [12:19:38] Yes. What I wanted to say with that is that indeed, in the case of a
13 message of 320 characters, the subscriber A who sends the SMS will be billed for two
14 SMSs because the field character limit is limited. So when he sends it to the same
15 number at that time, and subscriber B who receives the SMS, that person will receive
16 it as one sole text that arrives on his telephone. He will receive an SMS and
17 then -- with one part, and a second part will be sent, but he will only get a single SMS
18 with the 320 characters.

19 Q. [12:20:38] Mr N'Douba, the fact that the SMS in this example is split in two
20 messages, is this something which the system automatically generates in the CDRs or
21 is this something which the operator has to put in the CDR?

22 A. [12:21:10] No, it's automatically generated by the CDR.

23 PRESIDING JUDGE SCHMITT: [12:21:18] Ms Prathaban.

24 MS PRATHABAN: [12:21:19] Not an objection, just a clarification. If you could
25 also clarify whether the CDR, the receiver, are we talking about someone who is a

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1 subscriber of Moov or it doesn't matter which company we are talking about?

2 PRESIDING JUDGE SCHMITT: [12:21:32] Well, yeah, we could ask that indeed.

3 But everything else is now clear I would say.

4 So you have heard it, Mr N'Douba, does it make a difference with regard to the
5 receiver if he is a customer of Moov or any other company?

6 THE WITNESS: [12:21:52](Interpretation) No. This process is valid for a Moov
7 subscriber as well as a client from another network who receives the SMS.

8 PRESIDING JUDGE SCHMITT: [12:22:04] Thank you, Mr N'Douba.

9 Mr Knoops.

10 MR KNOOPS: [12:22:06]

11 Q. [12:22:07] Mr N'Douba, the issue of masked numbers, so numbers which are
12 withheld from the receiver, would you agree that a number -- a telephone number
13 that is masked to the called person, the receiver, is not masked to the phone company,
14 Moov in this situation, that generates and produces the CDRs and that therefore in
15 the CDRs, as presented by Moov to the Office of the Prosecution, that in those CDRs
16 the calling number, the masked number for the receiver is reflected?

17 A. [12:23:23] When it comes to masked numbers, you have to put them into context.
18 And I can explain myself here. If, for example, a subscriber to the Moov network
19 wants to place a call, then -- and masks his number, the network still connects that
20 number and it will appear clearly in the CDR as his number that issued the call. It's
21 the receiver, he will not see that number because when it comes to the Moov network,
22 the client has made the choice of not showing his number to the recipient of the call.

23 Q. [12:24:13] So the answer is yes, that masked number would be reflected in the
24 CDR for the caller?

25 A. [12:24:25] Yes, the network has to identify a number in order to be able to deal

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1 with it.

2 Q. [12:24:37] So you would agree with me that also a phone number which is
3 masked by the caller is always registered in the so-called switch, that's the core part of
4 the mobile network, correct?

5 A. [12:25:01] Yes, it's always saved with the network of origin of the person who
6 sent it.

7 Q. [12:25:12] So if a witness would say before this Court that he received a masked
8 number, masked call, number by a masked call from a certain individual on a certain
9 day, the CDRs would reflect that call, right?

10 A. [12:25:43] Yes, it would be indicated as a call with a masked number.

11 Q. [12:25:51] And how would it be reflected in this CDR as being a masked number?
12 Was -- would there be a special column or a special qualification to it in the CDR?

13 A. [12:26:15] Yes, there's a column which describes the scenario. Furthermore,
14 there are several columns which describe the different types of scenario which make
15 it possible to know so it is clear that when a network decides not to send the number
16 of its subscriber who calls the network that receives the call, the network will not have
17 the exact details of this number that made the call. The -- the recipient's or receiver's
18 network I'm talking about here.

19 Q. [12:26:58] Thank you. According to several witnesses who testified before this
20 Court, Mr N'Douba, significant roaming charges were applied when individuals were
21 using different service providers, apart from the network coverage. Was this
22 phenomenon to you known that in specific 2013-2014, SIM cards from one provider
23 were used on another provider's network specifically in light of these roaming
24 charges? And of course was it technically possible that SIM cards from one provider
25 were used to contact another provider -- another provider's network?

