

Trial Hearing

(Open Session)

ICC-01/14-01/21

WITNESS: CAR-OTP-P-2241

1 International Criminal Court

2 Trial Chamber VI

3 Situation: Central African Republic II

4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21

5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and

6 Judge Sergio Gerardo Ugalde Godínez

7 Trial Hearing - Courtroom 2

8 Monday, 29 January 2024

9 (The hearing starts in open session at 9.34 a.m.)

10 THE COURT USHER: [9:34:47] All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE SAMBA: [9:35:30] Good morning, everyone.

14 Could the court officer please call out the case.

15 THE COURT OFFICER: [9:35:38] Good morning, Madam President, your Honours.

16 The situation in the Central African Republic, in the case The Prosecutor versus

17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.

18 And we are in open session.

19 PRESIDING JUDGE SAMBA: [9:35:53] Thank you very much, Madam Court

20 Officer.

21 Can I ask the parties to introduce themselves, please, starting with the Prosecution.

22 MS MAKWAIA: [9:36:01] Thank you, Madam President. Good morning, your

23 Honours. For the Office of the Prosecutor this morning, myself, Holo Makwaia,

24 senior trial lawyer. Also in court today new members of the team,

25 Mr Kamran Choudhry and Ms Marie-Jeanne Sardachti, trial lawyers. And, of course,

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1 Ms Brunhild Le Bailly, associate trial lawyer. Thank you, Madam President, your
2 Honours.

3 PRESIDING JUDGE SAMBA: [9:36:26] Thank you very much.

4 Ms Pellet, your team, please.

5 MS PELLET: [9:36:30](Interpretation) * Good morning, Madam President, your
6 Honours. The victims are represented by Tars Van Litsenborgh, Caroline Walter
7 and myself, Sarah Pellet, Counsel within the Office of Public Counsel
8 for Victims.

9 PRESIDING JUDGE SAMBA: [9:36:49] Thank you very much, Ms Pellet.

10 Ms Naouri, for the Defence, please.

11 MS NAOURI: [9:36:56](Interpretation) Thank you, Presiding Judge. On my right,
12 Léa Allix; on my left, Dov Jacobs; and we have Elina Legat behind me; and I am the
13 lead counsel for Mr Said, Jennifer Naouri.

14 PRESIDING JUDGE SAMBA: [9:37:12] Thank you very much, Ms Naouri.

15 And for the record, I note that Mr Said is in court.

16 Good morning, Mr Said.

17 MR SAID: [9:37:26] (Interpretation) Good morning, your Honour.

18 PRESIDING JUDGE SAMBA: [9:37:34] Thank you very much.

19 On behalf of the Chamber, I would like to welcome everybody back into the
20 courtroom, including the interpreters and the court reporters, and I hope that you all
21 have had a good start of the year.

22 As we are all aware, we have been adjourned for nearly a year due to an unfortunate
23 and unforeseen situation, but we are thankful that we are able to resume evidentiary
24 hearings today.

25 The Chamber is glad to see Mr Said back in court.

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1 As noted in decision number 672, the Chamber is currently sitting reduced hours, as
2 recommended by the medical officer. In light of this, the Chamber wishes to issue a
3 direction to the parties and participants.

4 The Chamber is mindful that the proceedings have been adjourned for a significant
5 period of time and that it has an obligation to ensure the expeditiousness of these
6 proceedings. In this respect, the Chamber expects the parties and participants to
7 ensure that their cases are as streamlined as possible and that their examination of
8 witnesses is focussed on relevant issues. The Chamber will be vigilant in this regard
9 and parties should be expected to explain the relevance of particular lines of
10 questioning, if required.

11 On this point, we urge parties to focus questions on relevant issues. Questions
12 relating to the witness's personal and educational background, for example, must be
13 relevant to the offences charged in the DCC or the credibility of witnesses. The
14 Chamber will not allow extensive lines of questioning on irrelevant issues.

15 With this in mind, let us turn to the Prosecution's next witness. The Prosecution is
16 calling P-2241 as its 17th witness. At the outset, I wish to note the following for the
17 parties:

18 It is the Chamber's understanding that this witness will be testifying in Sango via
19 video link. I would therefore remind everyone of the importance of the need to
20 speak slowly and to observe the five-second rule between questions and answers.

21 Prior to calling the witness, the Chamber has an oral decision to issue on the
22 Prosecution's request to introduce the annex of P-2241, her preparation log under
23 Rule 68(3) of the Rules of Procedure and Evidence as per filing 673, for the record.
24 Now, the Chamber received the Prosecution's request on 22 January. The Defence
25 submitted a written response to the Prosecution's request on 25 January. And for the

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1 record, the response is filing 676.

2 The annex contains one correction to P-2241's prior recorded testimony, whose

3 introduction via Rule 68(3) the Chamber already granted. The annex also contains

4 additional information in that the witness was asked to comment on documents and

5 photographs shown to her during the witness preparation session.

6 The Prosecution submits that the annex bears sufficient indicia of reliability, is

7 relevant and probative and that its introduction would expedite the proceedings.

8 In its response to the Prosecution's request, the Defence objects to the introduction of

9 the annex pursuant to Rule 68(3) of the Rules of Procedure and Evidence.

10 First, the Defence submits that the existence of corrections and addition cast doubt on

11 the reliability of the prior recorded testimony and means that the only way of

12 proceeding is to discuss these with the witness in the hearing. In this regard, the

13 Defence notes that there is no control over the manner in which the annex is prepared,

14 and there is no verbatim transcript, so there is no way one would know what

15 questions were asked and the manner in which such questions were asked.

16 Furthermore, the Defence notes that the use of Rule 68(3) reduces the level of judicial

17 control over the process and that it is for the Prosecution to clarify contradictions

18 between a previous statement and the preparation log so that the Defence can

19 respond in full knowledge of the facts presented.

20 Last, the Defence avers that the fact that the witness will be available for

21 cross-examination cannot be used to justify the introduction of the annex because it

22 would transform Rule 68(3) into the automatic introduction of all witness preparation

23 logs, which is not the intention of the drafters of Rule 68(3).

24 At the outset, the Chamber takes into account the content of the annex and does not

25 find that the Defence would suffer prejudice if the annex were to be introduced

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1 pursuant to Rule 68(3). In this regard, the Chamber notes that the annex contains
2 only one correction. In any event, the Chamber recalls that the Defence will be
3 afforded reasonable time to raise relevant issues during its questioning of P-2241.
4 Accordingly, the Chamber finds that the introduction of the annex of P-2241's
5 preparation log does not infringe upon the rights of the accused and does not
6 prejudice the Defence. The Chamber therefore authorises its introduction under
7 Rule 68(3) of the Rules.

8 This concludes the Chamber's oral decision.

9 Now, turning to the next matter, the Chamber has been reviewing the witness
10 preparation process and finds that the process can be further streamlined. At the
11 outset, the Chamber notes that the preparation logs have been much more concise
12 compared with previous witnesses and commends the Prosecution for this. The
13 Chamber expects the Prosecution to continue in this vein.

14 That notwithstanding, the Chamber wishes to give further directions in respect of
15 witness preparation protocol -- in respect of the witness preparation protocol, which
16 is contained in filing 251, annex A.

17 First, the Chamber notes that the purpose of witness preparation is to help ensure that
18 the witness gives relevant, accurate and structured testimony and for the calling party
19 to assess and clarify the witness's evidence in order to facilitate the focused, efficient
20 and effective questioning of the witness during the proceedings.

21 With this in mind, the Chamber stresses that witness preparation should be focused
22 on checking whether there are any corrections or clarifications to the witness's prior
23 recorded testimony and not to be conducted for the purpose of seeking new evidence
24 or continuing the calling party's investigations. The calling party is expected to be
25 vigilant in this respect and if, during the course of checking or clarifying the witness's

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1 evidence, the witness starts to give substantive new information, then the calling
2 party should seize the line of questioning and conduct any necessary examination in
3 the courtroom.

4 In connection with the foregoing, if the calling party wishes to show or discuss new
5 exhibits to the witness which the witness has not seen before, then the Chamber
6 encourages the calling party to do so in the courtroom during the questioning of the
7 witness.

8 Lastly, the Chamber notes that the Prosecution has completed witness preparation for
9 the first three witnesses. Those are P-2241, P-1289, and P-0662.

10 At this point can I ask the Prosecution whether any other witnesses have commenced
11 witness preparation?

12 MS MAKWAIA: [9:47:05] Thank you, Madam President. We intend to prep
13 another witness this afternoon and possibly another one during the course of the
14 week.

15 PRESIDING JUDGE SAMBA: [9:47:18] It is therefore my understanding that aside
16 P-2241, P-1289 and P-0662, you have not commenced preparation for any other
17 witness, correct?

18 MS MAKWAIA: [9:47:32] That's correct, Madam President.

19 PRESIDING JUDGE SAMBA: [9:47:37] Thank you very much, Madam Prosecutor.
20 So the Chamber notes that these directions only take effect from now in respect of any
21 witnesses that have not yet commenced witness preparation.

22 That concludes the Chamber's direction.

23 Last, the Chamber also notes that the Common Legal Representative of the Victims
24 made a request to examine P-2241 for 30 minutes in relation to the following topics:

25 The harm she allegedly suffered as a result of the events falling within the scope of

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1 the witness's expected testimony, and reparations.

2 The parties did not object to the Common Legal Representative's request, so the
3 Chamber agrees that the proposed topic relates to P-2241's interest and accordingly
4 authorises the Common Legal Representative to question the witness for no more
5 than 30 minutes.

6 Now, before commencing, the Chamber notes briefly that protective measures are
7 confirmed for this witness by virtue of decision 481 and that the Witness and Victims
8 Unit recommend certain special measures, including the manner in which questions
9 are put. The Chamber approves the special measures recommended by the VWU
10 and expects the parties and participants to follow them and adapt their questioning of
11 the witness accordingly.

12 Now, before I ask the court officer to connect us to the witness, I'd want to encourage
13 Mr Said to inform the Chamber if at any time during these proceedings you need a
14 break. If you feel you need a break, please just do that by a show of hand, Mr Said,
15 and we shall do the necessary.

16 Can I ask the court officer, please, to connect us to the witness.

17 THE COURT OFFICER: [9:50:08] Your Honour, the witness is being brought into the
18 transmission room as we speak. Thank you.

