

Trial Hearing
Procedural Matters

(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 Maria del Socorro Flores Liera
6 and Judge Sergio Gerardo Ugalde Godinez
7 Trial Hearing - Courtroom 2
8 Thursday, 1 February 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:20] All rise.
11 The International Criminal Court is now in session. Please be seated.
12 PRESIDING JUDGE SAMBA: [9:32:53] Good morning, everyone.
13 Madam Court Officer, can you kindly mention the case.
14 THE COURT OFFICER: [9:33:00] Good morning, Madam President, your Honours.
15 This is the situation in the Central African Republic II, in the case of The Prosecutor
16 versus Mahamat Said Abdel Kani, ICC reference ICC-01/14-01/21. And, for the record,
17 we're in open session.
18 PRESIDING JUDGE SAMBA: [9:33:20] Thank you very much, Madam Court Officer.
19 Can I ask the parties to introduce themselves, beginning with the Prosecution, please.
20 MS MAKWAIA: [9:33:31] Thank you, your Honours. For the Prosecution this
21 morning, Mr Thomas Bifwoli, Ms Brunhild Le Bailly, Mr Kamran Choudhry, Ms Sanyu
22 Ndagire, and myself, Ms Holo Makwaia. Thank you.
23 PRESIDING JUDGE SAMBA: [9:33:50] Thank you very much, Ms Makwaia.
24 Ms Pellet, for the victims, your team, please.
25 MS PELLET: [9:33:57](Interpretation) Thank you, your Honour. The victims are

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1 represented today by Tars Van Litsenborgh, Caroline Walter, and myself, Sarah Pellet, *

2 Counsel within the Office of Public Counsel for Victims.

3 PRESIDING JUDGE SAMBA: [9:34:14] Thank you very much, Ms Pellet.

4 Ms Naouri for the Defence, please.

5 MS NAOURI: [9:34:19](Interpretation) Thank you, Madam President. Good morning.

6 Next to me there is Florian François-Jacquemin. Next to him, Capucine Banet. We also

7 have Counsel Jacobs and Enora Perrot. And I am Jennifer Naouri, lead counsel for Mr

8 Said.

9 PRESIDING JUDGE SAMBA: [9:34:35] Thank you very much, Ms Naouri.

10 And, for the record, I note that Mr Said is in court. You don't need to get up, Mr Said.

11 Good morning.

12 MR SAID: [9:34:51](Interpretation) Good morning, Madam President.

13 PRESIDING JUDGE SAMBA: [9:35:03] A very good morning.

14 Now, the Prosecution is calling P-1289 as its eighteenth witness. The Chamber

15 authorised the introduction of P-1289's prior recorded testimony subject to the

16 conditions of Rule 68(3) being met in Decision 555. It is the Chamber's understanding

17 that this witness will be testifying in French via videolink. I would therefore remind

18 everyone of the importance of the need to speak slowly and to observe the five-second

19 rule between questions and answers.

20 The Chamber also notes that the Common Legal Representative for Victims made a

21 request to examine P-1289 for a maximum of 30 minutes in relation to the following

22 topics: The conditions of detention at the OCRB and the mistreatment of detainees; the

23 harm he suffered as a result of the events falling within the scope of the witness's

24 testimony; and reparations.

25 Now, the parties did not object to the common legal representative's request. The

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1 Chamber notes that P-1289 is a dual-status witness who is represented by the common
2 legal representative. We agree that the last two proposed topics relate to P-1289's
3 interest and accordingly authorise the common legal representative to question the
4 witness for no more than 30 minutes.

5 Now, before commencing, the Chamber notes briefly that protective measures are
6 confirmed for this witness by virtue of Decision 605. The Chamber takes note of the
7 VWU's recommendations.

8 Can I ask that the Court Officer connect us to the witness, please.

9 MS MAKWAIA: [9:37:26] Madam President, as the witness is being ushered in, I
10 would simply like to inform the Chamber that we are still experiencing technical
11 difficulties with the uploading of the witness preparation video of this witness. But as
12 you know, Madam President, your Honours, we did disclose a courtesy copy. Thank
13 you.

14 PRESIDING JUDGE SAMBA: [9:37:53] Yes. We did receive and I'm sure the Defence
15 did receive the courtesy copy, and we thank you very much for that.