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1 A. [12:28:18] Technically it is possible for a subscriber to be able to use the SIM card
2 of his network on the network of another operator, but only on the basis of a formal
3 agreement existing between these two operators. Outside of this framework, there is
4 no possibility to do that.

5 Q. [12:28:50] Are you aware that a call between a person who, for instance, owns a
6 Moov SIM card would be more expensive to call a person with an Orange SIM card
7 than calls between the two Moov SIM cards?

8 A. [12:29:23] Yes, indeed. A call outside your own network is more expensive
9 than a call within the same network because of the costs of interconnection which are
10 taxed and were taken on that type of call.

11 Q. [12:29:43] And, Mr N'Douba, were you familiar, you yourself as an individual in
12 2013-2014 during the war, that people for that reason obtained SIM cards from several
13 network providers such as Moov and Orange?

14 PRESIDING JUDGE SCHMITT: [12:30:10] Ms Prathaban.

15 MS PRATHABAN: [12:30:14] It calls for speculation.

16 PRESIDING JUDGE SCHMITT: [12:30:16] No. No, it doesn't call for speculation.
17 It's -- the question was, if I recall it correctly, if Mr N'Douba is aware of that. And,
18 you know, he is from the field, so to speak, and he has proven himself I think in the
19 past two days, everybody will agree on it, as extremely knowledgeable in his field, so
20 he might know something about it.

21 Mr N'Douba, so I formulate the question myself as Presiding Judge. Were you
22 aware that this happened, what Mr Knoops suggested, at the time? Were there
23 discussions in Moov, for example, about the fact that several SIM cards were acquired
24 from different corporations?

25 THE WITNESS: [12:31:09](Interpretation) Your Honour, so the question was people

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1 bought SIM cards from different operators, or was the question about placing calls on
2 other operator's networks? What was the question?

3 PRESIDING JUDGE SCHMITT: [12:31:29] I think the question - Mr Knoops will
4 correct me - was if people bought SIM cards from different companies. So if you
5 were aware of that, if you had a discussion at your company, for example, or if you
6 heard discussions with people you knew from other companies, whatsoever.

7 THE WITNESS: [12:31:56](Interpretation) Yes, in those specific cases, yes. At the
8 time, given the context, clients wanted to be in touch with their family members so
9 people would buy SIM cards from different operators.

10 PRESIDING JUDGE SCHMITT: [12:32:15] Mr Knoops --

11 MR KNOOPS: Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [12:32:15] -- please move on.

13 MR KNOOPS: [12:32:19]

14 Q. [12:32:20] You would agree, Mr N'Douba, wouldn't you, that the coverage at
15 that time in 2013-2014, cell coverage, differed depending on the mobile providers?

16 So Orange might have a different coverage than the Moov cell towers, and that for
17 this reason, people had SIM cards from different providers and switched their IMSI
18 number regularly? Are you as a person familiar with this phenomenon?

19 A. [12:33:06] Yes, indeed. Coverage was one of the major reasons why people
20 were in the habit of having several SIM cards.

21 Q. [12:33:24] I would just like to show you an example we found in the CDRs and
22 ask you whether this is indeed an example of this phenomenon.

