

Trial Hearing

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and Judge
6 Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Monday, 5 February 2024
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:04] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:34:38] Good morning, everyone.
14 Madam Court Officer, can you please introduce the case.
15 THE COURT OFFICER: [9:34:45] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of the Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we're in open session. And the witness doesn't hear us at the moment, your
19 Honours.
20 PRESIDING JUDGE SAMBA: [9:35:06] Thank you very much, Madam Court
21 Officer.
22 Can I ask the parties to introduce themselves, beginning with
23 the Prosecution please.
24 MS MAKWAIA: [9:35:18] Morning, Madam President, your Honours. For the
25 Prosecution myself, Holo Makwaia, senior trial lawyer; and Ms Le Bailly, Brunhild,

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1 associate trial lawyer, this morning.

2 PRESIDING JUDGE SAMBA: [9:35:29] Thank you very much.

3 Ms Pellet for the victims, please.

4 MS PELLET: [9:35:37](Interpretation) Thank you, your Honour.

5 The represent -- Caroline Walter and myself, Sarah Pellet, from the OPCV are
6 representing the victims today.

7 PRESIDING JUDGE SAMBA: [9:35:52] For the Defence, Ms Naouri, please.

8 MS NAOURI: [9:35:58](Interpretation) Thank you, your Honour. Good morning.
9 Beside me, Mr Jacobs; Elina Legat, beside him; and Allix, Léa behind -- seated behind
10 me. And myself, I am Jennifer Naouri, lead counsel.

11 PRESIDING JUDGE SAMBA: [9:36:18] Thank you very much, Ms Naouri.

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

13 A very good morning to you, Mr Said. And you don't need to get up, please. Good
14 morning.

15 MR SAID: [9:36:34](Interpretation) Good morning, your Honour.

16 PRESIDING JUDGE SAMBA: [9:36:42] The Prosecution is calling P-0662 as its 19th
17 witness.

18 The Chamber previously rejected an application by the Prosecution to introduce
19 P-0662's prior recorded testimony pursuant to Rule 62(b), but granted authorisation
20 pursuant to Rule 68(3) in decision number 507.

21 It is the Chamber's understanding that this witness will be testifying in Sango via
22 video link, as we see. I will therefore remind everyone of the importance of the need
23 to speak slowly and to observe the five-second rule between questions and answers.

24 First, the Chamber notes that the Prosecution has submitted a request to introduce the
25 annex of P-0662's witness preparation log pursuant to Rule 68(3) of the Rules of

1 Procedure and Evidence. And for the record, the request is filing 675.

2 The Defence submitted a written response to the Prosecution's request. For the

3 record, the response is filing 684.

4 I have the ruling here, which I will read out.

5 The annex to P-0662's witness preparation log contains one correction of P-0662's

6 prior recorded testimony, whose introduction via Rule 68(3) the Chamber already

7 granted. The annex also contains additional information in that the witness was

8 asked to comment on a document and photographs shown to him during the witness

9 preparation session.

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

11 relevant and probative, and that its introduction would expedite the proceedings.

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

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

14 Defence submits that the existence of corrections and additions casts doubt on the

15 reliability of the prior recorded testimony and means that the only way of proceeding

16 is to discuss these with the witness in the hearing. In this regard, the Defence notes

17 that there is no control over the manner in which the annex is prepared and there is

18 no verbatim transcript, so there's no way one would know what questions were asked

19 and the manner of such questioning.

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

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

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

23 respond in full knowledge of the facts presented. In this regard, the Defence notes

24 that the Chamber has given supplementary directions on the conduct of witness

25 preparation and that the calling party should not explore new topics with the witness

1 or present new evidence and, rather, this should be done in the courtroom. The
2 Defence notes that it does not object to the submission of P-0662's prior recorded
3 testimony, but considers that it should be tested in court.

4 Last, the Defence avers that the fact that the witness will be available for
5 cross-examination cannot be used to justify the introduction of the annex because it
6 would transform Rule 68(3) into the automatic introduction of all witness preparation
7 logs, which is not the intention of the drafters of Rule 68(3).

8 At the outset the Chamber notes that the annex contains only one correction, a
9 number of comments in respect of names of alleged prisoners at the CEDAD and
10 comments on five photographs, including an email that the Chamber received last
11 night from the Prosecution. Bearing in mind the content of the annex, the Chamber
12 finds that the Defence does not suffer prejudice if the annex, save the one referred to
13 the Chamber and the Defence last night, if the annex were to be introduced pursuant
14 to Rule 68(3).

15 Furthermore, the Chamber notes that the Defence would be afforded reasonable time
16 to raise the relevant issues during its questioning of P-0662. Accordingly, the
17 Chamber authorises the introduction of the annexes, the annex to P-0662's witness
18 preparation log under Rule 68(3) of the Rules, save for the one sent in last evening.

19 The Chamber notes the Prosecution's request from yesterday evening to add
20 CAR-OTP-2013-005[8], which was shown to the witness during the witness
21 preparation, to its list of evidence. According to the Prosecution, the omission was
22 due to "an unfortunate oversight".

23 The Defence responded this morning and objects to the addition of the item to the
24 Prosecution's list of evidence. The Defence points out that the item had been
25 included in the Prosecution's list of materials for the confirmation decision but was

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1 withdrawn from the list of evidence for trial.

2 Accordingly, the Prosecution should never have shown the item to P-0662. The fact
3 that the Defence included the item in its list of materials is irrelevant in this regard.

4 Finally, the Defence points out that the witness stated during the witness preparation
5 session that he had never seen the document.

6 The Chamber agrees with the Defence that the Prosecution has not shown good cause
7 for the late addition of this item to its list of evidence, especially at the very last
8 moment. Accordingly, the Chamber rejects the Prosecution's request to add
9 CAR-OTP-2013-0058 to its list of evidence.

10 Now, this concludes the Chamber's oral decision.

11 Before commencing, the Chamber notes briefly that protective measures are
12 confirmed for this witness by virtue of decision number 605 and that the VWU
13 recommends certain special measures.

14 Can I ask, Madam Court Officer, for you to connect the witness.

15 (The witness enters the video-link room)

16 THE COURT OFFICER: [9:45:01] I'm just informed the witness can now hear us,
17 Madam President.

18 PRESIDING JUDGE SAMBA: [9:45:08] Okay, thank you very much.

19 Good morning, Mr Witness. Can you see me? Can you hear me?

20 WITNESS: CAR-OTP-P-0662

21 (The witness speaks Sango)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:45:21](Interpretation) Yes, can I hear you just fine.