19 (The witness enters the video-link room)

20 PRESIDING JUDGE SAMBA: [9:50:38] Thank you very much.

21 Good morning, Madam Witness. Can you see and hear me?

22 WITNESS: CAR-OTP-P-2241

23 (The witness speaks Sango)

24 (The witness gives evidence via video link)

25 THE WITNESS: [9:50:47](Interpretation) Thank you. Good morning, your Honour.

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- 1 PRESIDING JUDGE SAMBA: [9:50:54] Can you hear me? Can you see me?
- 2 THE WITNESS: [9:51:07](Interpretation) I am listening to you and I am looking at
3 you.
- 4 PRESIDING JUDGE SAMBA: [9:51:12] Thank you very much.
- 5 So, Madam Witness, you are going to testify before the International Criminal Court.
6 On behalf of the Chamber, I'd like to welcome you to the courtroom.
- 7 THE WITNESS: [9:51:34](Interpretation) Thank you.
- 8 PRESIDING JUDGE SAMBA: [9:51:36] You should have in front of you, Madam
9 Witness, the solemn undertaking to tell the truth that every witness who testifies
10 before this Court must agree to. I'm going to read it out to you now.
11 I solemnly declare that I will speak the truth, the whole truth and nothing but the
12 truth.
- 13 Madam Witness, do you understand what I just read out?
- 14 THE WITNESS: [9:52:32](Interpretation) Yes, I understood.
- 15 PRESIDING JUDGE SAMBA: [9:52:39] And do you agree to what I just read out to
16 you?
- 17 THE WITNESS: [9:52:51](Interpretation) Yes, I agree.
- 18 PRESIDING JUDGE SAMBA: [9:52:54] Good. We will continue.
- 19 So, Madam Witness, let me now explain to you the protective measures that the
20 Chamber has put in place for your testimony.
21 The following measures are put in place to protect you: Voice and face distortion
22 has been put in place for the duration of your testimony. Now, this means that no
23 one outside the courtroom can see your face or hear your real voice during the
24 testimony.
- 25 There will also be the use of pseudonym. So in accordance with that, we'll all refer

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1 to you only as "Madam Witness" to make sure that the public does not know your
2 name.

3 When you answer questions that will not give away who you are, we will do so in
4 open session, which means that the public can hear what is being said in the
5 courtroom.

6 When you are asked to describe anything that relates specifically to you or you are
7 asked to mention facts that might reveal your identity, we will do so in private
8 session.

9 Do you understand that, Madam Witness?

10 THE WITNESS: [9:54:49](Interpretation) Yes, I understand.

11 PRESIDING JUDGE SAMBA: [9:54:52] Thank you.

12 And lastly, I have also a few practical matters you should have in mind when giving
13 your testimony. Everything we say here in the courtroom is written down and
14 interpreted. It is therefore important to speak clearly and at a slow pace. Speak
15 into the microphone, please, and only start speaking when the person asking you the
16 question has finished. To allow for the interpretation, everyone has to wait a few
17 seconds before starting to speak.

18 If you have any questions yourself, or if you need a break, raise your hand so that we
19 know that you wish to say something.

20 We hope that there are no issues with the video link. However, if there are any
21 issues with the technology, be rest assured, Madam Witness, we will make sure that
22 things are sorted out as quickly as possible.

23 Do you understand all that I have said, Madam Witness?

24 THE WITNESS: [9:56:26](Interpretation) Yes, I understand.

25 PRESIDING JUDGE SAMBA: [9:56:28] Thank you very much.

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- 1 We will then start your testimony.
- 2 Madam Prosecutor, your witness.
- 3 MS MAKWAIA: [9:56:39] Thank you, Madam Witness, your Honours.
- 4 QUESTIONED BY MS MAKWAIA:
- 5 Q. [9:56:45] Good morning, Madam Witness.
- 6 A. [9:56:54] Thank you.
- 7 MS MAKWAIA: [9:56:58] Anyway, your Honours, if we could go into a brief private
8 session so I can establish the identity of the witness?
- 9 PRESIDING JUDGE SAMBA: [9:57:08] Thank you very much.
- 10 Madam Court Officer, can we go briefly into private session, please. Thank you.
- 11 (Private session at 9.57 a.m.)
- 12 THE COURT OFFICER: [9:57:28] We are now in private session, Madam President.
- 13 PRESIDING JUDGE SAMBA: [9:57:34] Thank you very much.
- 14 Madam Prosecutor, carry on, please.
- 15 MS MAKWAIA: [9:57:38] Thank you, your Honour.
- 16 Can the witness have placed before her, found at tab 1, CAR-OTP-2092-3851-R03, and
17 it's a confidential document.
- 18 I'm not sure if it's placed before her, but I can still put the questions.
- 19 PRESIDING JUDGE SAMBA: [9:58:28] Please go ahead.
- 20 MS MAKWAIA: [9:58:29]
- 21 Q. [9:58:31] Madam Witness, can you please tell the Court, what are your names.
- 22 A. [9:58:44] My name is (Redacted).
- 23 Q. [9:58:52] And can you tell the Court your date of birth.
- 24 A. [9:58:58] I was born (Redacted).
- 25 Q. [9:59:18] Thank you, Madam Witness.

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1 Do you remember having been interviewed by investigators of the Office of the
2 Prosecutor?

3 A. [9:59:38] Yes, I remember.

4 Q. [9:59:42] And after this interview, do you recall if a statement was taken from
5 you?

6 A. [10:00:04] Yes, I recall.

7 Q. [10:00:06] And do you recall if this statement was then read back to you?

8 A. [10:00:22] Yes, I recall.

9 Q. [10:00:25] After it was read back to you, Madam Witness, did you sign this
10 statement?

11 A. [10:00:42] Yes, I signed it.

12 Q. [10:00:46] And during the course of giving this statement, do you recall having
13 been showed a series of photographs?

14 A. [10:01:10] Yes, I recall.

15 Q. [10:01:13] And do you recall having identified some of the photographs that
16 were shown to you?

17 A. [10:01:36] Yes, I recall identifying them.

18 Q. [10:01:40] Now, since you have this document before you, Madam Witness,
19 CAR-OTP- - I just read it, your Honours, initially - 2092-3851, can I please draw your
20 attention to the first page of this document.

21 PRESIDING JUDGE SAMBA: [10:02:21] Madam Witness, do you have the document
22 before you?

23 THE WITNESS: [10:02:36](Interpretation) Yes, I have it before me.

24 MS MAKWAIA: [10:02:39]

25 Q. [10:02:40] Now, do you see your name on this document?

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- 1 A. [10:02:54] Yes, I see my name.
- 2 Q. [10:02:57] Do you see at the bottom of the page, can you see two signatures?
- 3 A. [10:03:17] Yes, I can see two signatures.
- 4 Q. [10:03:22] Do you recognise any of those two signatures?
- 5 A. [10:03:39] Yes, I recognise both.
- 6 Q. [10:03:43] Is any of the signatures yours?
- 7 A. [10:04:02] Yes, one of those are mine -- or is mine.
- 8 Q. [10:04:08] Which one is it? Is it the first one or the second one?
- 9 A. [10:04:23] The first.
- 10 MS MAKWAIA: [10:04:28] I understand we have challenges in terms of the witness
- 11 pointing, so I won't have her annotating, Madam President. I think she has
- 12 sufficiently identified her signature.
- 13 Q. [10:04:41] Now, Madam Witness --
- 14 MS MAKWAIA: [10:04:47] And, your Honours, I think we can now move into an
- 15 open session.
- 16 PRESIDING JUDGE SAMBA: [10:04:54] Thank you.
- 17 Madam Court Officer, can we go back into open session, please.
- 18 MS MAKWAIA: [10:05:03] Apologies, Madam President, I should do a final
- 19 signature.
- 20 THE COURT OFFICER: [10:05:11] We are still in private session.
- 21 PRESIDING JUDGE SAMBA: [10:05:13] Thank you very much, Madam Court
- 22 Officer.
- 23 Madam Prosecutor, please.
- 24 MS MAKWAIA: [10:05:19] I'm obliged, your Honours.
- 25 Can the witness be assisted to turn to page 23 of the document at

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1 CAR-OTP-2092-3873.

2 Q. [10:05:56] Madam Witness, can you please look at the page I'm referring to.

3 Can you see your signature on this page?

4 A. [10:06:20] Yes, I can see it.

5 Q. [10:06:23] And where would that be?

6 A. [10:06:36] It's towards the top.

7 Q. [10:06:45] Thank you, Madam Witness.

8 MS MAKWAIA: [10:06:48] Your Honours, we can now revert to a public session.

9 PRESIDING JUDGE SAMBA: [10:06:52] Thank you very much.

10 Madam Court Officer, can we go back into public session, please. Thank you.

11 (Open session at 10.07 a.m.)

12 THE COURT OFFICER: [10:07:07] We are back to open session, Madam President.

13 PRESIDING JUDGE SAMBA: [10:07:13] Thank you.

14 Madam Prosecutor, please.

15 MS MAKWAIA: [10:07:17]

16 Q. [10:07:18] Madam Witness, do you recall meeting me and Ms Brunhild Le Bailly
17 a few days ago during the course of your witness preparatory session?

18 A. [10:07:49] Yes, I recall.

19 Q. [10:07:52] And during that witness preparation session were you afforded the
20 opportunity to have read back to you your witness statement that you gave to
21 investigators of the Office of the Prosecutor?

22 A. [10:08:18] Yes, I had that opportunity.

23 Q. [10:08:31] And during the course of this witness preparation session, Madam
24 Witness, were you afforded the opportunity to make clarifications or explanations?

25 A. [10:08:56] Yes.

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1 Q. [10:09:00] And after you made the clarification or explanation, were you shown
2 a series of photographs?

3 A. [10:09:22] Yes, a series of photographs were shown to me.

4 Q. [10:09:28] And were you afforded the opportunity to comment or identify some
5 of the photographs that you were shown?

6 A. [10:09:38] Yes.

7 Q. [10:09:54] Were these clarifications, explanations and identification of some of
8 the photographs then typed and read back to you, Madam Witness?

9 Madam Witness?

10 A. [10:10:27] I'm listening.

11 PRESIDING JUDGE SAMBA: [10:10:49] Can you put the question again, Madam
12 Prosecutor.

13 MS MAKWAIA: [10:10:53] Yes, Madam President.

14 Q. [10:10:55] Madam Witness, after you identified some of the photographs and
15 you made a correction or explanation, were these clarifications and the identification
16 of some of the photographs written and read back to you?

17 A. [10:11:28] Yes.

18 Q. [10:11:31] And did you then sign this document that reflected the identification
19 and clarification you made?

20 A. [10:11:51] Yes, I signed that document.

21 MS MAKWAIA: [10:11:55] Your Honours, can the witness be shown, at tab 15, the
22 witness prep log. I would like shown to her Annex A. That would be

23 CAR-OTP-00025608-0001. It's at tab 15 of the bundle. It's also confidential.

24 Is it before the witness?

25 Q. [10:13:04] Now, Madam Witness --

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1 A. [10:13:07](Interpretation) Yes, the document is in front of me.

2 Q. [10:13:11] Thank you. Madam Witness, I would like for you to look at this
3 document and see if you can see any signature on it.

4 A. [10:13:34] Yes, there's a signature.

5 Q. [10:13:37] Do you recognise this signature?

6 A. [10:13:50] Yes, I recognise it. It is indeed my signature.

7 Q. [10:13:56] And where is it found in this document?

8 A. [10:14:07] It's at the bottom of the document.

9 Q. [10:14:13] Thank you, Madam Witness.

10 Now, Madam Witness, do you consent to the introduction of your witness statement,
11 including its annexes and the witness prep log to be considered as evidence by the
12 Chamber?