23 It's tab 3 of the Defence binder, that's CAR-D30-0011-0014.

24 PRESIDING JUDGE SCHMITT: [12:33:58] Isn't it another tab?

25 MR KNOOPS: [12:34:02] Tab 3. Mr Desevedavy can display it.

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- 1 PRESIDING JUDGE SCHMITT: [12:34:09] I have CAR-OTP- a placeholder at
2 2018-0623, tab 3. So it must be -- I think, I assume it's another tab.
- 3 MR KNOOPS: [12:34:22] I'm sorry, you are right, Mr President. It's indeed on my
4 document. But it's actually one document, it's CAR-OTP-2081-0623.
- 5 PRESIDING JUDGE SCHMITT: [12:34:36] 18, 2018.
- 6 MR KNOOPS: [12:34:38] 2018, yes, 0623. And it's row 5256 and I think also 5257,
7 two rows on the left.
- 8 PRESIDING JUDGE SCHMITT: [12:34:52] But which tab? If I may insist.
- 9 MR KNOOPS: [12:34:55] Mr Desevedavy, tab 3?
- 10 PRESIDING JUDGE SCHMITT: [12:35:00] Okay. Thank you.
- 11 MR KNOOPS: [12:35:01] Yes, tab 3.
- 12 Q. [12:35:03] Mr N'Douba, you see on this CDR on the left side under number 1, the
13 row 5256, and directly afterwards 5257, the time frame of May and June 2012, so
14 within less than a month, you see that the IMSI -- sorry, the IMEI number changes?
- 15 A. [12:35:50] Yes.
- 16 Q. [12:35:56] So what does it say to you? What does it say to you that in a few --
- 17 A. [12:36:09] It means that --
- 18 THE INTERPRETER: [12:36:15] Inaudible.
- 19 THE WITNESS: [12:36:18](Interpretation) -- with the SIM card changed.
- 20 PRESIDING JUDGE SCHMITT: [12:36:21] Mr Witness, the interpreters did not get
21 your answer fully. Could you please be so kind to repeat it.
- 22 THE WITNESS: [12:36:32](Interpretation) Yes, I was saying, your Honour, that the
23 fact that the IMEI number changed, that just means that the device with the SIM card
24 changed.
- 25 MR KNOOPS: [12:37:12]

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1 Q. [12:37:12] Mr N'Douba, yesterday you spoke about the matter of saturation of
2 cell towers, cell sites. It's in the transcripts of yesterday, English real-time, T 76, lines
3 12 till 19, in specific, for the events of 5 December 2013.

4 First of all, when we speak about potential saturation of cell sites, can you tell us how
5 many calls, concurrent calls the cell towers could handle in Bangui in 2013? Was
6 there any -- are there any data how many calls one cell tower of Moov could process,
7 concurrent calls, concurrent.

8 A. [12:38:39] I understand your question, but right now I can't give you the exact
9 answer. I'd have to backtrack and look at the configuration at the time and then
10 calculate the number that you would like to have from us.

11 Q. [12:38:57] Now, in or around 5 December and afterwards, were you familiar
12 with lots of movements of the population from one quarter to the other, say from PK5
13 to the airfield or whatever district, and this resulted in an increase of phone calls by
14 family members trying to reach each other during these movements? Is this
15 something you recognised from your own experience in 2013 around 5 December?

16 A. [12:39:40] Yes, indeed, that was the case. That's exactly what happened during
17 that period of time.

18 Q. [12:40:00] Could you tell us whether that phenomenon had any effect on the
19 coverage by the cell towers around 5 December 2013? It also, by the way, counts for
20 Bossangoa. The question is for Bangui and Bossangoa.

21 A. [12:40:30] During that period of time, yes, there was an impact, but it wasn't on
22 coverage as such but rather on the use of the network resources because people were
23 moving around.

24 Q. [12:40:53] Mr N'Douba, can you tell us anything about a potential difference in
25 the configuration of the cell tower in Bossangoa for your enterprise Moov at that time

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1 versus Orange?

2 A. [12:41:28] I don't have the information from the network to make a comparison,
3 but the only difference that was visible between the two was that we were occupying
4 different positions.

5 Q. [12:41:48] And what was the geographical distance, approximately, between the
6 cell tower of Moov in Bossangoa in 2013 versus the cell tower of Orange?

7 A. [12:42:11] I must admit I haven't tried to determine that.

8 Q. [12:42:20] Would you agree with me, Mr N'Douba, that the Moov tower at that
9 time in Bossangoa was built like a solar panel array, while the Orange tower was
10 configured on the basis of a radio tower station?