16 (The witness enters the video-link room)

17 WITNESS: CAR-OTP-P-1289

18 (The witness speaks French)

19 (The witness gives evidence via video link)

20 PRESIDING JUDGE SAMBA: [9:38:59] Good morning, Mr Witness. Can you hear me?

21 THE WITNESS: [9:39:07](Interpretation) Yes, perfectly.

22 PRESIDING JUDGE SAMBA: [9:39:08] Good. Can you see me?

23 THE WITNESS: [9:39:14](Interpretation) Yes, I can see you.

24 PRESIDING JUDGE SAMBA: [9:39:16] Now, you are going to testify before the
25 International Criminal Court, so on behalf of the Chamber I would like to welcome you

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- 1 to the courtroom, Mr Witness.
- 2 THE WITNESS: [9:39:35](Interpretation) Thank you. It is a pleasure for me as well.
- 3 PRESIDING JUDGE SAMBA: [9:39:38] Thank you.
- 4 THE WITNESS: [9:39:39](Interpretation) It is a pleasure to be in front of this Chamber
- 5 of the ICC and to be able to testify.
- 6 PRESIDING JUDGE SAMBA: [9:39:45] Thank you very much, Mr Witness. Now, you
- 7 should have before you, Mr Witness, the solemn undertaking to tell the truth that every
- 8 witness who testifies before this Court must agree to. Do you have that document
- 9 before you?
- 10 THE WITNESS: [9:40:12](Interpretation) Yes, I have it here.
- 11 PRESIDING JUDGE SAMBA: [9:40:13] Can I ask that you read the solemn
- 12 undertaking, please.
- 13 THE WITNESS: [9:40:22](Interpretation) I solemnly declare that I will tell the truth, all
- 14 the truth, and nothing but the truth.
- 15 PRESIDING JUDGE SAMBA: [9:40:28] Good. We will continue. But, Mr Witness, do
- 16 you understand what you just read out?
- 17 THE WITNESS: [9:40:42](Interpretation) Perfectly so. I am standing in front of you,
- 18 and I swear to tell the truth, all the truth, of what I have experienced so that justice may
- 19 be made.
- 20 PRESIDING JUDGE SAMBA: [9:40:59] Thank you very much, Mr Witness. Let me
- 21 explain to you now, Mr Witness, the protective measures that the Chamber has put in
- 22 place for your testimony.
- 23 The Chamber has put in place the following measures for your protection during your
- 24 testimony. We have in place voice and face distortion for the duration of your
- 25 testimony. This means that no one outside the courtroom can see your face or hear

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1 your real voice during your testimony.

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

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

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

9 Also, if you feel you need a break, please raise your hand and tell us.

10 Lastly, Mr Witness, I have a few practical matters you should have in mind when
11 giving your testimony. Everything we say here in this courtroom is written down and
12 interpreted. It is, therefore, important to speak clearly and at a slow pace.

13 Please speak into the microphone and only start speaking when the person putting the
14 question has finished. To allow for the interpretation, everyone has to wait a few
15 seconds before starting to speak.

16 If you have any question yourself or if you need a break, as I've said, raise your hand so
17 that we know that you wish to say something.

18 Furthermore, we hope that there are no issues with the videolink. However, if there
19 are any issues with the technology, rest assured we will make sure that things are
20 sorted out as quickly as possible.

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

22 THE WITNESS: [9:44:32](Interpretation) Indeed, I understand it perfectly. I've
23 understood you.

24 PRESIDING JUDGE SAMBA: [9:44:37] Thank you very much, Mr Witness.

25 So we'll start with your testimony. The Prosecution will put questions to you, and we

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1 expect answers.

2 Madam Prosecutor, your witness, please.

3 QUESTIONED BY MS NDAGIRE:

4 Q. [9:45:05] Good morning, Mr Witness. My name is Sanyu Ndagire. We met two
5 weeks ago and more recently this Monday. I will be asking questions on behalf of the
6 Prosecution.

7 MS NDAGIRE: [9:45:23] Madam President, I therefore request if we can go into private
8 session for about a minute or two for the witness to provide his identifying
9 information.

10 PRESIDING JUDGE SAMBA: [9:45:33] Thank you very much.

11 Madam Court Officer, can we go into private session for a few minutes, please. Thank
12 you.

13 (Private session at 9.45 a.m.)