13 A. [10:15:07] Yes, I consent.

14 MS MAKWAIA: [10:15:11] Madam President, your Honours, it's our submission
15 that all the conditions of Rule 68(3)(a) have been fulfilled, short of an opposite
16 instruction from your Honours.

17 PRESIDING JUDGE SAMBA: [10:15:29] Thank you very much, Madam Prosecutor.

18 The conditions of 68(3) having been fulfilled, the witness having consented to us
19 having a look at her statement and the preparation log sheet, it is our ruling that
20 you've complied with Rule 68(3). Thank you.

21 MS MAKWAIA: [10:15:57] I'm obliged, Madam President.

22 That concludes our examination of the witness.

23 PRESIDING JUDGE SAMBA: [10:16:02] Thank you very much.

24 Ms Pellet? The witness, please.

25 MS PELLET: [10:16:27](Interpretation) Thank you, your Honour. Your Honour, I

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1 maintain my request of 24 July, which you upheld -- which you granted, I should say,
2 allowing me to question this witness. *In order to comply with your decision on the
3 conduct of proceedings. Given that the requirements of 68(3) have been met, I shall
4 limit my questions to the harm suffered by the witness and on the impact of the
5 events described by the witness, impact on her and on her family.

6 Therefore, your Honour, I believe that I will not need all 30 minutes allotted to me by
7 you. I think I shall be shorter.

8 QUESTIONED BY MS PELLETT: (Interpretation)

9 Q. [10:17:30] Good morning, Witness. A. [10:17:32] Good morning.

10 Q. [10:17:35] We know each other, but for the record, I will state that I am your
11 legal representative *since you were authorised to participate in the proceedings on
12 27 May 2022 and again on 8 November last year on the basis of a form that we
13 completed together on 21 March 2022. Do you remember filling in the form?

14 A. [10:18:06] Yes, I recall.

15 Q. [10:18:12] You were in the office of Dibert-Bekoy --

16 MS NAOURI: [10:18:21](Interpretation) We have said nothing about -- we have an
17 objection. We have said nothing about the form. We trust our colleague that the
18 form was filled in together, but a number of questions are about to be put and these
19 are leading questions. We would ask that open questions be put.

20 MS PELLETT: [10:18:42](Interpretation) Your Honour, I haven't started putting my
21 questions. I'm simply setting out the basis of the relationship that I have with my
22 client.

23 PRESIDING JUDGE SAMBA: [10:18:53] Carry on, Ms Pellet. Thank you.

24 MS PELLETT: [10:18:57](Interpretation) Thank you. Thank you, your Honour. In
25 any case, I would refer you to our filing ICC-01/14-01/21-518-Red.

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1 Q. [10:19:28] Witness, do you still think back of -- to the events of which you were a
2 victim in 2013?

3 A. [10:19:52] Yes, I still think of them.

4 Q. [10:19:56] And what do you feel when you think of those events?

5 A. [10:20:07] I feel very, very uncomfortable, deeply uncomfortable. When I think
6 about it, I become ill and my head is not right.

7 Q. [10:20:24] Could you describe in more detail the reactions that you have when
8 you think back over these events?

9 A. [10:20:41] When I think back, I feel very, very uncomfortable.

10 Q. [10:20:50] And what images come to mind?

11 A. [10:21:04] I recall being detained, locked up at the OCRB.

12 Q. [10:21:14] Thank you, Witness.

13 Have you received psychological care since you were released from the OCRB?

14 A. [10:21:28] No, absolutely not.

15 Q. [10:21:34] And do you think you might need psychological care?

16 A. [10:21:46] Yes, I think I do.

17 Q. [10:21:52] You explained that you feel very uncomfortable when you think
18 about being locked up at the OCRB. What has your detention -- what effect has the
19 detention at the OCRB had on your health?

20 A. [10:22:26] I feel very poorly, very uncomfortable.

21 Q. [10:22:36] Witness, I understand and I'm sorry that I have to ask you to relive
22 these events, but if you agree, I have a few questions and then we will -- I will come to
23 an end.

24 PRESIDING JUDGE SAMBA: [10:22:58] Madam Witness, you must have some
25 water by your side on your table. You can have some water, please. And if you

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1 think you need a break, you can let us know by show of hand. Please have a sip of
2 water so that we can carry on, if that's okay with you. Thank you.

3 Can we continue, Madam Witness? Do you want us to carry on?

4 THE WITNESS: [10:23:54](Interpretation) Yes, we can continue.

5 PRESIDING JUDGE SAMBA: [10:23:57] Thank you very much.

6 Ms Pellet, please be mindful of the VWU's recommendations in respect of this witness
7 as to her emotions. Thank you.

8 MS PELLET: [10:24:17](Interpretation) Yes, yes, thank you, your Honour.

9 Q. [10:24:24] Witness, once again, I am sorry that I have to put these questions to
10 you, but it is important for this trial.

11 So I was asking whether your detention at the OCRB had had an impact on your
12 health and, if so, what impact?

13 A. [10:25:03] * When I was detained at the OCRB, there was an attempted rape by
14 the Séléka and when I think about that, this upsets me greatly.

15 Q. [10:25:37] I understand, Witness.

16 Now, as regards your health, did your detention at the OCRB have an impact on your
17 health?

18 A. [10:25:59] Yes. That detention did impact upon my health. I'm asthmatic and
19 I was hospitalised after my release.

20 Q. [10:26:15] Thank you, Witness.

21 And what consequences did your arrest and your detention have on you and on your
22 family?

23 A. [10:26:47] Although there were consequences on my family, my mother at the
24 time was traumatised. Currently things are much better.

25 Q. [10:27:09] Witness, would you like to continue on or would you prefer to take a

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1 break?

2 A. [10:27:19] We can continue.

3 Q. [10:27:24] Thank you, Witness.

4 Why was your mother so upset during your detention and after your release from the
5 OCRB?

6 A. [10:27:50] Because back then in Bangui, *everybody was familiar with the Seleka
7 reprisals, everybody knew that very few people would get away from them safely if
8 they had been arrested by the Seleka. On top of that, my mother spent a lot of money.

9 Q. [10:28:17] And why did your mother spend a lot of money?

10 A. [10:28:23] Well, it's because I had been locked up and Mahamat Said asked that
11 a sum of money be given to him in order for me to be released.

12 Q. [10:28:42] And did your mother have such a sum of money available to her?

13 A. [10:28:53] My mother didn't have that sum of money. She had to request aid
14 from her brothers and sisters and they gathered together the money that had been
15 requested.

16 Q. [10:29:09] Thank you, Witness.

17 Did you have a trade back then, when you were arrested and detained?

18 A. [10:29:35] I was -- I was a trader selling food. I was a soup vendor on
19 Saturdays and Sundays.

20 Q. [10:29:53] And were you able to take up that work again after your release?

21 A. [10:30:05] No, I wasn't able to.

22 Q. [10:30:10] And why, Witness?

23 A. [10:30:17] Because the little money that I had had been used by my mother,
24 together with what her brothers and sisters had given her. She'd used it to pay for
25 my release.

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1 Q. [10:30:40] Thank you, Witness.

2 Madam Witness, how do you see your future?

3 A. [10:31:11] My future isn't very clear because in the past I was a seller, but now I
4 have nothing to do, no activity I can do.

5 Q. [10:31:32] Madam Witness, what do you expect from this trial of Mr Said?

6 A. [10:31:50] This is a trial and I have many expectations as an outcome of this trial.

7 Q. [10:32:02] Can you explain this, what you expect as an example?

8 A. [10:32:17] After this trial, I hope that all the money that was spent by my mother
9 to buy my release be given back to her.

10 Q. [10:32:34] Thank you very much, Madam Witness.

11 MS PELLET: [10:32:38](Interpretation) Presiding Judge, this concludes my line of
12 questioning. Thank you.

13 PRESIDING JUDGE SAMBA: [10:32:44] Thank you very much, Ms Pellet.

14 For the Defence, Ms Naouri, if you allow me to just ask the witness whether or not
15 she wants us to continue. We have like about 28 minutes more before recess for a
16 few minutes.

17 Would you want for us to continue with the Defence's questions to you,
18 Madam Witness?

19 THE WITNESS: [10:33:20](Interpretation) Yes, you can continue.

20 PRESIDING JUDGE SAMBA: [10:33:27] Thank you.

21 And Mr Said, can we continue, your counsel put questions to the witness? Are you
22 okay?

23 Okay, thank you very much.

24 Ms Naouri, your witness, please. Thank you.

25 QUESTIONED BY MS NAOURI: (Interpretation)

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1 Q. [10:34:22] * Good morning, Madam Witness. My name is Jennifer Naouri and

2 I'm going to be asking you a few questions. A. [10:34:26] Good morning.

3 Q. [10:34:31] And as I explained, I will be asking you questions for the -- questions

4 for the Defence today.

5 So please don't worry, as soon as we'll bring up issues that might -- questions that

6 might identify you, I will immediately ask to go into private session.

7 I will just, for the time being, pick up on the questions that were asked by your

8 representative concerning your job. So I will quote from what you have told us.

9 * You told us that you were - and I'm on page 22, line 8 - that you were a trader in

10 2013 at a time where the Seleka were active. For how long had you been doing this

11 job at that time in 2013? For how long were you -- for how long had you been

12 working on weekends, on Saturday and Sunday, selling things?

13 A. [10:36:10] I had started selling at home and I'd spent several years doing this

14 before this event.

15 Q. [10:36:28] So you used to go to people's homes, you didn't have your own kiosk;

16 is that correct?

17 A. [10:36:41] I told you that I had a kiosk or a booth and I used to sell at home in

18 my family home.

19 Q. [10:36:57] All right. Can you tell us what you were selling, Madam Witness?

20 A. [10:37:08] I used to sell soup, and in the kiosk, which was situated at the

21 entrance to the property, I sold hair extensions.

22 Q. [10:37:28] Thank you. Okay. And how much money were you earning at that

23 time per week, for example?

24 A. [10:37:52] Sometimes we would lose money, sometimes we made a profit. So

25 we made losses and profits.

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1 Q. [10:38:14] All right. Thank you for clarifying this. Now, you had just told
2 us -- and I'm looking for the reference. So still on page 22 of the transcript, of the
3 real-time transcript, you stated that "My future is not very clear because before, I was
4 a seller, but now I have nothing I can do as an activity."
5 And so, Madam Witness, I'd like to ask you a question. In your previous statement,
6 the written statement that you presented to the Office of the Prosecutor, you stated at
7 the time when your statement was taken that you did have an activity at that time, or
8 a job.
9 So in 2018, and I'll find the page for you, so it's on the first page, so page 2127-9409,
10 and when it says "employment" it says "street vendor". So in this document that was
11 included in the file, you stated in 2018 that you were a street vendor. So could you
12 tell me whether this is correct?