11 A. [12:43:05] Could you repeat your question, please.

12 Q. [12:43:08] Well, we did our research and we found on Google Earth at that time
13 the difference, not only the location of the Orange tower and the Moov tower in
14 Bossangoa, but also the configuration such that the Moov tower looks like a solar
15 panel array, while the Orange tower is really a radio tower. There's a big difference
16 in the configuration of the -- of both towers. Do you have any recollection to this
17 difference?

18 A. [12:43:48] No. I don't remember that difference. At that time the Moov
19 network was not operating solar panels on the site.

20 Q. [12:44:17] Do you know whether you generated at that time, or in 2015-2016, any
21 information on the locations of witnesses for the Prosecution around Bossangoa?

22 A. [12:44:55] I don't remember exactly.

23 Q. [12:45:00] Would you agree with me, Mr N'Douba, that the phone numbers that
24 start with 72, just for all clarity, are Orange numbers?

25 A. [12:45:17] Yes.

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1 Q. [12:45:24] Do you have any information for us as to the exact coverage of the
2 Bossangoa cell tower of Moov in 2013 and examples of the exact distance that tower
3 could bridge in terms of phone signals, mobile phone signals? Do you have any data
4 for us? Could that tower reach 30, 35, 40, 50, 60 kilometres, 5 kilometres? Any data
5 for us on this point? And we speak about 2013 around 5 December.

6 A. [12:46:23] No. I don't have specific data to provide you with about the
7 coverage our antenna -- for our antenna in Bossangoa at that time. There was no
8 specific measure to determine that.

9 MR KNOOPS: [12:46:52] Mr President, I just have two topics to address and I think
10 it would be good moment to break now and I can finish in maximum 45 minutes after
11 the --

12 PRESIDING JUDGE SCHMITT: [12:47:06] Well, I think -- is it enough to have a
13 break until 2 o'clock? I think so. Let's say until 2 o'clock.

14 THE COURT USHER: [12:47:13] All rise.

15 (Recess taken at 12.47 p.m.)

16 (Upon resuming in open session at 2.02 p.m.)

17 THE COURT USHER: [14:02:01] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:02:16] So, Mr Knoops, we are shortly before the
20 final minutes of the examination.

21 MR KNOOPS: [14:02:27] Yes, yes, we are.

22 Q. Good afternoon, Mr N'Douba. Just before I go to my two last topics, two brief
23 questions --

24 THE WITNESS: [14:02:37](Interpretation) Hello.

25 PRESIDING JUDGE SCHMITT: [14:02:44] Do you understand us well, Mr N'Douba?

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1 THE WITNESS: [14:02:52](Interpretation) Yes, I hear you well.

2 PRESIDING JUDGE SCHMITT: [14:02:54] Thank you. Please proceed, Mr Knoops.

3 MR KNOOPS: [14:02:56]

4 Q. [14:02:57] Mr N'Douba, before I go to the two last topics, just two brief questions
5 to clarify two small technical questions, one of them being that you said before the
6 break -- and this was my question on page 52 of the English real-time transcript, line
7 15, 16 -- when I asked you about would there be a special column or a special
8 qualification for masked numbers in the CDR, you said, yes, there is a column which
9 describes the scenario.

10 The question we have just to clarify this point is how -- if I get a CDR as recipient,
11 being a Prosecutor, for instance, in this case, a CDR, how would I see as a Prosecutor
12 on the CDR that something is a masked number? In other words, how was it
13 visualised in the CDR? Apart from the column, how was it described?

14 A. [14:04:31] There would not be a special description, but we cannot collect this
15 information to reflect it in the CDR that would be produced.

16 Q. [14:04:54] Mr N'Douba, what I understood from your evidence, the masked calls
17 are reflected in the CDR, it's not just visible for the recipient, right? That was your
18 confirmation before the break, and my question is actually how was it mentioned in
19 the CDR? For instance, does it say "masked", "unknown"? How can we see the
20 CDR, when a masked number was used, or not?

21 A. [14:05:38] Yes, indeed. When I was saying that in the CDR the system sees the
22 number, I'm talking about the network of the caller. When we go on to the network,
23 the person who receives the call, indeed the number is not visible, because it is the
24 network of origin that decides if you show the number, display the number, or not.