14 THE COURT OFFICER: [9:45:49] We're in private session, Madam President.

15 PRESIDING JUDGE SAMBA: [9:45:51] Thank you very much.

16 Yes, Madam Prosecutor, your witness, please.

17 MS NDAGIRE: [9:45:58]

18 Q. [9:45:59] Mr Witness, we are now in private session so you may speak freely.

19 Could you please tell the court your full names.

20 A. [9:46:16] Yes. My name is (Redacted) in

21 Bangui, and I'm of Central African nationality.

22 Q. [9:46:36] Thank you. And what is your current occupation?

23 A. [9:46:38] (Redacted)

24 (Redacted)

25 Q. [9:47:00] And what is your level of education, Mr Witness?

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- 1 A. [9:47:03] (Redacted)
- 2 (Redacted)
- 3 THE INTERPRETER: [9:47:25] (Redacted) correction of the interpreter.
- 4 PRESIDING JUDGE SAMBA: [9:47:28] Madam Prosecutor, just a minute, please. Let
- 5 me inquire what is happening with the Defence.
- 6 Mr Jacobs.
- 7 Ms Naouri, can you call Mr Jacobs attention to me, please.
- 8 MS NAOURI: [9:47:46](Interpretation) Yes, Madam President, I'll see what's happening
- 9 if you give me a second.
- 10 PRESIDING JUDGE SAMBA: [9:48:19] Is everything all right with Mr Said? Is there
- 11 any problem?
- 12 MS NAOURI: [9:48:23](Interpretation) Yes, your Honour. For the time being
- 13 everything is okay. There was a small physical discomfort issue, but we've managed to
- 14 solve everything. I'll tell you if there's any problem, but don't worry, we've managed to
- 15 solve everything. Thank you very much.
- 16 PRESIDING JUDGE SAMBA: [9:48:36] Thank you very much.
- 17 Yes, Madam Prosecutor, please carry on with your questions.
- 18 MS NDAGIRE: [9:48:43]
- 19 Q. [9:48:43] Mr Witness, where did you live in 2013?
- 20 A. [9:48:52] In Bangui. I was in Bangui. (Redacted), and I have
- 21 lived there up until now, in the capital city. I have not lived anywhere else up until
- 22 now, since that period.
- 23 Q. [9:49:15] Thank you for that. And could you just tell us what your occupation was
- 24 between the months of April and August in 2013.
- 25 A. [9:49:39] At the time these incidents happened, I was -- I had the same profession

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1 that I described to you just now, the same job, which means that (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [9:50:09] And for my final question in this private session, Mr Witness, what is
5 your religion?

6 A. [9:50:16] I'm Catholic, Christian.

7 MS NDAGIRE: [9:50:36] Thank you. Madam President, could we please turn back into
8 open session.

9 PRESIDING JUDGE SAMBA: [9:50:40] Yes.

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

11 (Open session at 9.50 a.m.)

12 THE COURT OFFICER: [9:50:55] We're back in open session, Madam President.

13 PRESIDING JUDGE SAMBA: [9:50:58] Thank you very much.

14 Madam Prosecutor, continue your questions, please.

15 MS NDAGIRE: [9:51:04]

16 Q. [9:51:05] Mr Witness, we are now in open session, so please again be mindful of
17 the responses that you give. If there's a particular name that you wish to mention, you
18 are free to ask us if we can move into private session as well.

19 I will now ask you a set of questions based on three topics. The first relates to your
20 witness statement, the second will be about the content of your witness statement, and
21 then the third and final topic will be about some photographs that I will then show you
22 and ask if you recognise anything in the photographs or anyone.

23 Am I clear, Mr Witness?

24 A. [9:52:00] Yes, yes, I understand.

25 Q. [9:52:05] Thank you. Now I'll begin with your witness statement. Do you recall

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1 being interviewed by investigators from the Office of the Prosecutor?

2 A. [9:52:27] Yes.

3 Q. [9:52:27] And after that interview, did the investigators from the Office of the
4 Prosecutor take your statement?

5 A. [9:52:41] Absolutely.

6 Q. [9:52:42] And at the end of that interview, was your statement read back to you in
7 a language you understand?

8 A. [9:52:54] Indeed, it was read back in French.

9 Q. [9:53:02] And at the end of that process, were you able to sign your statement?

10 A. [9:53:16] Indeed, I signed the statement.

11 MS NDAGIRE: [9:53:27] Could the officer please display tab 1 on the list of material,
12 and the ERN for the court record is CAR-OTP-2053-0359, and this document is
13 confidential and should not be displayed in the gallery, please.