24 PRESIDING JUDGE SAMBA: [9:45:25] Good. Now, you're going to testify before
25 the International Criminal Court. On behalf of the Chamber, I'd like to welcome you

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1 to the courtroom.

2 THE WITNESS: [9:45:45](Interpretation) Thank you.

3 PRESIDING JUDGE SAMBA: [9:45:47] So, Mr Witness, you should have in front of
4 you the solemn undertaking to tell the truth that every witness who appears before
5 this Court must agree to.

6 THE WITNESS: [9:46:13](Interpretation) I will read the document.

7 I solemnly declare that I shall tell the truth, the whole truth and nothing but the truth.

8 PRESIDING JUDGE SAMBA: [9:46:24] Thank you very much, Mr Witness.

9 Now, do you understand and agree to what you just read out?

10 THE WITNESS: [9:46:40](Interpretation) Yes, I agree.

11 PRESIDING JUDGE SAMBA: [9:46:47] Good. We will continue.

12 Now, Mr Witness, let me explain to you the protective measures that the Chamber
13 has put in place for your testimony.

14 We have in place for your protection, voice and face distortion during the duration of
15 your testimony. This means that no one outside the courtroom can see your face or
16 hear your real voice during your testimony.

17 There will also be the use of pseudonym. In accordance with that, we all will refer to
18 you only as "Mr Witness" to make sure that the public does not know your name.

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

22 When you're asked to describe anything that relates specifically to you, or you are
23 asked to mention facts that might reveal your identity, we will do this in private
24 session.

25 Lastly, Mr Witness, I have a few practical matters that you should have in mind when

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1 giving your testimony. Everything we say here in this courtroom is written down
2 and interpreted. It is, therefore, important to speak clearly and at a slow pace.
3 Speak into the microphone and, please, only start speaking when the person asking
4 you the question has finished. To allow for the interpretation, everyone has to wait a
5 few seconds before starting to speak.

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

8 Furthermore, we hope that there are no issues with the video link. However, if there
9 are any issues with the technology, we will try our best to make sure that things are
10 sorted out as quickly as possible.

11 Do you understand all that I've said, Mr Witness?

12 THE WITNESS: [9:50:09](Interpretation) Yes, I've understood everything.

13 PRESIDING JUDGE SAMBA: [9:50:17] Thank you very much.

14 We'll start with your testimony.

15 Madam Court Officer, we're in open session, are we?

16 THE COURT OFFICER: [9:50:29] Exactly, Madam President.

17 PRESIDING JUDGE SAMBA: [9:50:32] Yes, just for the Prosecution to know.

18 Madam Prosecutor, your witness, please.

19 MS LE BAILLY: [9:50:34](Interpretation) Thank you very much, your Honour.

20 QUESTIONED BY MS LE BAILLY: (Interpretation)

21 Q. [9:50:49] Good morning, Mr Witness. My name is Brunhild Le Bailly and I'll be
22 asking you some questions on behalf of the Prosecution. If one of the questions isn't
23 clear, don't hesitate to tell me so and I will rephrase my question. Is that all right
24 with you?

25 A. [9:51:07] Yes, I've understood.

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- 1 MS LE BAILLY: [9:51:10](Interpretation) If we could go -- if we could go into private
2 session please for identification of the witness.
- 3 PRESIDING JUDGE SAMBA: [9:51:18] Madam Court Officer, can we go into private
4 session, please.
- 5 (Private session at 9.51 a.m.)
- 6 THE COURT OFFICER: [9:51:35] We're in private session, your Honours.
- 7 PRESIDING JUDGE SAMBA: [9:51:38] Thank you very much.
- 8 Madam Prosecutor, carry on please.
- 9 MS LE BAILLY: [9:51:45](Interpretation)
- 10 Q. [9:51:45] Mr Witness, we are now in private session, so if you could please give
11 us your name in full?
- 12 A. [9:51:57] My name is (Redacted).
- 13 Q. [9:52:06] And where were you born, Mr Witness?
- 14 A. [9:52:14] I was born in (Redacted).
- 15 Q. [9:52:20] And what is your date of birth?
- 16 A. [9:52:27] I was born on (Redacted).
- 17 Q. [9:52:34] Thank you.
- 18 MS LE BAILLY: [9:52:38](Interpretation) If we could go back into open session for
19 the continuation of my questioning.
- 20 PRESIDING JUDGE SAMBA: [9:52:44] Could we go back into open session, please,
21 Madam Court Officer.
- 22 (Open session at 9.53 a.m.)
- 23 THE COURT OFFICER: [9:53:00] We are back to open session, Madam President.
- 24 PRESIDING JUDGE SAMBA: [9:53:03] Thank you.
- 25 Madam Prosecutor, carry on please.

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- 1 MS LE BAILLY: [9:53:10](Interpretation) Thank you.
- 2 Q. [9:53:14] Mr Witness, do you remember being questioned by members of the
3 OTP?
- 4 A. [9:53:28] Yes, they asked me some questions.
- 5 Q. [9:53:35] Do you remember when you were questioned?
- 6 A. [9:53:46] I haven't understood your question. Who was asking me questions?
7 Could you clarify your question?
- 8 Q. [9:53:56] Of course. Do you remember when, on which date, you were
9 questioned by staff members of the OTP?
- 10 A. [9:54:13] No, I don't remember anymore. They didn't ask me any questions.
- 11 Q. [9:54:24] Do you remember if at the end of this interview with the OTP members
12 you read over and signed a statement? Do you remember that?
- 13 A. [9:54:41] Yes, yes, I remember. Now I remember. I remember.
- 14 Q. [9:54:51] Mr Witness, I'd now like to show you a document and then I'll ask you
15 if you recognise it.
- 16 Could tab 1 be put up on the screen for the witness and others. The ERN number,
17 tab 1, confidential, CAR-OTP-2099-0336.
- 18 And if we could have a look at the covering page of this document, so that would be
19 the page with the number ending in 0336.
- 20 I'm sorry, I was just waiting for the document to come up on the screen.
- 21 Now, Mr Witness, can you see the document on your screen?
- 22 A. [9:56:32] Yes, can I see it just fine.
- 23 Q. [9:56:37] Do you recognise this document?
- 24 A. [9:57:04] Yes, I recognise this document.
- 25 Q. [9:57:06] Thank you.

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2 If we could zoom in and look at the bottom of the page, specifically at the names and
3 signatures.