25 PRESIDING JUDGE SCHMITT: [14:06:10] If you allow me, Mr Knoops, I think there

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1 is a misunderstanding here, and I have the same question as you have, actually.

2 Mr N'Douba, so in the CDR -- I summarise a little bit what I have understood, and it
3 may be wrong and you can correct me -- in the CDR the number of the caller is
4 reflected. It's also reflected that this caller at the time called, with regard to the
5 recipient, from a masked number. I think this is the question. Do you understand
6 the difference?

7 So it is -- I understood it is reflected, the number, yes, but at the time, for the recipient,
8 it was a masked number. Is this fact, that at the time for the recipient it was a
9 masked number, somehow reflected in the CDR so that we can verify it, so to speak,
10 when a witness says, "Well, I received a call from a masked number"?

11 THE WITNESS: [14:07:15](Interpretation) Indeed. In the CDR, when you receive a
12 call from a masked number, the system understands that this masked number that is
13 coming in in the column, it shows an unknown number. It shows that it is an
14 unknown number.

15 PRESIDING JUDGE SCHMITT: [14:07:49] Well, I'm still a little bit struggling, I have
16 to say, because I understood that the CDR that is produced later shows unmasked, so
17 to speak, the number, but perhaps I have understood it wrong. So it unmask the
18 number. On the CDR you have the number, but is it somehow made clear that at the
19 time it was masked -- for example, there could be a special column, there could be an
20 "M" behind it, or whatsoever? Do you understand what I mean? This is I think the
21 question.

22 THE WITNESS: [14:08:36](Interpretation) Thank you, Mr President. You will have
23 to allow me to be a bit slower to make myself better understood when I give you this
24 answer.

25 So at the beginning I had said that you have to understand in which position we are.

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1 If we are in a position of a person who is making a call and who is using a masked
2 number when making a call, that person's network in the CDR will see it as this
3 subscriber who has made the call, but the person on the receiving -- the person
4 receiving the phone call, given that at the beginning the caller took the initiative to
5 mask the number, the correspondent on the other end of the line will not see that
6 person's number.

7 Now, if you put yourself in the position of the person receiving a masked call, this
8 correspondent receiving a call from a masked number, even on his or her network,
9 the number of the person who called them will not be displayed, will not be visible,
10 for the simple reason that this choice of discretion had been made.

11 So it is the initial network that communicates this information. So there will just be
12 headings to indicate that the call comes from a given network, but there will not be a
13 specification of the number. This will not be visible to the person receiving the call.

14 PRESIDING JUDGE SCHMITT: [14:10:38] But I think what we are struggling with,
15 and when you say -- it's us who are -- and me, now, I'm asking. It takes a lot of time
16 to understand it, so it's my problem, not yours.

17 We are now talking about if we -- the product, the processed product called CDR, all
18 this information entailed in all these different modes, if this product that, for example,
19 Moov or Orange or whoever sent to again, for example, the Prosecution, would this
20 document show that, let's say, years ago, this specific call was masked? This is the
21 question. Is this somehow reflected in the CDR? I think, Mr Knoops, this is what
22 we want to know.

23 MR KNOOPS: [14:11:42] Mr Desevedavy has put it very simply in the following
24 words: "Is there still a line in the CDR"?

25 PRESIDING JUDGE SCHMITT: [14:11:52] Yes, yes, a line or some indication or a dot

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1 or a star, whatsoever, which means that it was a masked call. That is the -- let us try,
2 if -- have you understood, Mr N'Douba? We are not talking about how the recipient
3 perceives it -- yes, we have understood that -- what we are now talking about, if years
4 after that, you know, Moov is asked to produce the CDRs and it is reflected in there,
5 that it was a masked number.

6 THE WITNESS: [14:12:31](Interpretation) Yes. Indeed, Mr President, I confirm that
7 in the CDR there would be an indication that the call that had been made at that point
8 had been done from a masked number.