14 THE COURT OFFICER: [9:53:50] Would counsel like for the witness to see the
15 document?

16 MS NDAGIRE: [9:53:54] Yes, please.

17 Q. [9:54:22] Mr Witness, do you see the document on your screen right now?

18 A. [9:54:25] Yes, I do. I can see it perfectly.

19 Q. [9:54:31] Do you also see your names anywhere on that document, Mr Witness?

20 A. [9:54:36] Yes. Yes, I do, indeed. And I also see my signature.

21 Q. [9:54:51] Thank you very much.

22 Mr Witness, I will now turn to the second topic which about the content of this
23 document. I will read portions of it out to you and ask you whether you have any
24 comments or clarifications to make.

25 MS NDAGIRE: [9:55:22] And for that purpose, I kindly request again if we can into

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1 private session.

2 PRESIDING JUDGE SAMBA: [9:55:26] Madam Court Officer, can we go back into
3 private session, please. Thank you.

4 (Private session at 9.55 a.m.)

5 THE COURT OFFICER: [9:55:36] We are in private session, Madam President.

6 PRESIDING JUDGE SAMBA: [9:55:40] Thank you very much.

7 Madam Prosecutor, your witness, please.

8 MS NDAGIRE: [9:55:53] I kindly request if the Court Officer would please display on
9 the witness's screen tab 2 of the Prosecution's list of material, which is CAR-OTP-2127-
10 7632, and if we can display page 7637. And if we can scroll down a bit to paragraphs 24
11 and 25. For the benefit of the Court, I'll be reading from the English version of the
12 document, which is at tab 1, and the page from tab 1 that I'm referring to is page 0363,
13 paragraphs 24 and 25.

14 Q. [9:56:58] Mr Witness, I will now read out in English portions of what you're seeing
15 currently on your screen, and I will ask you whether you have any clarifications to
16 make. So the first part that I will read out is the first line of paragraph 24, and it reads
17 as follows:

18 "As indicated in the document I brought to this interview" --

19 PRESIDING JUDGE SAMBA: [9:57:35] Sorry, Madam Prosecutor. Is this document in
20 yet?

21 MS NDAGIRE: [9:57:48] Your Honours, this is the French version of the witness's
22 statement. That's at tab 2 of the witness's list of material. And I am asking him to
23 confirm whether there are clarifications he wishes to make before we meet the Rule 68
24 requirements, with your leave.

25 PRESIDING JUDGE SAMBA: [9:58:07] Carry on.

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1 MS NDAGIRE: [9:58:09]

2 Q. [9:58:16] Mr Witness, I'll start again. The first line --

3 MS NAOURI: [9:58:20](Interpretation) I'm sorry, your Honour. Yes, your Honour, we

4 have a small objection on targeting these two paragraphs. It might be good maybe not

5 to read all the document but maybe to contextualise it by reading the previous

6 paragraphs and the ones afterwards, because given the preparatory session, this is very

7 leading since we're targeting topics that were brought up during the preparatory

8 session.

9 So what we're requesting is not to read the entire statement, of course, but not to focus

10 on two specific paragraphs which we know were brought up during the preparatory

11 session by the witness. So we want it to be contextualised maybe with one paragraph

12 before and one afterwards because we're leading the witness here on paragraphs that

13 we know that we want clarified on the basis of the preparatory session.

14 PRESIDING JUDGE SAMBA: [9:59:24] Madam Prosecutor, your response, please.

15 MS NDAGIRE: [9:59:28] Your Honours, on Monday you issued an instruction, an

16 order to the Prosecution, and I will read verbatim the e-mail.

17 "The Chamber orders the Prosecution to conduct a supplementary examination of this

18 witness and identify any corrections or clarifications which P-1289 may have to his

19 original statement. Moreover, if the Prosecution wishes to elicit any testimony in --

20 from the witness in respect of additional information that was provided during the

21 witness preparation, it should question Witness 1289 on those matters under oath

22 during the hearing."

23 My intention is not to have the witness clarify every single paragraph of his statement.

24 I have specifically streamlined the questions that I have for him to particular portions

25 of his statement that emanated, obviously, or information that he provided as

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1 clarifications and corrections during his witness preparation session that was
2 conducted on 17 and 18 January.