13 A. [10:40:02] No, I was not selling in the street. I was selling at my family home
14 and the stall was at the edge of the street, the street that passes in front of my family
15 home.

16 Q. [10:40:21] All right. So just to clarify things, I understand that in 2013 you
17 used to go to people's homes and that in front of your family home there was a stall
18 in 2013.
19 Now, in 2018, when you met the investigators of the Prosecutor's office, did you still
20 have this job?

21 A. [10:40:50] When I met the investigators of the Prosecutor's office, I no longer had
22 this job or activity, meaning that I was no longer selling soup, but I was a vendor in
23 the kiosk that was situated at the family home. So when the question was put to me,
24 I answered that I sold hair extensions, but I was not the owner of this business. I did
25 this for my sister who was in (Redacted).

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1 Q. [10:41:29] Okay. So in 2018, you did have a professional activity, you were
2 selling hair extensions for your sister in Bangui; is that correct?

3 A. [10:41:41] That is correct.

4 Q. [10:41:46] Thank you, Madam Witness. And presently, do you still have a
5 professional activity or not?

6 A. [10:41:57] Presently I do not have a professional activity.

7 Q. [10:42:15] So, Madam Witness, I will check the exact date, but in your request to
8 the victims counsel, this is CAR-OTP-2135-3895 on page 3901, this is tab 16 of our list,
9 and so -- or 14, rather. It is stated, "Please specify your profession" and you stated,
10 "I am a vendor of hair extensions in a kiosk." And this was in March 2022.

11 So is it correct that in March 2022 you were selling hair extensions in a kiosk?

12 A. [10:43:13] This is correct.

13 Q. [10:43:20] Thank you. And how much time -- I see maybe you want a glass of
14 water. You're making a sign.

15 A. [10:43:32] Yes, I wanted a glass of water, but I got one and we can continue.

16 Q. [10:43:40] All right. So my last question on this topic would be how
17 much -- how long did you continue selling hair extensions after 2022?

18 A. [10:43:56] * I continued selling for her.

19 Unfortunately, there were lots of bad sales and she came herself and shared the
20 extensions and that's when the activity stopped.

21 Q. [10:44:27] When was this? This was last year, 2023?

22 A. [10:44:44] * We were selling these hair extensions for a period of five months.
23 There were a lot of bad sales and so she called me, she came herself and she shared
24 what remained of the hair extensions and left. And that is when this activity came to
25 an end.

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- 1 Q. [10:45:09] All right. Thank you, Madam Witness.
- 2 And so today do you have another professional activity or not?
- 3 A. [10:45:23] I have none.
- 4 Q. [10:45:30] Okay. Are there people that you are responsible for, people you
- 5 have to take care of?
- 6 A. [10:45:40] I have two children and I live at home with my brothers and sisters.
- 7 Q. [10:45:58] All right. So just to clarify, in your request to participate at
- 8 point 11, which is on page 3901, it is stated the total number of people in your care,
- 9 "4 (the three children of my older sister and my little brother)". Is this correct,
- 10 Madam Witness?
- 11 A. [10:46:28] This is correct.
- 12 Q. [10:46:35] And so how do you manage to meet the needs of these three children
- 13 of your older sister and your little brother?
- 14 A. [10:47:00] My children, I have two children, and in my care there is also my little
- 15 brother, or sister, and a child who is the child of my aunt.
- 16 Q. [10:47:23] Okay. So you have two biological children, if I've understood you
- 17 correctly; is that correct?
- 18 A. [10:47:31] That is correct.
- 19 Q. [10:47:34] Okay. So just to wrap up on this topic, so if I understood correctly,
- 20 you live in your family home. Is your mother still helping you to pay for food, for
- 21 housing, for clothing, and so on and so forth?
- 22 A. [10:48:00] * Yes. If she has the means to do so, she does that. Otherwise, the
- 23 children's father sends what is required in order to feed the children.
- 24 Q. [10:48:25] All right. Thank you, Madam Witness. I have a few extra questions,
- 25 but I'll ask if we can go into private session to avoid all risks of identification.

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1 PRESIDING JUDGE SAMBA: [10:48:38] Madam Court Officer, can we go into
2 private session, please.

3 (Private session at 10.49 a.m.)

4 THE COURT OFFICER: [10:49:00] We are in private session, Madam President.

5 PRESIDING JUDGE SAMBA: [10:49:05] Thank you very much.

6 Ms Naouri, please continue.

7 MS NAOURI: [10:49:09](Interpretation) Thank you very much.

8 Q. [10:49:12] Madam Witness, I have a few small questions to ask you for
9 clarification based on your previous statement. The first is, you have stated in your
10 statement in paragraph 13, you stated that you were -- that you were born in Bangui.
11 Have you lived in Bangui your entire life?

12 Madam Witness, I don't know if you heard me correctly, but in doubt, I ask you again.

13 Have you lived in Bangui your entire life?

14 A. [10:49:58] I can hear you well.

15 Q. [10:50:02] Perfect. So can you answer the question, please.

16 A. [10:50:10] I was born in Bangui. I have lived in Bangui for practically all my
17 life, but I have also spent time in (Redacted) at my sister's place. I spent about
18 two months there.

19 Q. [10:50:32] Okay. And so when you were living in Bangui, which part of town,
20 in which neighbourhood were you living, Madam Witness?

21 A. [10:50:43] I lived in the (Redacted) neighbourhood.

22 Q. [10:50:52] All right. So in 2013 when the Seleka were in Bangui, were you
23 living in (Redacted)?

24 A. [10:51:04] Yes, I was still living in (Redacted).

25 Q. [10:51:07] And who were you living with at that time, Madam Witness?

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1 A. [10:51:22] I was living with my brothers and sisters, and at that time my mother
2 came to seek refuge with us in our home.

3 Q. [10:51:48] Okay. Were there also aunts and uncles with you?

4 A. [10:51:54] At that time there were indeed several people whom we welcomed at
5 home, including some of my uncles.

6 Q. [10:52:13] Can you tell us which uncles, Madam Witness?

7 A. [10:52:23] There was one of my uncles, his name is (Redacted).

8 Q. [10:52:36] So what about your Uncle (Redacted), for example? Where was he in
9 2013, do you know?

10 A. [10:52:54] (Redacted) lives in (Redacted), but nearer to (Redacted); whereas, we
11 lived further to the south of this neighbourhood.

12 Q. [10:53:10] Thank you for this clarification.

13 And what about your uncle (Redacted), does he also live in that area, and more
14 specifically where, if you have this information?

15 A. [10:53:26] Which uncle are you referring to, please?

16 Q. [10:53:29] I'll repeat the question: (Redacted).

17 A. [10:53:39] He was at the (Redacted).

18 Q. [10:53:50] Okay. So at this time when you were living with your brothers and
19 sisters, your mother and (Redacted), did you already have children, Madam Witness?

20 A. [10:54:06] At that time I had a child, one child.

21 Q. [10:54:09] And how old was your child, more or less?

22 A. [10:54:15] At that time my child was three years old.

23 Q. [10:54:27] Thank you, Madam Witness.

24 Last little question about your life path. You stated in your previous statement in
25 paragraph 13 that you took French language courses at the Alliance Française; is this

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1 correct?

2 A. [10:54:59] This is correct.

3 Q. [10:55:03] Can you tell us where the Alliance Française is situated in Bangui,

4 Madam Witness?

5 A. [10:55:18] Yes, of course.

6 Q. [10:55:19] I'm listening. Tell us.

7 A. [10:55:24] So from (Redacted), I would take a taxi, which takes me to in front of

8 ENERCA, and then I'd go down a street that goes along the ENERCA and go to the

9 Alliance Française.

10 Q. [10:55:54] Thank you very much. So the Alliance Française is near ENERCA, if

11 I've understood correctly; is that correct?

12 A. [10:56:07] That is correct, except that the ENERCA is on the avenue, whereas the

13 Alliance Française is slightly to the south of it.

14 Q. [10:56:23] Okay. So -- and in which years did you follow -- did you take classes

15 at the Alliance Française, if you can recall?

16 A. [10:56:38] I cannot recall.

17 Q. [10:56:40] Well, how old were you? Do you remember more or less how old

18 you were at the time?

19 A. [10:57:03] I took classes at the Alliance Française when I was in 7th grade, or

20 *cinquième* in French.

21 Q. [10:57:11] Very well, Madam Witness. I no longer have any questions on this

22 section.

23 MS NAOURI: [10:57:13] I see we only have three minutes left before the break so it

24 might be a good moment to take a break before following with my line of questioning.

25 But I submit the question to you, Madam President.

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1 PRESIDING JUDGE SAMBA: [10:57:30] Thank you very much, Ms Naouri.

2 Madam Witness and Mr Said, we're going to go out for some 30 minutes for a short

3 break and we'll come back into this courtroom at 11:30 to continue with your

4 cross-examination by the Defence counsel.

5 So I rise the Court, please.

6 THE COURT USHER: [10:57:48] All rise.

7 (Recess taken at 10.57 a.m.)

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

9 THE COURT USHER: [11:31:00] All rise.

10 Please be seated.

11 PRESIDING JUDGE SAMBA: [11:31:29] Good morning, again, everyone.

12 Just for us to be reminded, Ms Naouri, we are in open session, so you could continue

13 with your questions to this witness. Thank you.

14 MS NAOURI: [11:31:49](Interpretation) Thank you, your Honour.

15 Madam President, I will ask that we go into a private session because some of

16 the questions may be identifying. Thank you.

17 PRESIDING JUDGE SAMBA: [11:32:15] Okay. Thank you very much.

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

19 (Private session at 11.32 a.m.)

20 THE COURT OFFICER: [11:32:30] We're in private session, your Honours.

21 PRESIDING JUDGE SAMBA: [11:32:33] Thank you very much.

22 Ms Naouri, your witness, please.

23 MS NAOURI: [11:32:40](Interpretation) Thank you, your Honour.

24 Q. [11:32:43] Good morning, Madam Witness, we will continue. And now I

25 would like us to broach a topic, which is the beginning of the day that you spent

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1 before, before your arrest. And I would like to ask you, were you working on that
2 day. The day of your arrest, in the morning, were you working?

3 A. [11:33:17] I was not working on that day.

4 Q. [11:33:25] Okay. How were you feeling? Were you in good shape? Explain
5 to us how your morning unfolded the day of your arrest.

6 A. [11:33:42] On that day I did not feel very well. I was not selling on that day.

7 At about 6 p.m. I had gone out to buy some bread on the side of the road and I met
8 my client (Redacted) bar, and he asked

9 me why was not - or I had not been selling that day, and I answered that I had a fever,
10 because I work alone.

11 (Redacted) asked me could I not hire an assistant. And I said, "There is no one, no
12 one to help me. I work alone."