9 PRESIDING JUDGE SCHMITT: [14:12:47] Thank you very much, Mr N'Douba.
10 Mr Knoops.

11 MR KNOOPS: [14:12:49]

12 Q. [14:12:51] Thank you, Mr N'Douba. A second question we came across in our
13 own research is the -- is, by the way, not featuring in your statement, but still you are
14 here now as a CDR witness and we take the opportunity, Mr N'Douba, to benefit
15 from your knowledge. Did you hear of the abbreviation VMSC, when somebody
16 says, "This number, this telephone number, is the VMSC, so we cannot provide the
17 details/information"? Have you ever heard of the abbreviation VMSC? It is, by the
18 way, in another context in this case included, this terminology, but --

19 A. [14:13:41] Yes, I had heard about this. This refers to voicemail servers.

20 Q. [14:13:57] Thank you, Mr N'Douba. Now, my next topic is relating to the role
21 of the Seleka in 2013/2014 -- mainly 2013 -- and the effects of their actions on the
22 telecommunication infrastructure of the CAR. You have any information on this,
23 Mr N'Douba, if the actions of the Seleka, the taking over of the country in 2013, had
24 any effect on the telecom infrastructure and/or the control over the
25 telecommunication enterprises?

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1 A. [14:14:54] Yes, indeed, counsel. Given what happened at the time, we learned
2 of a certain number of acts that had damaged infrastructure. Most often the
3 information that we received spoke of theft of fuel for the generators to put -- to be
4 put into their vehicles, and there were cases where they would come and stop the
5 installations so that calls could not be made. And, as they don't know about it, they
6 destroy the installations. These are cases that we had heard of in our environment
7 and this, of course, had an impact on the operators.

8 Q. [14:16:15] Mr N'Douba, I specifically ask you to inform us whether the advance
9 of the Seleka in 2013 and their role in the country had also impact on the control of the
10 telecom enterprises like Moov. In other words, was the Seleka also involved in the
11 accumulation of data, telecom data; did they have presence in your firm to control
12 your actions; had they any influence on the telecom network? This type of influence
13 we are asking for, if any.

14 A. [14:17:10] Okay. At that time, especially with regard to Moov, there was no
15 control in terms of the Seleka and the installations, and I don't have any information
16 about similar case for the other operators.

17 Q. [14:17:34] I ask you this specifically because we came across information in the
18 data whereby Mr Ludovic Ledoux, a member of the *mouvement des jeunes de*
19 *Faustin-Archange Touadéra*, gave an interview in 2022 -- and that's, for the court, tab 6
20 of our Defence binder, CAR-D30-0007-0751, at page 0752 -- where he, of course, for
21 the time frame of 2022, speaks about the manipulation of the social media, especially
22 Facebook, by the Russian mercenaries.

23 PRESIDING JUDGE SCHMITT: [14:18:47] The question -- but since we are not
24 speaking about the Russian mercenaries, the question, Mr N'Douba, would be if you
25 have similar information about the time frame 2012/13 when the Seleka advanced and

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1 ultimately was in power. Do you have any information in that regard?

2 THE WITNESS: [14:19:10](Interpretation) Yes, Mr President. As I have said, there
3 was no control taking over the management of the Moov network and I do not have
4 any information about this with regard to the other operators.

5 MR KNOOPS: [14:19:39]

6 Q. [14:19:41] There is a Prosecution witness who gave a statement to the office of
7 the Prosecution -- that is, for the court, P-0974, CAR-OTP-2058-0165 at 0173,
8 paragraph 53 -- who gave a statement, Mr N'Douba, to the investigators of the
9 Prosecution saying that -- speaking about 2013/14, "We knew that the Seleka got
10 information from the telephone companies like Azure and Telecel, but not Orange."
11 Was this the case with Moov as well? Was Moov asked by the Seleka to provide
12 information about communications of certain individuals at that time? And then we
13 speak about --

14 A. [14:20:49] Yes. Yes, please finish the question.

15 Q. [14:20:56] We specifically then refer to members of the Anti-Balaka. So the
16 question is did -- was Moov approached in 2013/2014 -- mainly 2013, of course -- to
17 provide information from Moov about the communications of certain individuals in
18 the CAR?