3 PRESIDING JUDGE SAMBA: [10:00:36] Well, could you try to put those questions to
4 him and avoid maybe leading him, because you already know the paragraphs that you
5 want to deal with, those that you dealt with during the preparatory session. Put the
6 questions in a manner that would not be leading. Thank you very much. Because if
7 you say you're going to read those paragraphs to him, you and I know that that would
8 be leading.

9 MS NDAGIRE: [10:01:33]

10 Q. [10:01:34] Mr Witness, have you heard of the CNT?

11 A. [10:01:37] Yes. Yes, yes.

12 Q. [10:01:42] And have you ever been part of the CNT?

13 PRESIDING JUDGE SAMBA: [10:01:45] No, let him tell us about the CNT. He will tell
14 us.

15 THE WITNESS: [10:01:50](Interpretation) No.

16 PRESIDING JUDGE SAMBA: [10:01:52] Madam Prosecutor, try not to lead the witness.
17 Okay? Try not to lead him.

18 MS NDAGIRE: [10:02:02]

19 Q. [10:02:03] Mr Witness, you've told us you've heard of the CNT. What have you
20 heard about the CNT?

21 A. [10:02:08] The CNT is the National Transition Council set up when the Seleka took power in
22 Bangui. The political parties, at least some parties, were appointed to be represented, and so

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MS NDAGIRE: [10:03:50] Can I kindly request if the Court Officer would display on
8 the witness's screen tab 3 of the Prosecution's list of material. The ERN, for the record,
9 is CAR-OTP-2053-0401.

10 Q. [10:04:24] Mr Witness, do you recognise the document on your screen?

11 A. [10:04:26] Yes. Yes, indeed. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:05:29] And who provided this document to the Office of the Prosecutor, Mr
19 Witness?

20 A. [10:05:31] I, myself, brought it.

21 MS NDAGIRE: [10:05:56] The Court Officer can remove this document and please next
22 display tab 4 of the Prosecution's list of material. This is, for the court record, CAR-
23 OTP-2053-0402.

24 Q. [10:06:34] Mr Witness, do you recognise the document on your screen?

25 A. [10:06:36] Yes.

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1 Q. [10:06:37] What is this document?

2 A. [10:06:38] This document is a list of the members of the government at the time
3 appointed by the transition government of the republic, Djotodia.

4 Q. [10:07:00] And who provided this document to the Office of the Prosecutor?

5 A. [10:07:02] It was also me.

6 MS NDAGIRE: [10:07:21] Court Officer, this document can now be removed from the
7 screen. And could we now display for the witness tab 5, which is CAR-OTP-2053-0407.

8 Q. [10:07:53] Mr Witness, do you see the document on your screen now?

9 A. [10:07:56] Yes.

10 Q. [10:08:04] What is this document?

11 A. [10:08:05] This was at a time when there were troubles, constant troubles of
12 arrests, and (Redacted)

13 (Redacted). And I also submitted this document

14 to the bureau.

15 Q. [10:08:40] Thank you very much. Please continue.

16 A. [10:08:47] (Redacted)

17 (Redacted)

18 Q. [10:09:09] Thank you very much, Mr Witness.

19 MS NDAGIRE: [10:09:10] Could the Court Officer please remove this document and
20 then show tab 6 of the Prosecution's list of material, which is CAR-OTP-2053-0382.

21 Q. [10:09:32] Mr Witness, do you now see the document on your screen?

22 A. [10:09:35] Yes, indeed. Yes.

23 Q. [10:09:44] Do you know what that document is?

24 * A. [10:09:46] It's a drawing I made to roughly represent the place where I was
25 detained, and I am also the one who submitted this.

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1 Q. [10:10:13] Mr Witness, I will now ask you about some of the things on this
2 drawing for you to explain to the Court. On the extreme left of the drawing, I see an
3 inscription there, "entrée 2013," (Interpretation) "entrance 2013." (Speaks English)

4 Could you please tell us what that means or signifies?

5 A. [10:10:39] On my left, entrance 2013, at the time of my detention, this was the
6 entrance into the office of the OCRB. It was the official entrance, and that is where I
7 was brought. On the right where you see "entrance 2017," the 2013 entrance was closed
8 and has been up until today. And starting in that year, that's when people would be
9 brought, that is, the accused, the detained, those who had been arrested, up until today.