13 (Redacted) said to me that I had to go, we would go to the (Redacted) bar to have
14 a juice. We went in and that's where the events took place.

15 Q. [11:34:44] Okay, thank you for that clarification. A very useful one. Now,
16 prior to 6 p.m., and before you went out to get bread, you said you were not feeling
17 very well on that day. What were your symptoms, Madam Witness?

18 A. [11:35:10] I was working by the fire and the heat was making me feel very tired.
19 I had a fever.

20 Q. [11:35:15] Okay. Did you already have problems with asthma at that point?
21 Did you have a hard time breathing when you were working close to the fire?

22 A. [11:35:31] I was born with asthma, I have had it throughout my childhood. I've
23 been asthmatic.

24 Q. [11:35:47] Okay. Thank you for that clarification.

25 You said that you went out to get some bread. Where did you go to buy bread?

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1 A. [11:35:58] I went to get bread at the bakery on the side of the road.

2 Q. [11:36:05] Okay. So we can understand this, can you explain to us what is
3 the route you took from your place to get to the bakery?

4 A. [11:36:22] I leave my house. There is a street that passes in front of my house.
5 I take this route. I go straight, right up until the bakery.

6 Q. [11:36:46] Okay, if I understand well, there is a route that goes directly from
7 your place to the bakery and this route is where the (Redacted) bar is also located; is
8 that right?

9 A. [11:37:05] The (Redacted) bar is located at the entrance to go toward our place.
10 When you leave the main road to go toward my place, the bar is just at the entrance of
11 that route, at the beginning of that route.

12 Q. [11:37:27] I will ask the question differently. How long does it take to get on
13 foot from your place to the (Redacted) bar?

14 A. [11:37:47] The (Redacted) bar is some distance from my place. The (Redacted)
15 bar is, let's say, a bit further from my place, by the road, and it's on the same road as
16 my street.

17 Q. [11:38:05] Okay. So on foot, how long would it take to get there, 10, 15, 20 or
18 30 minutes, on foot? How much time would it take you to get there?

19 A. [11:38:21] I do not walk very quickly, so it takes me 10 minutes, because I walk
20 slowly. I'm not in a habit of walking fast.

21 Q. [11:38:38] Very well, that is clear.

22 Do you know if you went to (Redacted) or (Redacted)?

23 A. [11:38:59] We were arrested at (Redacted).

24 Q. [11:39:05] Okay, thank you, Madam Witness.

25 And could you describe (Redacted), that is the inside and the outside, if you can

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1 explain it to us. But start with the inside of (Redacted).

2 A. [11:39:29] The inside of (Redacted). When you go into the bar, the (Redacted)
3 bar, there are chairs behind the bar and on this side there are chairs and on this side
4 there is the DJ.

5 That's the way it was at the time.

6 Q. [11:39:53] Thank you. You say "at the time", so today it's different?

7 A. [11:40:09] It has been improved. Everything has changed. It has changed
8 a lot.

9 Q. [11:40:16] Okay. Is the owner still the same?

10 A. [11:40:32] The owner is still the same. It is (Redacted) who is the owner of this bar.

11 Q. [11:40:47] Do you often go to the (Redacted) bar prior to your arrest,
12 Madam Witness?

13 A. [11:40:58] I often went there.

14 Q. [11:41:05] Okay. And, on average, in the evening during the week, such as the
15 one when you went to have a drink with (Redacted), how many people were there?

16 A. [11:41:24] (Redacted) and I don't have the habit of having a drink together.

17 That was the first time. He called me to have a juice. I don't usually have a drink
18 with (Redacted).

19 Q. [11:41:42] Okay. We will come back to this, but thank you for that clarification.
20 But my question was to know in general, when you go there, in general when you go
21 to the (Redacted) bar, how many people are there, about 10, 20, 30, approximately?

22 A. [11:42:08] (Redacted) bar is a (Redacted) bar in our neighbourhood. Often,
23 there are many customers. I cannot give you the number of customers. There are
24 often many people.

25 Q. [11:42:21] Okay, no problem. But what you are telling us is that this place

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1 which is (Redacted) is most of the time quite full; is that it?

2 A. [11:42:35] Yes, that's correct.

3 Q. [11:42:41] Thank you, Madam Witness.

4 You had said that there was a DJ. Could we say, then, that it is a place where people
5 party, where there is loud music? Could we say that?

6 A. [11:42:58] Yes, it is a (Redacted) bar, so there has to be a DJ and where a DJ can
7 work. You know, DJs work in this bar.

8 PRESIDING JUDGE SAMBA: [11:43:14] Do you want us to still remain in private session?

9 MS NAOURI: [11:43:23](Interpretation) * You're right, your Honour. I am hesitating
10 because I don't ever know precisely what the witness will say that could potentially
11 identify them on the day of their arrest. So, I shall stay in private session a little while
12 longer and as soon as I feel that there is no danger, I will ask you if we can return to
13 open session, if you agree.

14 PRESIDING JUDGE SAMBA: [11:43:42] That's okay. Carry on, please.

15 MS NAOURI: [11:43:50](Interpretation)

16 Q. [11:43:50] So, Madam Witness, you had just said indeed that DJs worked in that
17 bar. Is it a place where there is a lot of light or does it have dimmer light to party?
18 Could you explain how bright in 2013 the light was in the (Redacted) bar, in 2013
19 specifically.

20 A. [11:44:23] At the (Redacted) bar, starting at 6 p.m. the lights are turned on in
21 the bar, that is starting at 6 p.m.

22 Q. [11:44:40] Okay. And the day of your arrest, was there a lot of light? You
23 made a gesture with your hands like projectors, spotlights, like a discotheque. On
24 the day of your arrest, how bright was the lighting? How many lights were there on
25 that day? Because you arrived there when night was falling, if I understood

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1 correctly.

2 A. [11:45:12] When I say "after 6 p.m., after night had fallen", all the lights had been
3 turned on. When somebody enters the bar, everyone can see each other.

4 Q. [11:45:30] Okay. Very well. And what were you talking about with
5 (Redacted) on that day? You said that you don't often speak to him, so what were
6 you chatting about with him?

7 A. [11:45:59] I met up with him by the (Redacted) bar. He noticed me. I did not
8 notice him. And I said that -- he asked if I had sold anything, and I said no. I said
9 that I was tired and I felt that I had a fever. And (Redacted) asked me why I did not
10 have any help and I said I don't have the means to help somebody - that is, to pay
11 someone who would help me - and that's when he offered that we go in to have this
12 drink there. And so we went into the bar to share a drink.

13 Q. [11:46:38] Okay. So what is (Redacted) bar?

14 A. [11:46:50] I do not exactly know what his role is at the bar. I know that
15 (Redacted) is part of my clientele. What I do know is that (Redacted) the bar, but I
16 do not know what his role is.

17 Q. [11:47:15] And if I understand correctly, despite the fact that you did not feel
18 well, you agreed to go and have a drink with (Redacted); is that it?

19 A. [11:47:32] Precisely. When I went out to go get bread, I informed (Redacted) of
20 the situation and he offered for us to go and have a juice, and I said that I could get
21 some juice, put it into a plastic bottle, get my bread and go back home.

22 Q. [11:48:03] Okay. But, ultimately, you took a seat in the bar or did you just take
23 a plastic bottle and leave? Just to clarify what you have just stated.

24 A. [11:48:20] I said that -- I informed (Redacted) of my health, telling him that I
25 could not sit and drink juice there. He brought the juice to me in a plastic bottle and

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1 I was going to take it and leave. * When he got to the counter there were a lot of
2 people in front of the salesperson. He told me to have a seat while I would wait for
3 (Redacted) to come back.

4 Q. [11:48:55] Thank you for that clarification, Madam Witness.

5 And so when you took a seat waiting for (Redacted) to come back, from where you
6 were seated, could you see the entrance to the bar?

7 A. [11:49:18] From my vantage point, I could see the entrance and I could see
8 the movement of the people entering the bar. I was sitting there.

9 Q. [11:49:36] Okay. So you could see people coming in and out. Could you see
10 outside? Could you see what was outside the bar from where you were sitting?

11 A. [11:49:53] I was seated. If I had been looking to the right I could have looked
12 outside. But I was on the left side, so I could only see people who were heading
13 toward the bar.

14 Q. [11:50:16] Okay. Okay. Okay. Thank you. And how long did you wait for
15 (Redacted), for him to come and bring you the juice, according to your recollection?

16 A. [11:50:34] When I arrived in the bar, I was standing up, waiting for him. Then
17 he came back to me and said that there were many people in line. So then I took
18 a seat and he went to get the juice.

19 Q. [11:50:57] Okay. And you, Madam Witness, did on that day you see
20 (Redacted), the owner of the bar?

21 A. [11:51:13] (Redacted) lives in the same neighbourhood as we do.

22 Q. [11:51:20] Okay. But was he at the (Redacted) bar on that day? Perhaps you
23 saw him, or perhaps you did not see him. Tell us.

24 A. [11:51:35] The bar was packed with people. I could not know whether
25 (Redacted) was there or not.

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1 Q. [11:51:50] Okay, thank you, Madam Witness.

2 Did you see (Redacted) after that day, after the day you were arrested?

3 A. [11:52:10] When I was locked up at the OCRB I saw (Redacted) when he came to
4 visit his brother at the OCRB.

5 Q. [11:52:23] Okay. After your release from the OCRB, after the entire story with
6 the OCRB was over, did you see him again?

7 A. [11:52:40] He lives in our neighbourhood. I often see him when he passes by
8 our house, for instance.

9 Q. [11:52:54] Okay. Did you talk to him? For example, did you talk to him about
10 the day of the arrest?

11 A. [11:53:07] After my release, long before my arrest I had never had any
12 interaction with (Redacted). After my release, I did not have the opportunity to
13 speak with (Redacted), no.

14 Q. [11:53:26] But you had his phone numbers; is that correct, Madam Witness?

15 A. [11:53:43] It's true that I have his number in my phone. I called this number to
16 order drinks, and after I deleted it. I don't have it in mind.

17 Q. [11:54:01] Okay. You have one or two phone numbers for (Redacted)?

18 A. [11:54:10] Only one number.

19 Q. [11:54:18] And when you would order drinks, who would give you the drinks,
20 or would you go pick up the drinks once you had ordered them?

21 A. [11:54:40] There were delivery people who would deliver my order.

22 Q. [11:54:50] Okay. And you always ordered from (Redacted)? You ordered
23 your drinks from (Redacted)?

24 A. [11:55:06] (Redacted) sold at a drink depot or warehouse. I would -- I would
25 buy the drinks from this depot where he was selling them. It was just beside the bar

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1 where we were.

2 Q. [11:55:28] Okay. But the phone number, (Redacted)'s number that you had, is
3 that the number that you used to make your orders, did I understand that correctly?

4 A. [11:55:48] When we would arrive and the door of the depot was not open, we
5 would be given a number so we could call that number and could come and give us
6 the drinks, or have the drinks delivered. And they would wait for the delivery
7 person to be paid and then the delivery could be given to the customer.