19 A. [14:21:27] No, I do not have any information about such queries.

20 Q. [14:21:37] Were you aware, Mr N'Douba, that clients, including international
21 organisations such as UNICEF, MINUSCA, certain embassies, *la Banque mondiale*, left
22 Moov as clients and went to Orange specifically because Moov was susceptible for
23 control by the mercenaries?

24 PRESIDING JUDGE SCHMITT: [14:22:22] Ms Prathaban?

25 MS PRATHABAN: [14:22:23] I think Mr N'Douba has clearly stated multiple times,

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1 as far as his knowledge is concerned, he doesn't know and he's clear that Seleka had
2 no influence in Moov. And it's just asked and answered from different angles. And
3 could we also have a reference for what Mr Knoops is citing?

4 PRESIDING JUDGE SCHMITT: [14:22:40] I agree with the reference. With regard
5 to the objection, I let this question pass because it's indeed a different angle and -- but
6 please let us know where you have this information from and then we'll let the
7 witness answer. But this is the last try on that.

8 MR KNOOPS: [14:22:56] Well, the information that clients, such as the institutions I
9 mentioned, cancelled their licences with Moov and went to Orange, that is
10 information we gathered in our own investigation. So --

11 PRESIDING JUDGE SCHMITT: [14:23:14] Okay. So you simply put this
12 assumption to him?

13 MR KNOOPS: [14:23:19] Yes.

14 PRESIDING JUDGE SCHMITT: [14:23:20] Okay. So, Mr Witness, it is simply
15 Mr Knoops -- the Defence counsel simply puts to you that these companies have left
16 at the time because of the reasons he mentioned. Do you have any knowledge of
17 that? That is simply -- and you can say, "Yes, I have" or, "No, I never heard of this."

18 THE WITNESS: [14:23:44](Interpretation) No, I do not know.

19 PRESIDING JUDGE SCHMITT: [14:23:46] Okay, Mr Knoops.

20 MR KNOOPS: [14:23:48] Yes.

21 Q. [14:23:48] Mr N'Douba, I have two final questions for you which relate to the
22 reports we mentioned already this morning -- that is, the report, tab 4 of the Defence
23 binder, CAR-OTP-2126-2529. That is, Mr N'Douba, for your reference, a report we
24 mentioned this morning from the expert retained by the Prosecution. I would like to
25 show you page 33 of this report, "Conclusions", at CAR-OTP-2126-2561, at just the

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1 four lines from the second paragraph. I read out to you these paragraphs in French
2 and, to be sure, and also to prevent any discussion, the expert report of this individual,
3 this expert, was based on the CDRs provided by Moov, and specifically the CDR we
4 mentioned this morning ending with 0644.

5 Now, the expert of the Prosecution, based on the review of material amongst which
6 the CDRs of Moov, in his assessment says the following, (Interpretation):

7 "To summarise, only citing the most important ones, the main differences in the
8 formatting of source data, impossibility of using IMEI data, foreign analysis of the use
9 of mobile phones, the numerous existing overlapping or doubles, ambiguous
10 information on the location of antennae, which made it impossible to carry out an
11 in-depth analysis of georeference data."

12 PRESIDING JUDGE SCHMITT: [14:26:48] Ms Prathaban, what's the matter?

13 MS PRATHABAN: [14:26:50] Just an important clarification, because Mr Knoops
14 referred to the report based on Moov, but there were also many other companies,
15 including Telecel and Orange, that the report was based on.

16 PRESIDING JUDGE SCHMITT: [14:27:02] Yes, okay, that's a clarification, but since
17 this -- you are not objecting to that this also refers to Moov, so here we have the
18 witness, and now your question, please, Mr Knoops.

19 MR KNOOPS: [14:27:14] Now, I gave you a chance, Mr Witness, to respond to the
20 analysis of this expert exactly saying that on the basis of the information provided by
21 Moov, one cannot draw any conclusions on the two references in this case. Would
22 you agree with this conclusion?