10 Q. [10:11:53] And then just above -- sorry, I interrupted you. Please continue?

11 A. [10:12:03] This is a drawing that I made that represents, until there's any proof to
12 the contrary, the layout of the OCRB, the office to combat banditry. And so I'm the one
13 who submitted it to the bureau or the office. On the drawing, where we indicate "cell,"
14 that is where I was detained, in cell number 1. I have nothing else to say.

15 Q. [10:12:52] Thank you, Mr Witness.

16 MS NDAGIRE: [10:12:54] This document can now be removed from the screen, and if
17 we can then show tab 7 of the Prosecution's list of material. This is CAR-OTP-2053-
18 0383.

19 Q. [10:13:34] Mr Witness, do you see the document on your screen clearly?

20 A. [10:13:39] Yes, yes.

21 Q. [10:13:49] And could you please tell us what this document is.

22 A. [10:13:59] Yes. This is a page of (Redacted) diary or agenda. He went to
23 get me when I was kidnapped, and it mentions information. And then he gave it to me
24 for the purposes of the investigation, and I have submitted this to you. This is his
25 handwriting.

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1 Q. [10:14:37] And can you describe or tell us what is in this document.

2 A. [10:14:47] On this document, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [10:17:57] Yes. And so when I was arrested, as soon as I was brought to the place

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1 of my detention, fortunately somebody identified me and I asked that that person
2 convey the message. I told that person to alert many people who know me. And all
3 those people, more or less, acted (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
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24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SAMBA: [10:21:50] Madam Prosecutor, can you try and, you
4 know, streamline your questioning so that you deal with your application before the
5 Chamber, as in 68(3). You know that all that he is saying, and I'm sure those are not
6 what you had issues with during the preparation of this witness, because that's in the
7 statement. The testimony is now given the past few minutes in this statement. So deal
8 with what you want to deal with during preparation, what you want to put to him, so
9 that we'll deal with the application under Rule 68(3) in respect of your compliance,
10 please. Thank you.

11 MS NDAGIRE: [10:22:51] Could the Court Officer please remove this document from
12 the screen and show or display tab 1 again. This is the witness statement. The ERN is
13 CAR-OTP-2053-0359, and if we can specifically show the last page -- no, the second-last
14 page of the document. It is 0379.

15 Q. [10:23:31] Mr Witness, while this page is in English, I'll read briefly what it says:
16 "Witness Acknowledgement. This statement has been read to me in the French
17 language."

18 And at the bottom there, you will see a signature. Please tell us whose signature that is.

19 A. [10:23:59] It is my signature.

20 Q. [10:24:01] And can you confirm whether this is still the statement that you gave to
21 the investigators of the Office of the Prosecutor in 2017?

22 A. [10:24:10] Yes.

23 Q. [10:24:22] Mr Witness, the Judges in this trial can use your statement and
24 documents that you have just shown us, the annexes, to be part of the evidence in this
25 trial to help them decide the truth, but they can only do so if you do not object to it. Do

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1 you have any objections to this procedure?

2 A. [10:24:45] No. I agree.

3 MS NDAGIRE: [10:24:58] Madam President, given the witness has no objections, I
4 believe the procedural requirements for 68(3) are met. And unless you instruct
5 otherwise, I would like to move on to the next questions regarding photographs.

6 PRESIDING JUDGE SAMBA: [10:25:11] Yes. Carry on with your next line of questions,
7 please. Thank you.

8 MS NDAGIRE: [10:25:22] Thank you.

9 PRESIDING JUDGE SAMBA: [10:25:23] And you still want us to be in private session, I
10 take it.

11 MS NDAGIRE: [10:25:26] Yes, please.

12 PRESIDING JUDGE SAMBA: [10:25:28] Thank you.

13 MS NDAGIRE: [10:25:29]

14 Q. [10:25:29] Mr Witness, I will now show you a series of photos and ask whether
15 you recognise anything that you see in the images. The first photograph, we can please
16 --

17 MS NDAGIRE: [10:25:43] If the Court Officer could please display tab 8 of the
18 Prosecution list of material, which is CAR-OTP-2033-6838.

19 Q. [10:26:09] Mr Witness, do you see the document on your screen?

20 A. [10:26:16] Yes, perfectly.

21 Q. [10:26:19] Please tell us what this document is.

22 A. [10:26:32] It is the building of the OCRB in Bangui.

23 MS NDAGIRE: [10:26:41] This document may now be removed from the screen, and
24 could we then display next tab 9 of the binder, which is CAR-OTP-2033-7154.