4 And, Mr Witness, I would like to ask you if you recognise a name and a signature at
5 the bottom of this document. Please don't actually mention any names because we
6 are in open session, but do you recognise these names and signatures?

7 A. [9:57:43] I see -- I recognise three names and I recognise my signature. The
8 three names and my signature on this document.

9 Q. [9:57:57] And your name, is your name and your signature on the first page?

10 A. [9:58:07] {ICR: (Redacted)}

11 Q. [9:58:15] Please, we're in open session, please don't give your name. And we
12 will ask for the transcript to be redacted, don't worry about that, but be careful.

13 Please don't actually utter any of these names.

14 A. [9:58:36] I understand.

15 Q. [9:58:51] Thank you. I'd like to show you another page from the same
16 document.

17 Court officer, if we could display 030 -- 0337, page.

18 THE INTERPRETER: [9:59:11] Correction: 0573.

19 MS LE BAILLY: [09:59:33](Interpretation)

20 Q. [9:59:33] Now, if you look at the top of this document, do you recognise the
21 signature?

22 A. [9:59:47] Yes, that's my signature.

23 THE INTERPRETER: [9:59:52] Interpreter correction: the reference number was
24 0357.

25 MS LE BAILLY: [9:59:58](Interpretation)

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- 1 Q. [10:00:00] Do you recognise the date and the --
- 2 A. [10:00:02] Yes, I recognise the date.
- 3 Q. [10:00:08] So, Mr Witness, is this document indeed the statement that you gave
4 to the OTP in December 2018?
- 5 A. [10:00:23] Yes, exactly.
- 6 Q. [10:00:26] Thank you.
- 7 Your Honour, given your oral decision of this morning following article -- for the
8 witness, I'm going to continue with the *additional requirements under Rule 67(3).
- 9 PRESIDING JUDGE SAMBA: [10:00:48] Rule 68(3).
- 10 Yes, please carry on with the procedure.
- 11 MS LE BAILLY: [10:00:56](Interpretation) Yes, 68(3).
- 12 Q. [10:01:00] Witness, before appearing before the Court to testify, did you have the
13 opportunity to reread and review your statement in a preparatory session with the
14 Office of the Prosecutor?
- 15 A. [10:01:19] Exactly. I had the possibility to review my statement.
- 16 Q. [10:01:27] During the preparation session, did you have the opportunity to make
17 corrections and to make clarifications to your previous statement?
- 18 A. [10:01:46] No. I didn't make any corrections. *I just withdrew part of the
19 declaration.
- 20 Q. [10:01:59] Very well. I'm now going to show you a document and ask you if
21 you recognise it.
- 22 MS LE BAILLY: [10:02:06] Court Officer, could you please show the document at
23 tab 7, the list of notifications for the witness, ERN, which is confidential,
24 *CAR-OTP-0002-5624, ERN 0001.
- 25 Do you see the document in front of you, witness?

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- 1 A. [10:02:53] Yes, I see it.
- 2 Q. [10:02:57] So I'm going to read the title of this document, which is right at the
3 top. It says: "Annex A. *To the Register for preparation of witnesses for the
4 preparation of P-0662".
- 5 Do you recognise this document?
- 6 A. [10:03:21] Yes, I recognise this document.
- 7 MR JACOBS: [10:03:29](Interpretation) Court officer, if we could see page ERN 0002
8 of the same document.
- 9 Q. [10:03:54] Witness, we're going to have a look at the signature and a name, so
10 I would remind you that we are in open session so do not say your name -- or do not
11 say the name *that you will see aloud, but tell us if you recognise it and if it is your
12 signature.
- 13 THE INTERPRETER: [10:04:18] *Inaudible: The page?
- 14 A. [10:04:27] (No interpretation)
- 15 Q. [10:04:40] I'm sorry, witness, I didn't get the translation of what you said.
16 Please, could you repeat?
- 17 A. [10:04:51] Yes, that's my signature that I can see.
- 18 Q. [10:04:57] Thank you.
- 19 A. [10:04:59] It's my second signature.
- 20 THE INTERPRETER: [10:05:01] Said the witness.
- 21 MS LE BAILLY: [10:05:03](Interpretation) Thank you.
- 22 Q. [10:05:04] So, witness, are these the corrections and clarifications that you have
23 made for the Office of the Prosecutor on 22 January 2024 following rereading your
24 previous statement?
- 25 A. [10:05:16] Yes, that's correct.

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1 Q. [10:05:22] Thank you very much.

2 So, witness, we have noted your corrections and clarifications, in addition to your
3 previous statement.

4 And I would now like to know if you've said the whole truth to the best of your
5 knowledge and according to your memory when you provided all this information?

6 A. [10:05:41] I made my statement a long time ago.

7 Q. [10:06:00] Yes, indeed, in 2018, and you had the opportunity to reread it recently
8 during the preparatory session, so on 22 January 2024.

9 A. [10:06:21] Yes, that is correct.

10 Q. [10:06:24] So, witness, I just have a few questions to put to you to finish with,
11 with my examination -- with my questioning, *so with these questions and
12 clarifications I would like you to *ask you: Do you agree with the judges using your
13 previous statement *which we've all seen together as evidence in this case?

14 A. [10:06:59] Yes, I give my consent to that. I agree.

15 Q. [10:07:05] Very well.

16 And my last question: Do you have any objection to using your statement?

17 A. [10:07:25] I agree.

18 Q. [10:07:26] Thank you very much, witness. I have finished with my questions,
19 so that concludes my examination-in-chief for the Office of the Prosecutor.

20 MS LE BAILLY: [10:07:34](Interpretation) Your Honour, I think that now satisfies
21 the requirements under Rule 68(3) of the Rules of Procedure and Evidence, unless
22 there is a different instruction on your part.