23 PRESIDING JUDGE SCHMITT: [14:27:47] Well, the witness cannot -- please reword
24 it, Mr Knoops. The witness cannot tell us, because this is up to us in the end to
25 assess if this information is of any use for the case. What the witness can

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1 do -- Mr N'Douba, listen, I will reformulate it a little bit. This is essentially what
2 Mr Knoops has discussed with you today, if I can perhaps wrap it up a little bit. So
3 is this something that you are aware of, or that you would agree with, or would you
4 say, "Okay, I don't want to make any further statement on this"?

5 THE WITNESS: [14:28:36](Interpretation) Personally, I do not have anything to add.
6 I am receiving the information.

7 MR KNOOPS: [14:28:45] Can I maybe, Mr President, put the question differently.

8 Q. [14:28:52] Do you agree, Mr N'Douba, that a full analysis on the way the mobile
9 phone numbers were used in this case, as reviewed by Moov, cannot be achieved
10 without having all the IMEI numbers, the IMSI numbers and the phone numbers?
11 Would you agree with that conclusion?

12 A. [14:29:40] Yes. To conduct a good analysis, you have to have all the data. So
13 if there are data missing, indeed, it is difficult to make a complete analysis.

14 PRESIDING JUDGE SCHMITT: [14:29:53] Mr Knoops, it's essentially, as I said, also
15 this -- in this report, essentially the different aspects that are mentioned there are
16 essentially, let's say, your topics that you have worked through. So we have
17 now -- we have the answers already in the detail by the witness.

18 MR KNOOPS: [14:30:15] Thank you, Mr President, and I thank you, Mr N'Douba,
19 for your patience and your readiness to answer our questions. This finalises our
20 examination.

21 PRESIDING JUDGE SCHMITT: [14:30:23] Thank you, Mr Knoops.

22 I don't assume there will be questions by the Prosecution? Is there one? Yes, okay.
23 One question.

24 MS PRATHABAN: [14:30:35] Just one very minor --

25 PRESIDING JUDGE SCHMITT: [14:30:36] I saw one finger raising, so one question,

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1 yes.

2 MS PRATHABAN: [14:30:40] Yes, I will stick to one question.

3 QUESTIONED BY MS PRATHABAN:

4 Q. [14:30:42] Hi, Mr N'Douba, I just have one clarification. So you mentioned at
5 paragraph 43 of your statement that the range of the antennas in rural areas was 20
6 kilometres, and this morning when Mr Knoops was asking you a question at trial 45,
7 he asked whether in Bossangoa the cell towers -- the signals could go up to 30, 35, 40,
8 up to 65 kilometres and you answered that you don't have specific data to provide
9 about the coverage of antennas. Could you just clarify what is the range of the
10 antennas in Bossangoa?

11 A. [14:31:21] Yes, indeed. In Bossangoa the range of the antennas -- I haven't
12 checked that particular point, but in other locations I can see for myself, in particular
13 around Bouar, where I was able to make a call at a distance of 35 kilometres, because I
14 was in a higher position, higher altitude.

15 Q. [14:32:05] Thank you. Just one follow-up in regards to that. And what is the
16 time period that you are talking about?

17 A. [14:32:12] That was before 2013. Around 2010, I believe, unless I'm mistaken.
18 2010.

19 MS PRATHABAN: [14:32:29] Thank you. I don't have any further questions.

20 PRESIDING JUDGE SCHMITT: [14:32:31] Okay, thank you very much.

21 Mr N'Douba, this concludes your testimony.

22 On behalf of the Chamber I would like to thank you, that you have made yourself
23 available as a witness and that you answered the questions by mostly laymen here so
24 precisely and concisely so that you could give us an insight into a very difficult
25 matter -- at least for us a very difficult matter.

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- 1 We thank you for that and we wish you a safe and good trip back home.
- 2 THE WITNESS: [14:33:09](Interpretation) Thank you, your Honour.
- 3 (The witness is excused)
- 4 PRESIDING JUDGE SCHMITT: [14:33:11] This concludes also the hearing for today.
- 5 The court is adjourned.
- 6 (The hearing ends in open session at 2.32 p.m.)