8 Q. [11:56:16] Okay, thank you for that clarification.

9 Now I would like to come back to the day of your arrest very quickly. Once you
10 were in the bar and you were waiting for your juice, how much time later did
11 the people whom you call the Seleka arrive, five, 10 minutes later, a quarter of an
12 hour, or longer? Approximately.

13 A. [11:56:56] It was about 10 minutes.

14 Q. [11:56:59] Okay. Do you recall how many vehicles there were that day, that is
15 vehicles that were attributed to the Seleka?

16 A. [11:57:16] When the Seleka arrived, I was already inside. It was when they
17 arrested us they made us go outside the bar and that's where we saw the vehicles.
18 Being frustrated and devastated, we had no time to count the number of vehicles
19 there.

20 Q. [11:57:39] Okay, so you don't remember how many vehicles there were. So, do
21 you remember the route that you took to go to Camp de Roux?

22 A. [11:58:00] Once outside the (Redacted) bar, we were ordered into the vehicles.
23 They took the major road to go straight to Camp de Roux.

24 Q. [11:58:18] And how long did this trip take? Ten minutes, 20 minutes,
25 30 minutes, approximately?

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1 A. [11:58:32] As I was seated in the vehicle, and as I was devastated, traumatised, I
2 did not have the time to time this trip.

3 Q. [11:58:48] Okay, no problem. Thank you very much, Madam Witness.

4 Now I would like quickly to come back to when you were at Camp de Roux and I'd
5 like to concentrate on how people were dressed. Do you remember the uniforms
6 people were wearing at Camp de Roux?

7 A. [11:59:15] The Seleka were all dressed in green. They were all wearing green
8 clothing.

9 Q. [11:59:32] And were there people also wearing civilian clothes?

10 A. [11:59:41] They were all in military attire, in uniform.

11 Q. [11:59:56] At paragraph 36 of your previous statement you said that you saw
12 (Redacted) at Camp de Roux, how was he dressed that day?

13 A. [12:00:15] Well, when we arrived at Camp de Roux, we alighted from the vehicle
14 and I was sitting on the ground. (Redacted) was taken somewhere to be beaten up
15 and somebody who seemed to be ranked, a member of the Seleka, was seated on
16 a chair and I saw (Redacted) arrive in a khaki uniform.

17 Q. [12:00:46] Thank you. And how ask you recognise (Redacted)?

18 A. [12:00:50] Well, I know (Redacted).

19 Q. [12:01:03] * And can you specify which uncle, because I've understood that you
20 have several uncles and perhaps -- or perhaps (Redacted) knows several of your
21 uncles. Could you specify. When we say (Redacted), we mean (Redacted).

22 * A. [12:01:17] (Redacted).

23 Q. [12:01:23] Your uncle (Redacted), if I've understood correctly. And to your
24 knowledge did he know (Redacted)?

25 A. [12:01:42] (Redacted) was a member of the military. Yes, (Redacted) and

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1 (Redacted) knew each other.

2 Q. [12:01:50] Thank you. And, to your knowledge, did (Redacted) know (Redacted)?

3 A. [12:02:01] (Redacted) is also a military man, so he undoubtedly knows (Redacted).

4 Q. [12:02:14] Very well. And, Madam Witness, do you recall what vehicle you
5 were in when you were transferred from Camp de Roux to the OCRB?

6 A. [12:02:35] We were transferred in a pickup that took us to the OCRB.

7 Q. [12:02:41] Do you recall the colour of that pickup truck?

8 A. [12:02:52] I didn't pay attention to the colour of the vehicle. We were ordered
9 to board the vehicle and then we were made alight at the OCRB.

10 Q. [12:03:03] Okay. And who was with you in the vehicle for that transfer?

11 A. [12:03:14] I was in the vehicle with (Redacted) and a friend of (Redacted)'s who
12 had also been arrested. So there were four of us in the vehicle, together with
13 the Seleka who were by our side, around us in the vehicle.

14 Q. [12:03:39] How many Seleka, Madam Witness?

15 A. [12:03:45] We were in the vehicle and they were at the rear of the vehicle.
16 I didn't count them. We were in the cab part, in the front.

17 Q. [12:04:01] Okay. Was anybody wearing civilian clothing in that vehicle?

18 A. [12:04:18] There was a person who was in civilian clothing when I was taken to
19 the prosecutor's office to discuss my case. And he said that he had also been in
20 the vehicle and that he was a prosecutor, but I don't know his name. He was in
21 the vehicle and he is the one who was wearing civilian clothing.

22 Q. [12:04:42] Okay, thank you for that additional information, Madam Witness.
23 Your Honour, we're now moving on to a topic that could be dealt with in public, so I
24 would ask that we move into open session, please.

25 PRESIDING JUDGE SAMBA: [12:04:54] Okay. Thank you very much.

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1 Madam Court Officer, can you get us into open session, please.

2 (Open session at 12.05 p.m.)

3 THE COURT OFFICER: [12:05:12] We are in open session, your Honours.

4 PRESIDING JUDGE SAMBA: [12:05:14] Thank you very much.

5 Ms Naouri, you may continue, please.

6 MS NAOURI: [12:05:21](Interpretation) Thank you, your Honour.

7 Q. [12:05:24] Well, Madam Witness, I would like now to return with you to

8 the matter of the OCRB building. So we're going to talk about the building.

9 So I'm going to show you some photos of this building and I'm going to put some

10 questions to you. And we'll start off with the exterior of the building. I'm going to

11 show you first a photo.

12 This is document CAR-OTP-2033-7718. So this is at number 30 of our list of material.

13 And I believe that this document may be displayed publicly.

14 Do you see the photo, Witness?

15 A. [12:07:03] Yes, I see it.

16 Q. [12:07:05] Now, this is a photo taken at the OCRB. Do you recognise this

17 place?

18 A. [12:07:10] This is the entrance of the OCRB.

19 Q. [12:07:16] Very well. And is there a difference between this entrance as you see

20 it now on this photo and the way it looked when you were there in 2013?

21 A. [12:07:32] Well, this is the entrance.

22 Q. [12:07:38] Okay. So you don't see any difference?

23 A. [12:07:48] Yes, it's the entrance that I saw when I was arrested. And this is

24 the entrance to the OCRB that I knew.

25 Q. [12:08:04] Thank you, Witness.

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1 Now I'm going to show you another photo, which is CAR-OTP-2033-6828. That is at
2 tab 31.

3 And it may be displayed in public.

4 Do you see the photo, Madam Witness?

5 A. [12:08:42] Yes, I see it.

6 Q. [12:08:53] In paragraph 62 to 63 of your statement you refer to a room or an
7 office where you were held during the day. Now, can you see that office on this
8 facade? For instance, is one of these windows the window of the office where you
9 were held during the daytime?

10 A. [12:09:10] (No interpretation)

11 Q. [12:09:15] Please just wait a moment, we need to leave five seconds for
12 the interpreters to do their work.

13 Okay, go ahead now, Madam Witness. What did you want to say?

14 A. [12:09:35] Well, at the entrance -- at the entrance of the OCRB, that is
15 the entrance of the OCRB.

16 Q. [12:09:50] Okay. We note that you're saying that this is the entrance to
17 the OCRB. Now, is the room where you were during the day when you were at the
18 OCRB, is that room to the left or to the right? You referred to such a room in your
19 statement at paragraph 62, for instance. So my question is whether you can see that
20 room on this photo? Perhaps you can see the window of that room on this photo?

21 A. [12:10:36] The window on that side, in the corner?

22 Q. [12:10:47] No, when you say "on that side", I'd like to check that with you. Do
23 you see there's police van, it's marked "police", that's on one side. Do you mean on
24 that side?

25 A. [12:11:05] It's on the side where we see the BJ75 vehicle, the one labelled

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1 "police".

2 Q. [12:11:13] Okay. That's great. That helps us to identify the place.

3 Now, is it the window which is closer to the courtyard or the one in the middle or
4 the one closer to the entrance? Which of those windows?

5 A. [12:11:35] It's the window over there and you could see out.

6 Q. [12:11:45] Okay, I've noted that it's one of these windows. You said that "It's
7 the window over there" and that "you could see out."

8 Now, I'd like to know which of the windows it is, if you know, of course.

9 MS MAKWAIA: [12:12:02] Excuse me for interrupting, Counsel.

10 THE WITNESS: [12:12:04](No interpretation)

11 MS MAKWAIA: [12:12:10] I was interrupting because it wasn't very clear. Counsel
12 had referred to a number of windows. Which windows exactly are we talking
13 about?

14 PRESIDING JUDGE SAMBA: [12:12:20] No, I think the question is clear, Madam
15 Prosecutor. The witness referred to windows that are on the same spot as the vehicle
16 marked "police". So we see three windows there, if I'm right. So she's trying to get
17 the witness to say which of those windows she is talking about.

18 Am I correct, Ms Naouri?

19 MS NAOURI: [12:12:55](Interpretation) I was just listening to the end of
20 the interruption.

21 Yes, your Honour, that's exactly correct. My question is which of those three
22 windows might be in question.

23 PRESIDING JUDGE SAMBA: [12:13:14] Thank you very much.

24 Madam Witness, can you answer the question which of those windows that you
25 identify, those three windows, which one are you talking about? Best you could, of

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1 course.

2 THE WITNESS: [12:13:41](Interpretation) We were put in a room at the third

3 window. First, second, third window. And from there we could see out.

4 PRESIDING JUDGE SAMBA: [12:13:58] Okay. Third window.

5 Now look at the photo again before you, do you mean the window close to the tree or

6 the window on the other side close to the wall? The window close to the tree seems

7 to be locked. Is that the window you are talking about? Or the one on the extreme

8 on that same side?

9 THE WITNESS: [12:14:35](Interpretation) I'm talking about the window which is

10 close to the mango trees.

11 PRESIDING JUDGE SAMBA: [12:14:42] Thank you very much, Madam Witness.

12 Ms Naouri, please.

13 MS NAOURI: [12:14:50](Interpretation) Thank you, your Honour.

14 Q. [12:14:55] So, now I have another question regarding this photo,

15 Madam Witness. Could you tell us where the room is where you slept. So not

16 the room where you spent the day, that you mention at paragraph 58, but, rather,

17 the room where you slept.

18 A. [12:15:33] We were asked to stay there during the day. That's the room where

19 the window looks out, out.

20 Now, when the evening came, before going to the rooms I wanted to go to

21 the bathroom. One of the Seleka accompanied me to the toilets. Now, he spoke

22 Arab and French. And I went there and then returned. {ICR: (Redacted)}

23 (Redacted). }

24 Q. [12:16:17] Now we are in open session. We want to avoid saying anything

25 that's actually confidential. So please be careful to only answer my question.

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1 Now, you provided a lot of information in your statement, but the question I now
2 have is about something quite specific. It's about the room where you would sleep.