23 PRESIDING JUDGE SAMBA: [10:07:48] Thank you very much, Madam Prosecutor,
24 for your questions in-chief.

25 I'll ask the Defence, Ms Naouri, for cross-examination, if any. Thank you.

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- 1 MS NAOURI: [10:08:06](Interpretation) Thank you very much, your Honour. The
2 cross-examination will be carried out by *Maître* Jacobs.
- 3 PRESIDING JUDGE SAMBA: [10:08:16] Thank you very much.
- 4 Mr Jacobs, your witness please.
- 5 MR JACOBS: [10:08:50](Interpretation) Your Honour, thank you.
- 6 QUESTIONED BY MR JACOBS: (Interpretation)
- 7 Q. [10:08:55] Good morning, witness.
- 8 A. [10:08:57] Good morning.
- 9 Q. [10:08:58] So my name is *Maître* Jacobs and I'm going to put some questions to
10 you on behalf of the Defence of Mr Said.
- 11 As the Presiding Judge has explained to you, we are interpreted and transcribed, so
12 I will make an effort to speak slowly and to wait after your answers such that it can be
13 transcribed correctly in the record.
- 14 Now, your previous statement is admitted to the case record, so I'm just going to put
15 certain questions by way of clarification and ask you for precise answers to my
16 questions.
- 17 A. [10:09:40] Very well. Understood.
- 18 Q. [10:09:41] Very well.
- 19 I think that for my first questions you would have to go into private session, your
20 Honour.
- 21 PRESIDING JUDGE SAMBA: [10:09:51] Yes.
- 22 Madam Court Officer, can you get us into private session, please.
- 23 (Private session at 10.10 a.m.) THE COURT OFFICER: [10:10:15] We're in private
24 session, your Honours.PRESIDING JUDGE SAMBA: [10:10:17] Thank you very
25 much. Mr Jacobs, carry on please.

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1 MR JACOBS: [10:10:23](Interpretation) Thank you.

2 Q. [10:10:24] Now, Witness, I would briefly like to go back to your activities in 2013.

3 So we're in private session, so you can give complete and full answers to the

4 questions. There's no risk of you being heard outside of the courtroom.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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10 Q. [10:27:22] Thank you, witness.

11 I'm going on to another question, but I --

12 MR JACOBS: [10:27:24](Interpretation) Unfortunately, I think we're going to have to
13 stay in private session because I think these questions could lead to the -- lead the
14 witness to saying identifying matters. So we're going to stay in private session and
15 see later if we can go into open session.

16 Q. [10:27:54] So, witness, in your statement, in your previous statement, you
17 mentioned in paragraph 17, and perhaps we can show it. That's CAR-OTP-21...

18 I'm sorry, it's tab 1 on -- in our list and tab 2 for the English version. And it's
19 paragraph 17 on the list, and it's witness statement * CAR OTP 2130-5398. Very well.
20 Perfect. Thank you very much.

21 So, you mentioned in this previous statement a certain -- well, the person who spoke
22 was known under the name of (Redacted) and "I knew him. *People called him
23 Commandant. He was a '*Liberateur*' under Bozize and before the Seleka he used to
24 come drinking in Boy Rabe."

25 Now, witness, do you remember having said that to the investigators of the Office of

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1 the Prosecutor?

2 A. [10:29:16] Yes. I was the one who said that.

3 Q. [10:29:24] Very well. Could you tell us a bit more about what you understand
4 by the expression "*Liberateur* under Bozizé"?

5 A. [10:29:49] Because when they arrived, they drove out Bozizé and they said they
6 were going to free us from slavery, and they called themselves liberators.

7 Q. [10:30:12] Very well, Mr Witness.

8 Now, in the same paragraph a little bit higher up, you said that this person said:

9 "They are making a lot of noise for nothing, we brought Bozizé to power and we came
10 back to get rid of him."

11 If I understand this passage correctly, this person (Redacted) was with Bozizé to put
12 him into power; is this what you are telling us?

13 A. [10:30:51] Yes, that's right. That's -- that's right.

14 PRESIDING JUDGE SAMBA: [10:31:03] Mr Jacobs, I don't know what you have in
15 the French version of the statement that you are reading in paragraph 17, but it seems
16 to me that that statement was in fact made by another person, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MR JACOBS: [10:32:18] (Interpretation) Thank you.

24 Now, just after that particular quote is this:

25 "The man who said this man is known as (Redacted) and I knew him."

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1 Does that clarify your question?

2 PRESIDING JUDGE SAMBA: [10:32:34] It does, but (Redacted)

3 (Redacted) I would like to know from

4 the witness. Thank you.

5 MR JACOBS: [10:32:57](Interpretation) Thank you, your Honour. Indeed.

6 Q. [10:32:59] Mr Witness, in this particular paragraph, the person who said: "we

7 brought BOZIZE to power and we came back to get rid of him", (Redacted)

8 (Redacted)

9 A. [10:33:23] When they got there, (Redacted) It

10 was (Redacted) who got out of the vehicle and said that. (Redacted). It was

11 (Redacted) who said all of that.

12 PRESIDING JUDGE SAMBA: [10:33:40] Thank you very much, Mr Witness.

13 Thank you, Mr Jacobs.

14 (Counsel confers)

15 MR JACOBS: [10:34:14](Interpretation)

16 Q. [10:34:16] Thank you, Mr Witness.

17 If we go to the previous page — paragraph 16, page number ending in 0338 in the

18 English version, page 5401 in the French version — you mention Lamtague, who was

19 Muslim. And you said that: "I knew him as Muslim FACA in the Presidential Guard

20 of Bozizé. The FACA are the Central African Army. He used to live in Boy Rabe,

21 close to Ngaikosset's house. We realised he must have joined the Seleka."

22 Mr Witness, can you confirm that you said that to OTP investigators.

23 A. [10:35:23] Yes, I said that, because (Redacted)

24 (Redacted). I was the one who said that.

25 Q. [10:35:47] Thank you. Now, if you know, could you tell us more about

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1 Lieutenant Lamtague and what he did when he was working under Bozizé. What
2 were his activities?

3 A. [10:36:04] I know that he was part of the Presidential Guard, but I don't know
4 what other things he did.

5 Q. [10:36:28] Thank you, Mr Witness.

6 Now, once again, in the same paragraph, you mentioned Ngaikosset. Could you tell
7 us who this person is?

8 A. [10:36:43] Ngaikosset was also part of the Presidential Guard of Bozizé. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:38:19] Thank you, Mr Witness.

18 And in 2013, what was Ngaikosset doing?

19 * A. [10:38:31] I don't know. In 2013, I think he was still a member of the Presidential
20 Guard when those people came. After that, I don't know.

21 Q. [10:39:05] Thank you, Mr Witness.

22 Mr Witness, at paragraph 25 of your statement — 5502 in the French version, 0342 in
23 the English — you mentioned a CEMAC convoy.

24 And I had a more general question for you: To your knowledge did CEMAC convoys
25 go around Bangui quite often in the year 2013?

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1 A. [10:40:01] During that period of time they would travel about to bring peace
2 back to the country. They would monitor the neighbourhoods and ensure peace.
3 That's what I know about those convoys.