25 PRESIDING JUDGE SAMBA: [10:27:05] Do we need to be in private session for this,

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1 Madam Prosecutor?

2 MS NDAGIRE: [10:27:12] We could move to public session, and perhaps where the
3 witness wishes to provide additional information, he could let us know if we can move
4 back to private.

5 PRESIDING JUDGE SAMBA: [10:27:29] Yes, certainly.

6 Mr Witness, we are going to move back to public session, so be mindful of the
7 information you give so you do not reveal any information that would identify you or
8 other persons.

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

10 (Open session at 10.28 a.m.)

11 THE COURT OFFICER: [10:28:00] We are back in open session, Madam President.

12 PRESIDING JUDGE SAMBA: [10:28:05] Thank you very much.

13 Madam Prosecutor, your witness, please.

14 MS NDAGIRE: [10:28:15]

15 Q. [10:28:15] Mr Witness, do you recognise anything in this photograph?

16 A. [10:28:18] Yes. It is the main entrance of the office, the OCRB at that time -- or up
17 until today as well.

18 Q. [10:28:37] Thank you very much.

19 MS NDAGIRE: [10:28:39] Could we then display the next document, which is at tab 10
20 of the Prosecution's list of material. The ERN is CAR-OTP-2033-7163.

21 Q. [10:29:00] And here again, Mr Witness, please tell us if you recognise anything in
22 this photograph?

23 A. [10:29:13] Yes. It is the entrance hall where you bring the detainees, the accused,
24 and this leads to the offices of the police officers or for the hearing rooms, the
25 interrogation rooms. On the left is the counter, that is, the reception. On the right you

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1 have benches where the accused are supposed to sit, or those who are called to the
2 OCRB.

3 Q. [10:30:04] Thank you for that.

4 MS NDAGIRE: [10:30:06] And if the Court Officer can now display tab 11. The ERN is
5 CAR-OTP-2033-7170.

6 Q. [10:30:18] And again here, Mr Witness, please tell us if you recognise anything in
7 this photo.

8 THE COURT OFFICER: [10:30:25] Would counsel like the item to be shown to the
9 public as well?

10 MS NDAGIRE: [10:30:30] Yes. Yes, of course.

11 THE WITNESS: [10:30:39](Interpretation) Yes, this is the reverse view, so from the
12 opposite side of the room. So this is where the detainees are brought in on their way to
13 the offices. As I just stated, this is the same entrance hall seen from the inside. This is
14 the entrance from whence we came.

15 MS NDAGIRE: [10:31:13]

16 Q. [10:31:13] And just so we are clear, which building is this entrance hall contained
17 in?

18 A. [10:31:26] This is the OCRB, the Central African Office to counter banditry, the
19 OCRB.

20 Q. [10:31:40] Thank you for that.

21 MS NDAGIRE: [10:31:43] Can we now display tab 12 on the screen for the witness and
22 in the gallery. The ERN is CAR-OTP-2033-7175.

23 Q. [10:32:01] Mr Witness, when you see the document on your screen, please tell us if
24 you recognise anything in this photograph.

25 A. [10:32:18] Yes, perfectly so, because I came through this area myself. On the right

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1 is the entrance to the other offices, but this is the reception. This is the reception. And
2 *the cabinet you see there is where we're supposed to leave our things, our clothes, if
3 we're asked to take them off, for example, before we're taken in further. This all
4 happens here. This is where it starts. You enter through the main entrance, and then
5 there were some police officers stationed here, and that's it.

6 Q. [10:33:18] Thank you very much, Mr Witness.

7 MS NDAGIRE: [10:33:20] If we can now display onto the screen tab 13. That's CAR-
8 OTP-2033-7056.

9 MS NAOURI: [10:33:33](Interpretation) I'm sorry, Madam President.

10 PRESIDING JUDGE SAMBA: [10:33:37] Yes, Ms Naouri.

11 MS NAOURI: [10:33:39](Interpretation) Yes, we object to this photograph. We need to
12 lay a foundation first, and for the previous statement, and I'm referring to paragraph 48
13 more specifically, because the witness only states that he only went to the main
14 entrance and we've just seen photos of the main entrance. That was not a problem. But
15 when it comes to other photos of the interior, the witness should first be asked whether
16 he was already inside the OCRB because this is a view of the rooms. He's seen places
17 of the rooms, and he should -- it should first be established that he's been inside before
18 photos of the interior are shown to him. The foundation should be laid before the
19 question is asked.