3 Now, we're going to make a request that the transcript be redacted.

4 Witness, please just wait a moment. Do allow me to finish and allow the interpreters
5 to finish.

6 So, we were looking at this photo and you have said this: on this photo you can see
7 the room where you slept. And my question is, it's very simple now, whether you
8 can see on the same photo the room where you slept? If you say yes, that is the case,
9 we'll have a look at the photo together.

10 So my first question is: can you see on this photo the room where you slept?

11 And please be careful about what you say, because we would like to maintain
12 confidentiality on some matters, to protect you as best possible and to be able to have
13 as much of these proceedings in public.

14 A. [12:17:47] The place where I spent the night is different to the place where I
15 spent the day. * We stayed in the living room. It was in the living room where the
16 Seleka tried to rape me. Later I went to a different room with the Muslim girls.
17 There was also a Muslim man who worked under the authority of the Seleka.
18 So we spent the day in the room I showed you.

19 Q. [12:18:19] Witness, I'm going to ask you the question one more time. On
20 the photograph in front of you, can you see the photo where you slept, the room you
21 were just talking about? Can you see it, or not?

22 A. [12:18:44] I can't. I can't point it out.

23 Q. [12:18:50] No problem. Thank you very much for your answer.

24 I am now going to show you a different photo.

25 This is document CAR-OTP-2033-6838, which is at tab 6 of our list. And it may be

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1 displayed in public.

2 Now, when you were showed this photograph during the preparation session you

3 said this is the -- you said that this was the OCRB building.

4 And it's tab 15, CAR-OTP-00025608.

5 Now, my question is on this photo can you see the room where you slept?

6 A. [12:20:14] The place -- I can't see the place where we spent the night.

7 Q. [12:20:22] So you can't see that room here? You can't see the room where you

8 slept on this photograph?

9 Okay, that's clear. Thank you, Madam Witness.

10 We move on to another photo, if you agree.

11 This is CAR-OTP-2033-6847, which is at tab 32. And this photograph may be

12 displayed in public.

13 Do you see the photo, Witness?

14 A. [12:21:19] Yes, I can see it well.

15 Q. [12:21:25] Thank you. Now, perhaps this photograph refreshes your memory.

16 Do you see the place where you would spend the night on this photo?

17 A. [12:21:57] The door opposite the mango tree, not towards the vehicle but

18 towards the car -- the wall. So the door opposite the mango tree, by the wall. Oh,

19 no, no, that's not right.

20 Q. [12:22:20] It's very good. You've had a good look and you're now saying that

21 in fact you do not see the room where you slept on this photo; is that correct?

22 A. [12:22:31] Yes, that's right.

23 Q. [12:22:37] Very well. Thank you, Madam Witness.

24 I'm now going to show you a last photograph on this topic.

25 And this is CAR-OTP-2033-6864, which is tab 3.

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WITNESS: CAR-OTP-P-2241

1 Oh, I'm told actually it's not tab 3. It's actually at tab 33. My mistake.

2 And this photograph may be displayed in public.

3 Now, on this final photograph of the outside of the OCRB, does this photo refresh
4 your memory and do you see the room where you spent the night with the Muslim
5 man?

6 A. [12:23:47] No, I don't. I can't recognise the room where I spent the night.

7 Q. [12:23:53] No problem, Witness. It's -- you can answer as you please.

8 Now, we have been looking at the outside of the OCRB and that was the last photo of
9 the outside of the OCRB. Now I'm going to show you some photographs of inside
10 the OCRB.

11 So we're going to show you three photographs per room, one after another, so I'm
12 going to give the reference numbers to the court officer and then we're going to show
13 you the three photographs. You have a good look at them and then you can tell us
14 whether you recognise the room or not. And I'm -- we'll then put some follow-up
15 questions.

16 The first photo is at CAR-OTP-2033-7161, that's tab 34. And that can be displayed to
17 the public and it shall be followed by the next photograph. And I'll take each
18 photograph one by one. I think that would be easier for everybody.

19 So, Witness, do you see this photo, this first photo?

20 Just tell us if you can see the photograph and then I will give you some time to have a
21 look this photograph before I announce the next photograph, okay?

22 A. [12:25:33] Yes, I can see it.

23 Q. [12:25:42] Great. Now I'm going to show you another photograph of the same
24 room.

25 CAR-OTP-2033-7170, that's tab 35. This photograph may also be displayed in public.

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1 Do you see this photo?

2 A. [12:26:05] Yes, I can see it.

3 Q. [12:26:12] Very good. And now I shall show you a last photo.

4 It's CAR-OTP-2033-7175, which is tab 10.

5 So that's the last photograph of that room. Can you see it, Madam Witness?

6 A. [12:26:48] Yes, I can see it fine.

7 Q. [12:26:51] Good. Now, is this the room where you spent your days or the room
8 where you spent the night? Is it one of those two or is it neither of those two?

9 A. [12:27:17] We spent the night in a room. It was one of the offices in
10 the building. It's not this.

11 Q. [12:27:27] Okay. We note that this is -- this is not the room you slept in. Was
12 it or was it not the room in which you spent your days, just for the record?

13 A. [12:27:47] During the day, we didn't go outside the building. We stayed where
14 I told you where that window is, the window that looked out. When we were taken
15 back to -- taken out to eat, that's when we were taken out of the building to have our
16 meal.

17 Q. [12:28:08] That's very clear. That's -- that's why we're showing
18 the photographs, to see if you recognise any of the rooms. We looked at the exterior
19 and now we're looking at the interior.

20 We're now going to look at another -- a different room. I'm going to show you three
21 photos of them.

22 The first one is CAR-OTP -- sorry, CAR-OTP-2033-7201. And this photo may be
23 shown in public.

24 PRESIDING JUDGE SAMBA: [12:28:44] Which tab please, Ms Naouri?

25 * MS NAOURI: [12:28:51] Tab 36. 36, sorry if that wasn't clear.

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1 Q. [12:28:59](Interpretation) Madam Witness, can you see the photograph -- oh,
2 probably not yet. I see it's not yet on the screen. I think I went too fast there.

3 A. [12:29:11] Yes, I can see it.

4 Q. [12:29:13] Very good. I'm now going to show you another photo.

5 This is CAR-OTP-2033-7194. And this is at tab 37 and it may be shown in public.

6 That was 2033-7194.

7 Can you see the photo?

8 A. [12:29:37] Yes, I see it.

9 Q. [12:29:40] Okay, good. I will leave you a bit of time so you can look at it and I
10 will announce the next.

11 * CAR-OTP-2033-7205, tab 11. This can be shown to the public.

12 So, Madam Witness, now that you've looked at the photo, is this the room where you
13 spent the day, the night, or none of the above?

14 PRESIDING JUDGE SAMBA: [12:30:51] Ms Naouri, are you talking about tabs 36
15 and 37 or did you refer to another tab, an additional tab?

16 MS NAOURI: [12:31:08](Interpretation) Indeed, to speak of this I spoke of 36, 37 and
17 tab 11 as well. So there are three. These are different angles of the same room.

18 Your Honour, I had not realised, but since 25 -- since 12.25 we have had no French
19 transcript. It was not working. So I'm in your hands. I can perhaps continue, but
20 that's a bit risky, because if we do not have all the ERNs in the French transcript we'll
21 have to complete this. But I remain in your hands, of course.

22 PRESIDING JUDGE SAMBA: [12:32:18] Just a moment, let me hear what
23 the court officer has to say.

24 THE COURT OFFICER: [12:32:51] Madam President, your Honours, the Registry is
25 currently working on the issue. The text has been caught by the court reporters

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1 anyway, so there is no gap, there will be no gap. However, at the moment, indeed, it
2 is not displaying on the screen, so it's going to take maybe several minutes. I'm still
3 waiting for feedback. So I am in the Chamber's hands to decide whether you would
4 like to adjourn briefly, or if we can continue. Thank you.

5 PRESIDING JUDGE SAMBA: [12:33:15] Ms Naouri, will there be any problem if we
6 carry on with the English version, for now, or do you want us to take a short
7 adjournment and maybe come back?

8 MS NAOURI: [12:33:31](Interpretation) Your Honour, if it's a matter of a few
9 minutes, I can continue, because we can perhaps make up for that. We can work on
10 the transcripts for a few minutes and then we'll see where we're at. That would
11 perhaps be the best way to go about it.

12 PRESIDING JUDGE SAMBA: [12:33:49] I think so, yes.

13 Is five minutes, good? Five, seven minutes, maybe.

14 All right, so let's go on, thank you.

15 MS NAOURI: [12:33:59](Interpretation) Thank you, your Honour.

16 Q. [12:34:01] So, Madam Witness, I'll come back to the three photos about this room.

17 Does this refresh your memory?

18 Is either the room -- Madam Witness, as you were closing your eyes, I was afraid that
19 perhaps you had lost concentration with all the technical issues. Is this the room
20 where you slept, is it the room where you spent the day, or neither of the two?

21 A. [12:34:41] I said earlier that this room leading to the outside is where we would
22 spend our days. That's not where we slept. We slept in the living room.

23 Q. [12:34:57] Yes, Madam Witness. We're using photos to see if you recognise
24 the room. It will help us to know whether you recognise it. If you do not, then just
25 tell us that you do not. There is no problem. So if I understand from your answer,

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1 and you stop me if I'm wrong, this room which we have just seen, these three photos
2 don't ring a bell; is that correct?

3 A. [12:35:33] Here, where I would spend the night, I cannot identify it.

4 Q. [12:35:42] Okay. No problem, Madam Witness. We will go on to another
5 room and we will see if this refreshes your memory at all.

6 And for this room there's only one photo and that's CAR-OTP-2033-7215. And this is
7 tab 12 and this is something that can be shown publicly.

8 Can you see the photograph, Madam Witness?

9 A. [12:36:23] Yes, I see it.

10 Q. [12:36:27] Very well. Then, does it ring a bell? Do you recognise something in
11 this photo, or not?

12 A. [12:36:42] No, I do not know anything in this room.

13 Q. [12:36:46] No problem. Thank you very much, Madam Witness.

14 We'll go on to another room and there will be three photos of it.

15 The first is CAR-OTP-2033-7270. I made a mistake. It's 7270 and it is tab 38. This
16 is the first photo that can be shown publicly.

17 So this is the first photo. Can you see it, Witness? Can you see it?

18 A. [12:37:37] Yes, I see it.

19 Q. [12:37:45] CAR-OTP-2033-7287, that is tab 39, which can be shown publicly.

20 Madam Witness --

21 A. [12:38:10] Yes, I see the photo.

22 Q. [12:38:13] Very well.

23 The last photo is CAR-OTP-2033-7274.

24 This is tab 40. And it can be shown publicly.

25 Can you see the photograph, Witness?

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1 A. [12:38:46] Yes, I see it.

2 Q. [12:38:48] So the room that we have just seen on these three different photos, it's
3 the same room, does this refresh your memory? Is this the room where you slept or
4 where you spent your days, or simply it does not ring a bell at all?