4 THE COURT OFFICER: [10:40:17] Page 5405, for the record.

5 MR JACOBS: [10:40:34](Interpretation) Thank you very much. My apologies for
6 misquoting the page number.

7 Q. [10:40:45] Now, amongst the people who were present in Bangui in 2013, did
8 you see any French convoys or UN convoys?

9 A. [10:40:58] In 2013, yes, I did see French vehicles that -- who were patrolling in
10 the neighbourhoods. Often the French would patrol on foot.

11 Q. [10:41:36] So they would patrol in all neighbourhoods of Bangui, including
12 Boy-Rabe?

13 A. [10:41:52] I don't know whether they were patrolling in other neighbourhoods,
14 but I'm talking particularly about my own area, my own neighbourhood.

15 Q. [10:42:26] Thank you, Mr Witness. I did have one question, one specific
16 question about the time after you were released.

17 Oh, I beg your pardon. Just before I move to that, now at paragraph 30 of your
18 statement — 5407 is the page number. Oh, I'm sorry, my apologies. The passage
19 begins at paragraph 29, just a little bit further up. Page 5407 in the French version.

20 (Redacted)

21 (Redacted)

22 you remember talking about this incident to the OTP?

23 The quote was: (Redacted)

24 (Redacted)

25 A. [10:44:14] If I remember, I was the one who mentioned those points.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [10:44:39] Yes, that's right.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:45:37] Very well. Thank you for that additional information, Mr Witness.

11 Now, page 5419, if we could move to that page, paragraph 75 of your statement,

12 paragraph 75. Page 0355 in the English version.

13 You said: "(Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:46:46] Yes, that's right.

17 Q. [10:46:47] I was just waiting for the end of the interpretation.

18 Can you confirm that you said that to the OTP investigators?

19 A. [10:47:01] Yes, yes. That's what I saw and that's what I told them. That's

20 right.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [10:48:28] Thank you. What is that organisation or business?

3 PRESIDING JUDGE SAMBA: [10:48:33] Yes, Mr Witness. Yes, Mr Witness.

4 THE WITNESS: [10:48:45](Interpretation) If -- if I could relieve myself, please.

5 PRESIDING JUDGE SAMBA: [10:48:52] Certainly, Mr Witness. You are excused,
6 please. We'll wait for you.

7 (Witness exits the video-link room)

8 (Witness enters the video-link room)

9 PRESIDING JUDGE SAMBA: [10:52:33] Welcome back to the courtroom,
10 Mr Witness.

11 Mr Jacobs, please continue with your cross-examination of this witness.

12 MR JACOBS: [10:52:47](Interpretation) Thank you, your Honour.

13 Q. [10:52:52] Are you all right, Mr Witness?

14 A. [10:52:59] Yes, I'm fine. I'm fine.

15 Q. [10:53:03] Great. Now, I was asking you just before the short break, I was
16 asking you whether you could tell us about this place (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 THE INTERPRETER: [10:53:43] Interpreter correction: (Redacted)

21 (Redacted)

22 MR JACOBS: [10:53:50](Interpretation)

23 Q. [10:53:51] (Redacted). Is it a public
24 enterprise or private, to your knowledge?

25 A. [10:54:07] It's a state-owned company. It belongs to the state.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:55:31] I'll have to think about that. He started when he was very, very
10 young. I need some time. Let me think about that and I'll try to remember.

11 Q. [10:55:48] That's not a problem, Mr Witness. But that was before 2013, that's
12 what I'm trying to find out from you -- it was before 2013?

13 A. [10:56:02] Yes, yes, yes. (Redacted) quite a long time ago,
14 before 2013.

15 Q. [10:56:20] Thank you, Mr Witness.

16 Mr Witness, do you remember when you were contacted by the OTP for the first
17 time?

18 A. [10:56:59] Yes, it was awhile. I don't remember the actual year, though. I was
19 still living in (Redacted).

20 Q. [10:57:35] Very well, Mr Witness.

21 Now, we do have something from one of the investigators, 00025 -- tab 18 actually.

22 And at CAR-OTP-00025631, tab 18. It's not necessary to put it up on the screen, but
23 the date given in that document is (Redacted) 2017.

24 A. [10:58:11] Yes, 2017, that's right.

25 Q. [10:58:25] And the investigators contacted you over the phone; is that correct?

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1 A. [10:58:36] Yes, that's right.

2 Q. [10:58:47] Did the investigators tell you how they got your telephone number?

3 A. [10:59:00] They didn't give me the source. They just gave me a call. They
4 introduced themselves and they said that they were Prosecutors from such-and-such
5 an organisation. They didn't tell me how they got my phone number.

6 Q. [10:59:23] One last question about this particular point. You didn't ask them?
7 You weren't curious to find out how they had actually gotten your telephone
8 number?

9 A. [10:59:39] No. I should have asked the question. They asked me to tell me
10 what I knew, and I said that I couldn't speak on the telephone, that it wasn't safe for
11 me.

12 Q. [11:00:08] Thank you.

13 MR JACOBS: [11:00:10](Interpretation) I can see the time, your Honour. This
14 might be a good moment to have a break.

15 PRESIDING JUDGE SAMBA: [11:00:17] Yes, certainly.

16 Mr Witness, we are going to break off here for a bit. We'll take a 30-minute break
17 and come back at 11:30 so counsel will continue his questions to you.

18 So I rise the Court and ask that you come back at 11:30, please.

19 THE COURT USHER: [11:00:39] All rise.

20 (Recess taken at 11.00 a.m.)

21 (Upon resuming in open session at 11.30 a.m.)

22 THE COURT USHER: [11:30:51] All rise.

23 Please be seated.

24 PRESIDING JUDGE SAMBA: [11:31:18] Good morning, again, everyone.

25 Mr Witness, we are going to continue with your cross-examination by Defence

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1 counsel, and just for you to know that we are in open session.

2 Mr Jacobs, please carry on with your cross-examination of this witness. Thank you.

3 MR JACOBS: [11:31:43](Interpretation) Thank you very much, your Honour.

4 Q. [11:31:57] Good morning once again, Witness.

5 A. [11:32:00] Thank you.

6 Q. [11:32:05] So, as the Presiding Judge has said, we're in public session. I'm
7 going to try and stay in public session, so if you have any clarifications, personal
8 clarifications to make to my questions, as we said, we will go into private session, but
9 I will do my best to stay in open session.

10 Can you agree with that, Witness?

11 A. [11:32:28] Very well. It is well understood.

12 Q. [11:32:32] Very well. So we were talking about the first interaction with the
13 Office of the Prosecutor in 2017.

14 Now, when the officers of the Prosecutor -- Office of the Prosecutor, did they say
15 anything about what had happened to you? Did they know anything about what
16 had happened to you?

17 A. [11:33:01] When I left, I was able to meet them.

18 Q. [11:33:12] Very well. But my question was, by telephone, when the
19 investigators spoke to you on the phone, the first time, did they tell you that they
20 knew that this or that had happened to you? Did they say anything about what they
21 knew about what had happened to you?

22 A. [11:33:39] No, they quite simply asked me to explain to them the information
23 that was in the dossier. And I told them that I couldn't do so because, until I went to
24 {ICR: (Redacted)}, I wasn't safe. And they asked me to tell them what happened to
25 me by phone and that's the reason why I told them that I couldn't do so.

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1 Q. [11:34:09] Thank you, Witness. Please don't give any information with regards
2 to the place in open session.

3 So it's well understood, so you weren't given information the first time on the phone.

4 So do you remember how many -- or how long afterwards you met in person, i.e.
5 physically, the investigators of the Office of the Prosecutor?

6 A. [11:34:41] I met them -- well, it was the (Redacted), after I returned from {ICR:
7 (Redacted)}. If I remember, it was {ICR: (Redacted).}

8 MR JACOBS: [11:35:05](Interpretation) Your Honour, so to avoid any difficulties, I
9 think that it would be wiser to go into private session.

10 PRESIDING JUDGE SAMBA: [11:35:10] Yes.

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

12 (Private session at 11.35 a.m.)

13 THE COURT OFFICER: [11:35:27] We're in private session, your Honours.

14 PRESIDING JUDGE SAMBA: [11:35:30] Thank you very much.

15 Mr Jacobs, please.

16 MR JACOBS: [11:35:42](Interpretation) Thank you.

17 Q. [11:35:43] So I'll put my question again, Witness.

18 So you spoke to the investigators of the Office of the Prosecutor on (Redacted) and
19 you refused to do any more by phone. It was (Redacted), but when did you meet
20 them physically, in person?

21 A. [11:36:04] It was in the month of (Redacted).

22 Q. [11:36:23] So when you say it was in the month of (Redacted), you're talking
23 about (Redacted) 2018, at the time you gave your previous statement; is that correct?

24 A. [11:36:41] Obviously it was in (Redacted) 2018, to be precise, the month of
25 (Redacted).

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1 Q. [11:36:53] Perfect, Witness.

2 And so, between (Redacted) 2017 and (Redacted) 2018, so that would be a year and
3 10 months, you didn't meet the Office of the Prosecutor. Do you know why it took
4 so much time to organise your meeting with the Office of the Prosecutor?

5 A. [11:37:27] I know nothing about that.

6 Q. [11:37:38] Thank you, Witness.

7 So, in (Redacted) 2018, you told us that you met the investigators of the Office of the
8 Prosecutor at (Redacted); is that correct?

9 A. [11:38:05] Yes, that is correct.

10 Q. [11:38:09] On that day were you asked to present an ID card?

11 A. [11:38:23] Yes, they asked me to do that, but I told them that I didn't have one.

12 Q. [11:38:33] Very well. At any time since then were you asked to present an
13 identity document, or an ID? Has anybody asked you, from the Court, for your ID?

14 A. [11:39:02] I always told them that I didn't have an identity document. It is now
15 that I do have one.

16 Q. [11:39:21] Very well. So you now have an ID; is that correct?

17 A. [11:39:37] Yes, that's correct.

18 Q. [11:39:42] Would you be able to give a copy of it to the Court? Would you be
19 prepared to give a copy of it to the Court?

20 A. [11:40:00] Yes. I have with me a copy of it and the original as well.

21 Q. [11:40:06] Perfect. Thank you, Witness.

22 So, if I understood, in 2016, when you went to the (Redacted),
23 how were you travelling, if you didn't have an identity document on you?

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [11:42:11] So just to be sure that I understand well, so they made you a
10 laissez-passer without you needing an identity document; is that correct?

11 A. [11:42:35] Yes, that is correct.

12 Q. [11:42:38] Very well. I imagine that for your return to Bangui thereafter you
13 were also able to travel without an ID, if I understand you well?

14 A. [11:43:04] Going to (Redacted), I didn't have an ID, other than the
15 laissez-passer which had been made for me in the Central African Republic.

16 Q. [11:43:21] Very well. But now -- now you've returned to Bangui; is that
17 correct?

18 A. [11:43:37] Yes, that's correct.

19 Q. [11:43:40] And so, to go back to Bangui from (Redacted), you didn't have
20 an ID; is that correct?

21 A. [11:43:48] To go back to Bangui, I didn't have an ID card. They just issued a
22 document from (Redacted) which made it possible for me to travel, and it was with
23 that document that I returned to Bangui. And it was in Bangui that I had made the
24 ID that I told you that I have now.

25 Q. [11:44:16] Thank you, Witness.

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1 Now, you spoke to us about a document from (Redacted). So this document from
2 (Redacted), you had that in the -- or you had it made in (Redacted); is that correct?

3 A. [11:44:46] Yes, that's correct.

4 Q. [11:44:50] Did the investigators of the Office of the Prosecutor help you with
5 your administrative procedures in order to obtain this document from (Redacted)?

6 A. [11:45:07] Yes, they helped me. They gave me money to pay for the cost of my
7 travel, with a view to having this document made.

8 Q. [11:45:22] So when you said that they gave you money to pay for the travel costs,
9 could you be a bit more precise? Do you know how much? Do you remember how
10 much they gave you, and in order to go where?

11 A. [11:45:47] You know, you can make an appointment. You are asked to come.
12 And if they don't receive you, they ask you to go back again, and that's how things
13 are done. So they could give me an amount of money that they thought would help
14 me for transport for a week, and they gave me a sum of 30,000, but it could vary.
15 And so they would give me money in order to pay for my transport costs. It could
16 be 20,000 francs, 12,000 francs. So I can tell you that the amount that they would
17 give me would vary.

18 Q. [11:46:41] Very well. So I understand from what you say is that they could
19 give you a sum which would vary, in order to ensure your transport -- or to pay for
20 your transport for a week. I'm trying to understand, they gave you this money per
21 week, or how exactly did it work?