5 A. [12:39:18] I do not know anything about this place. I had said the place where I
6 spent the night, I cannot seem to identify it.

7 Q. [12:39:28] I understand, Madam Witness, but perhaps one of the exhibits will
8 refresh your memory. So we are showing you what we have as the inside of
9 the OCRB. As you can see, there are many exhibits. Perhaps when we see it -- one
10 of them, it will refresh your memory. It is important for us to ask this question. So
11 I will go on to the next exhibit and if you do not recall, simply say "I do not recall", no
12 problem. You just have to say it.

13 So the next exhibit is two photos, CAR-OTP-2033, and that is at tab 41, which is 7295.

14 And it can be shown in public.

15 Do you see the photograph, Witness?

16 A. [12:40:36] Yes, I see the photo.

17 Q. [12:40:39] We will show you the next photo.

18 * CAR-OTP-20- -- it's tab 42, CAR-OTP-2033-7298.

19 So do you see this photo?

20 A. [12:41:08] Yes, I see the photo.

21 Q. [12:41:11] So you have seen the two photos. Does this room ring a bell, or not
22 at all?

23 A. [12:41:25] I remember that when I arrived I was in the living room and this room
24 is where we would spend the night.

25 Q. [12:41:35] Okay. So the room we see is the one where you would spend

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1 the night; is that right?

2 A. [12:41:46] Yes, that's it. The night where we would spend our nights beside
3 the boss who was *kotazo*.

4 Q. [12:42:02] Okay, so I will -- we had been interested in these two rooms, so we
5 don't have to look at other exhibits.

6 Thank you, Witness. We can then withdraw this last photo and we no longer need
7 to look at the photos.

8 Now we are going to go on to another topic, Witness, which is your meeting with
9 the representatives of the Office of the Prosecutor, okay.

10 Oh, sorry, my mistake, I forgot, I forgot one topic. And we will have to go into
11 closed session.

12 Your Honour, could we go into closed session, due to a risk of identification.

13 PRESIDING JUDGE SAMBA: [12:42:58] Madam Court Officer, could we please go
14 into closed session for a moment.

15 (Private session at 12.43 p.m.)

16 THE COURT OFFICER: [12:43:09] We are in private session, Madam President.

17 PRESIDING JUDGE SAMBA: [12:43:14] Thank you very much.

18 Ms Naouri, continue your questioning, please.

19 MS NAOURI: [12:43:21](Interpretation) Thank you, your Honour.

20 Q. [12:43:23] Witness, you had said earlier that - you had talked about this on
21 page 90 of your statement - you went to see the general prosecutor of the Republic
22 during your detention at the OCRB. Could you tell us who was present in the room
23 with you and the prosecutor general of the Republic on that day?

24 A. [12:43:58] We were taken. There were men among us. We were brought into
25 the office. I was taken into a vehicle and we went to the office of the prosecutor.

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1 Q. [12:44:19] Very well. In the office of the prosecutor, who was there with you
2 when you were there?

3 A. [12:44:29] When I entered the office of the prosecutor, we only met with
4 the prosecutor, we did not see anyone else. He was alone in his office.

5 Q. [12:44:43] So you were alone with the prosecutor; is that clear -- is that what
6 I understand? Am I correct in my understanding?

7 A. [12:44:54] No, I was not alone. There were other men with me. There were
8 prisoners who were with me there. There were three men, plus me, that means four
9 people.

10 Q. [12:45:09] Okay. So there were four people plus the prosecutor and no one else;
11 is that it?

12 A. [12:45:31] There was only us, the detainees, and the person who had
13 accompanied us to the prosecutor's office.

14 Q. [12:45:42] Okay. And who had accompanied you?

15 A. [12:45:55] It was the person who was there who accompanied us.

16 Q. [12:46:08] Witness, I think I know who it is you're talking about, but you have to
17 be specific and tell us here who you are referring to.

18 A. [12:46:25] The person who accompanied us to the office of the prosecutor was
19 indeed Mahamat Said.

20 Q. [12:46:36] Okay, thank you. And if I understood correctly, you are all in
21 the same room at the same time and the prosecutor of the Republic is questioning
22 everyone in the presence of everyone there in the room; is that it?

23 A. [12:47:00] When we arrived, all four of us, he asked questions of each of us
24 individually.

25 Q. [12:47:10] Okay. Do you recall why the other people were there? What did

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1 the other -- these three other men, what did they say to the prosecutor on that day?

2 A. [12:47:33] These men answered the prosecutor's questions with regard to their
3 arrest. I was not paying attention to what they were saying. I limited myself to
4 answering the questions about my arrest.

5 Q. [12:47:59] Okay. How long did this meeting with everyone there present last?

6 A. [12:48:16] I could not time everything that was happening. I was answering
7 the questions. I did not have the time to see how long all these events lasted.

8 Q. [12:48:36] But perhaps you could give us an estimate, 10 minutes, 20 minutes,
9 half an hour? Just an estimate.

10 A. [12:48:53] When we arrived we were four. The prosecutor began with me. He
11 was asking me questions and I answered them. Then he asked other people
12 questions and then I asked questions, and he answered, and he asked that I be
13 released.

14 Q. [12:49:21] Okay, Madam Witness. So now we will go on to another topic.
15 That is your release.

16 You say in your written witness statement, paragraph 95: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [12:51:05] Okay, so when you arrived at the hospital, what then happened?

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1 Describe what happened to you. Did a medical doctor come to see you? How were
2 you greeted at the hospital and what care were you given?

3 A. [12:51:27] Once I -- we had arrived at the hospital, I continued to shiver. I was
4 suffering from malaria, I was consulted by a doctor. I got some injections. Then
5 I was transferred to a room.

6 Q. [12:51:48] Okay. Was your family informed of your hospitalisation?

7 A. [12:52:03] I did not understand the question clearly.

8 Q. [12:52:07] I will repeat the question.

9 So you arrived at the hospital, you were admitted to hospital, you were put into
10 a room. Your -- well, who informed your family of your hospitalisation?

11 A. [12:52:29] * When my mother came to visit me, she spent the whole day,
12 returning home at 5pm. So when I was sick, my family was by my side.

13 Q. [12:52:44] Okay. How did they know that you were sick and no longer at the
14 OCRB? How did they know and who told them?

15 A. [12:53:00] I had asked for a phone so that I could call my mother so that she
16 could bring me some pharmaceutical products, because it was on that day I asked for
17 a phone to inform my mother of my situation.

18 Q. [12:53:20] Okay. And who gave you the telephone, Madam Witness?

19 A. [12:53:32] Some military service people.

20 Q. [12:53:41] Okay. And you remained alone in your hospital room?

21 A. [12:53:53] I was not alone. There were two other people who had been
22 hospitalised long before my arrival there.

23 Q. [12:54:05] Okay. How long did you remain in that hospital room with the two
24 other people who had already been hospitalised?

25 A. [12:54:21] I spent five days hospitalised.

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1 Q. [12:54:29] Okay. So for these five days of hospitalisation, you always spent
2 those five days hospitalised with those two same people in that room; is that right?

3 A. [12:54:46] When I arrived, one had already left. There were only two people
4 left in the room.

5 Q. [12:54:56] So what care were you given, what treatment were you given?

6 A. [12:55:12] I was given injections. Then I was put on IV and some medication to
7 treat my asthma.

8 Q. [12:55:26] Okay. Do you remember the name of the medication that you
9 received, Witness?

10 A. [12:55:39] I had no prescription. The doctor asked and the care was
11 administered to me. I did not have an opportunity to read any prescriptions.

12 Q. [12:55:54] Okay. You spoke of your asthma. But were you treated
13 for malaria?

14 A. [12:56:14] Well, when I talked about malaria and asthma and the fact that I was
15 sleeping on the floor, the cold, the cold triggered the malaria and the asthma. It's
16 because I was on some thin cover sleeping on the floor.

17 Q. [12:56:35] Okay. * Once you were discharged from the hospital after five days
18 of hospitalisation, were you given a medical file, Madam Witness?

19 A. [12:56:58] Yes. All the documents were transferred to the person who was
20 there.

21 Q. [12:57:06] Okay. So you had a copy of your medical file?

22 A. [12:57:21] I repeat that I did not receive any documents. I -- the prescriptions,
23 the results were given -- they are given to the person who is with you, that is not to
24 my mother or any members of my family, it was the person who was with you there
25 at the time.

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1 Q. [12:57:44] * Very well, thank you Madam Witness.

2 Just to conclude, in your form as a participating victim - and that's

3 CAR-OTP-2135-3895, tab 16 in our list of evidence - at page 3904, you say, "I have no

4 copy of my medical file, which is with my mother."

5 So I'm trying to understand, does your mother have a copy of your medical file,

6 Witness?

7 Tab 16.

8 A. [12:58:35] I had said that my medical documents had been kept by my mother,

9 but my mother then gave all the documents to the person who was there with me.

10 So I did not remain in possession of these documents.

11 Q. [12:58:55] Okay. Thank you, Madam Witness.

12 Your Honour, I see the time. I have a totally different topic, so perhaps this is

13 the time to stop, but I remain in your hands.

14 MS MAKWAIA: [12:59:10] Madam President.

15 PRESIDING JUDGE SAMBA: [12:59:11] Yes, Ms --

16 MS MAKWAIA: [12:59:13] Is it possible to get an indication of how long

17 the cross-examination might be so we are able to time our next witness to be

18 available?

19 PRESIDING JUDGE SAMBA: [12:59:21] Particularly so that we will not be meeting

20 on Wednesday.

21 I think that's a fair question, Ms Naouri. How much more time would you want

22 with this witness, please?

23 MS NAOURI: [12:59:38](Interpretation) Thank you, your Honour.

24 I estimate about a half hour, but I will say 45 minutes, to remain on the safe side. So

25 45 minutes. And I will, of course, try to keep it as brief as possible. I have two

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1 topics which I think I can deal with pretty quickly. There you go.

2 PRESIDING JUDGE SAMBA: [13:00:03] Thank you very much, Ms Naouri.

3 So you heard that now, Madam Prosecutor.

4 Madam Witness, we are going to stop today's session at this point, but we'll meet

5 again tomorrow at 9.30. Now, all that we've said here, you should not discuss with

6 any other person. You still remain on oath till we meet again tomorrow at 9.30. Do

7 you understand that?

8 THE WITNESS: [13:00:42](Interpretation) Yes, I understand. I have always

9 remained silent and not communicated with anyone. I have understood and I will

10 not talk to anyone about this.

11 PRESIDING JUDGE SAMBA: [13:00:56] Thank you very much.

12 Are we in open session, Madam Court Officer?

13 Okay. So I will rise the Court and ask that we meet again tomorrow at 9.30 in

14 the morning.

15 Thank you.

16 THE COURT USHER: [13:01:10] All rise.

17 (The hearing ends in private session at 1.01 p.m.)