22 A. [11:47:09] They would contact me by phone and they told me that, for this week,
23 they're going to provide me with X amount, because the document was still -- or had
24 still not been made. They gave me another amount for the next week.

25 Q. [11:47:47] Thank you, witness. It's very clear. And did they also give money

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1 to pay for the administrative expenses with (Redacted), if there were any?

2 A. [11:48:03] Yes, indeed, they gave me money for the transport because, from the
3 place where I was living to the place where the document had to be made, there was a
4 distance. So they gave me money to cover my travel, and also for accommodation
5 while the document was being made so that I could go home.

6 Q. [11:48:45] Thank you, Witness. So at any time did the investigator of the Office
7 of the Prosecutor reimburse health costs, for example, or medical costs?

8 A. [11:49:13] Yes. When I was in hospital.

9 Q. [11:49:23] Could you tell us a bit more about that, Witness?

10 A. [11:49:44] If I give some more details concerning which question?

11 Q. [11:49:59] Well, it's just to have an idea of the help from the Office of the
12 Prosecutor. You were saying that when you were in hospital there were -- when you
13 were staying in the hospital, was it for medicine, was it for the stay in hospital? Just
14 to get some idea of the situation.

15 A. [11:50:22] Well, I explained the situation to them and they asked me to go to
16 hospital. The hospital did everything and they asked me -- or the representatives of
17 the OTP asked me to send them the documents, which is what I did. And I think
18 that the expenses were 2,400, if my memory serves me well.

19 THE INTERPRETER: [11:51:06] 240,000, corrects the interpreter.

20 MR JACOBS: [11:51:18](Interpretation)

21 Q. [11:51:20] Thank you, Witness. During the procedure, did you try and obtain
22 the status of participating victim during the proceedings?

23 A. [11:51:49] I was in (Redacted), and it was afterwards that I went down to
24 (Redacted).

25 Q. [11:52:00] I'm going to reformulate my question, witness, just so it's clear. At

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1 any time did you try to participate in proceedings to obtain money during the
2 proceedings?

3 A. [11:52:21] You know, I didn't ask them for reparations, but they did speak to me
4 about that, and so I didn't expressly ask for reparations.

5 Q. [11:52:49] Did they put you in contact with a lawyer to discuss that?

6 A. [11:52:58] When they went to (Redacted), they explained the procedure to me.
7 And, if I remember correctly, the first time when they contacted me by phone, I told
8 them that I couldn't give any information concerning the case and they told me that
9 they would send one of their colleagues to come and meet me with regards to the
10 proceedings.

11 Q. [11:54:01] So, in an investigator's report, which is * CAR-OTP-0002-5631, which
12 is tab 18, this is an investigator's report in English. I think it's best not to show it to
13 the witness, because there's other information in this report which could be
14 confidential.

15 So, on page 0002, it's written -- and there I would like to have a clarification from you,
16 if you'd be so kind. And this is a personal translation that I'm making here of the
17 English version: On (Redacted) 2022 an investigator contacted the witness and it
18 was spoken with him about how victims participate in the proceedings takes place.
19 And there was an independent unit, independent of the ICC, the OPCV, representing
20 victims in proceedings. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [11:57:12] Very well. Thank you.

6 So, in your previous statement, you mention certain people and you give the
7 telephone numbers of these people to the Office of the Prosecutor. To the best of
8 your knowledge, did the investigators of the OTP try to contact these persons?

9 A. [11:57:39] I don't think I provided numbers to the investigators of the Office of
10 the Prosecutor. I don't really remember having done that. Are you speaking about
11 the time when I was in Bangui or in (Redacted)?

12 Q. [11:58:12] I'm speaking about the time that you made your previous statement,
13 so I think it's (Redacted) in (Redacted) 2018.

14 A. [11:58:29] No. I don't think I provided numbers to the Office of the
15 Prosecutor -- to the investigators of the Office of the Prosecutor.

16 Q. [11:58:46] Very well. Thank you for this clarification, Witness.
17 Now, very quickly to go back to this previous statement, so the previous statement
18 that the Office of the Prosecutor showed you this morning was in English. Do you
19 read English, Witness?

20 A. [11:59:08] No, absolutely not.

21 Q. [11:59:21] So, at the time that you made this previous statement, were you given
22 a copy in French or in Sango thereof?

23 A. [11:59:39] In Sango. There was a version -- a French version and an English
24 version, and it was in Sango, the statement that they provided me with.

25 Q. [12:00:13] Well, I'd like to follow up on that point, just to make sure everything

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1 is clear. Did they give you a hard copy of your statement in the Sango language?

2 A. [12:00:33] I don't know. Are you talking about the solemn statement? I don't
3 think they gave me a document.

4 Q. [12:00:52] Thank you. Now, when the investigators were speaking to you in
5 (Redacted) in (Redacted) 2018, were they asking you the kind of questions that you
6 could answer with a "yes" or a "no"?

7 A. [12:01:24] Well, it's possible. They might have asked me some questions that I
8 didn't have answers for, so I just answered the questions for which I had something to
9 say, for which I had information.

10 Q. [12:01:53] Thank you, Mr Witness.

11 Now, just before the break – and I'm looking for the reference here, we'll find the
12 exact reference in the transcript – but it seems to me that you said that the first time
13 they called you on the telephone, they said to you -- well, they asked you to confirm
14 some things that were on the dossier, the record, and you refused to do so on the
15 telephone; is that correct?

16 A. [12:02:41] Yes, that's right. They asked me to give them information about the
17 information relating to my situation, and I said to them that I didn't know the person
18 with whom I was dealing over the telephone and I couldn't provide information.
19 The person then said that she worked for the OTP, but I continued to insist that I
20 could not give information about the case over the telephone.

21 Q. [12:03:21] Very well. Now, for the record, I was referring to page 30, line 24.

22 Now, in (Redacted) 2018, did these people have some documents with you -- did they
23 show you some documents or some photographs relating to --

24 MS LE BAILLY: [12:03:48] Madam President, which people? Can it be clear for the
25 record, please.

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1 MR JACOBS: [12:03:56](Interpretation)

2 Q. [12:04:04] I was talking about the investigators from the OTP. So when these
3 investigators met with you in (Redacted) 2018, did they bring some documents with
4 you -- with them, rather, to show you?

5 A. [12:04:24] They asked me some questions and I gave them some answers, and
6 after they showed me up on the screen a number of documents.

7 Q. [12:04:41] Very well. Could you tell us more about these documents. What
8 documents did they put up on the screen?

9 A. [12:04:53] Before the investigators showed me the documents, they asked me
10 some questions. They said to me that I had been detained and I said I didn't know
11 the place. And then they asked the question again, and they showed me some
12 images on the screen and they asked me if that was the place where I had been
13 detained.

14 And those were the kind of documents that were shown to me.

15 Q. [12:05:52] Thank you, Mr Witness.

16 So after you gave your statement in (Redacted) 2018, when did the investigators -- or
17 the staff members of the OTP contact you asking whether you wanted to take part in
18 the proceedings, or whether you were in agreement -- agreed to take part in the
19 proceedings, in the trial?

20 A. [12:06:25] They called me and they talked about (Redacted)
21 (Redacted), and so they called me back and they
22 insisted that I should not forget the date, and they said that they would come and
23 meet me in the evening.

24 And I said to them that I was not in (Redacted), and they said that I
25 could take transportation and that they would cover the cost of the transportation.

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1 When I got to (Redacted), they said that (Redacted). I went
2 back. They went away, then they came back and they met me (Redacted) and that is
3 when we had these discussions.

4 Q. [12:07:34] Very well. Just to make sure we've understood the temporal time
5 frame, we are still talking about (Redacted) 2018, when you gave your previous
6 statement, this account about (Redacted)?

7 A. [12:07:59] Yes, that's right.

8 Q. [12:08:02] Very well, Mr Witness.

9 Do you remember now, when you went back to Bangui -- when you came back from
10 (Redacted), do you remember going back to Bangui?

11 A. [12:08:30] No, I don't remember. I no longer recall.

12 Q. [12:08:59] Thank you, Mr Witness. I'm just double-checking that I've
13 thoroughly -- conducted a thorough cross-examination and then I will get back to
14 you.

15 A. [12:09:34] Very well.

16 Q. [12:09:44] Thank you very much, Mr Witness. That was my last question.

17 MR JACOBS: [12:09:52](Interpretation) Your Honour, I have concluded.

18 PRESIDING JUDGE SAMBA: [12:09:55] Thank you very much, Mr Jacobs.

19 Madam Prosecutor, do you have any questions in re-examination, please?

20 MS LE BAILLY: [12:10:03](Interpretation) Yes, certainly, your Honour. One
21 question, please.

22 PRESIDING JUDGE SAMBA: [12:10:14] Just a moment, please.

23 (Trial Chambers confers)

24 PRESIDING JUDGE SAMBA: [12:10:25] Yes, just to see we are still in private session.

25 Madam Prosecutor, let's hear your question, please, in re-examination.

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1 MS LE BAILLY: [12:10:34](Interpretation) We can go into open session for this
2 particular question.

3 PRESIDING JUDGE SAMBA: [12:10:43] Thank you very much.

4 Madam Court Officer, can we go into open session, please.

5 (Open session at 12.11 p.m.)

6 THE COURT OFFICER: [12:11:00] We are back to open session, Madam President.

7 PRESIDING JUDGE SAMBA: [12:11:03] Thank you very much.

8 Madam Prosecutor, please, your witness.

9 MS LE BAILLY: [12:11:15](Interpretation) Thank you.

10 QUESTIONED BY MS LE BAILLY: (Interpretation)

11 Q. [12:11:16] Now, just for reference, Mr Witness, the Defence counsel asked you
12 today - and this is today's transcript, English, real-time, page 40 of today's transcript,
13 T-52 - he asked you why you filled out a form to participate as a victim in the
14 proceedings, and this had to do with money. This was a request to participate with
15 a view to obtaining money.

16 So my question is, why did you decide to give testimony?

17 A. [12:11:55] I haven't understood your question. Could you please rephrase it?

18 Q. [12:11:58] Of course. The Defence counsel asked you earlier today why you
19 had filled out an application form to take part in the proceedings as a victim, and he
20 asked you if you had done that for money.

21 MR JACOBS: [12:12:18](Interpretation) I beg your pardon?

22 PRESIDING JUDGE SAMBA: [12:12:20] I'm sorry, Mr Jacobs.

23 Madam Prosecutor, I think the answer was quite clear that the witness gave in respect
24 of that question. His answer, if I recall well, was that he participated -- or he chose
25 to participate not because of money. He didn't come here or he didn't fill out the

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- 1 form because he wanted any money, so to speak. That was his answer.
- 2 Is there anything wrong with his answer? Was it ambiguous in any way?
- 3 MS LE BAILLY: [12:13:00](Interpretation) I had found it to be ambiguous, but if the
4 Presiding Judge is content with the response, I will leave it at that.
- 5 Q. [12:13:13] Thank you, Mr Witness.
- 6 PRESIDING JUDGE SAMBA: [12:13:15] Thank you very much. I think his answer
7 was quite clear.
- 8 Do you have any other question, Madam Prosecutor?
- 9 MS LE BAILLY: [12:13:21](Interpretation) No, no further question, your Honour.
10 Thank you, Mr Witness.
- 11 PRESIDING JUDGE SAMBA: [12:13:31] Thank you very much, Madam Prosecutor.
12 I will ask my colleagues.
- 13 Judge Flores, do you have any question for this witness?
- 14 JUDGE FLORES LIERA: [12:13:38] No, no questions, thank you very much.
- 15 PRESIDING JUDGE SAMBA: [12:13:41] Thank you.
- 16 Judge Ugalde, any question for this witness?
- 17 JUDGE UGALDE: [12:13:47] No question, thank you.
- 18 PRESIDING JUDGE SAMBA: [12:13:50] Okay. So, Mr Witness, on behalf of the
19 Chamber, I wish to thank you very much for cooperating with us and with the Court
20 in us finding justice for this particular case. We wish you the very best in your
21 future endeavours and continue protecting yourself. You do not need to discuss
22 anything that has happened here to anybody.
- 23 Thank you very much.
- 24 (The witness is excused)
- 25 PRESIDING JUDGE SAMBA: [12:14:20] On that note, I have to ask that we come

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- 1 tomorrow. I think we are going to have the 20th witness for the Prosecution
- 2 tomorrow. So I'm going to adjourn. If one of the Prosecutors can be -- you know,
- 3 be on your legs, please. Yes.
- 4 I'm going to adjourn this matter and ask that we come tomorrow at 9.30 in the
- 5 morning. Thank you very much. Thank you, ladies, thank you.
- 6 THE COURT USHER: [12:14:44] All rise.
- 7 (The hearing ends in open session at 12.15 p.m.)