20 Thank you, Madam President.

21 PRESIDING JUDGE SAMBA: [10:34:35] Thank you very much.

22 A response, Madam Prosecutor?

23 MS NDAGIRE: [10:34:45] Madam President, I think at this point in the witness's
24 testimony, it is clear he testified that he was detained at the OCRB.

25 PRESIDING JUDGE SAMBA: [10:34:55] He was detained, but was it inside or outside?

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1 Do you recall his testimony as per his statement?

2 MS NDAGIRE: [10:35:01] I could ask him, if we can go into private session, of course,
3 in the event he relays more information regarding where in the premises he was
4 detained.

5 PRESIDING JUDGE SAMBA: [10:35:18] Do you recall anywhere in his statement
6 where he said he was detained inside, the statement that you just referred to for quite a
7 few minutes?

8 MS NDAGIRE: [10:35:50] Madam President, from paragraphs 48 through to paragraph
9 64 of the English statement, the witness speaks to his detention at the OCRB.

10 PRESIDING JUDGE SAMBA: [10:36:08] I'm not saying that he did not speak to that.
11 Counsel's concern is whether or not he was -- he went inside the interior of the OCRB
12 or whether or not he was detained outside. I mean, one's recollection would say that
13 he was detained in a particular room, whether room 1 or so outside. So her concern is
14 why he should talk about inside when, in fact, according to her, he did not go inside
15 the OCRB itself, apart from the entrance, the reception, where he referred to us just
16 now in testimony. But if you want to ask him, I'll allow that.

17 Can we go into private session quickly, Madam Court Officer. Thank you.

18 (Private session at 10.37 a.m.)

19 THE COURT OFFICER: [10:37:15] We are in private session, Madam President.

20 PRESIDING JUDGE SAMBA: [10:37:18] Thank you very much. And please try to put
21 the question in a manner that will not be leading. Thank you.

22 MS NDAGIRE: [10:37:37]

23 Q. [10:37:37] Mr Witness, you mentioned earlier when we showed you a drawing
24 that you had made and provided to the Prosecution that you were detained in cells.
25 Could you tell us where those cells were located?

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1 A. [10:38:07] The main building is where I was brought to. Once we were asked to
2 undress and other things, I was taken to a cell that was within the same compound of
3 the OCRB but in a different building. Not the same building. It was another building.
4 It's part of the OCRB, but there are other cells within the building, whereas this is the
5 main building. They took our personal possessions. We were asked to undress. And
6 that all happened in this place, as I described. And then they took me out in order to
7 put me in the gaol outside, in a cell. There were other cells outside. You have to refer
8 to the drawing I made.

9 PRESIDING JUDGE SAMBA: [10:39:14] Can we go back into open session, Madam
10 Prosecutor? Thank you very much.

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

12 (Open session at 10.39 a.m.)

13 PRESIDING JUDGE SAMBA: [10:39:36] Yes, Mr Witness, do you want to say
14 something? We are in open session, Mr Witness. Do you want to say something?

15 THE WITNESS: [10:39:43](Interpretation) I'd like to take a one-minute break, if
16 possible.

17 PRESIDING JUDGE SAMBA: [10:39:46] Certainly. Okay. We'll wait for you a minute
18 or two or three and you'll come back. Thank you.

19 (The witness exits the video-link room)

20 (The witness enters the video-link room)

21 PRESIDING JUDGE SAMBA: [10:42:32] Are you okay now, Mr Witness?

22 THE WITNESS: [10:42:35](Interpretation) Thank you very much. I am okay. Thank
23 you.

24 PRESIDING JUDGE SAMBA: [10:42:37] Madam Prosecutor, please carry on with your
25 questions.

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1 MS NDAGIRE: [10:42:41] Thank you, Madam President.

2 Q. [10:42:47] Now, Mr Witness, while we were in private session, you mentioned that
3 there were cells within the main building of the OCRB. Can you tell us how you know
4 that there were cells inside the main building.

5 A. [10:43:12] From the cell that I was detained in, from the cell I was detained in, I
6 could look through small holes that other detainees were brought in, and they were
7 ushered in. And there were prisoners who were detained within the building. And
8 when I was brought into the main entrance, they weren't sure where they wanted to
9 detain me. They wanted to take me into the interior, and then they made different
10 gestures and then took me outside to detain me. That's when I realised that there were
11 different cells in which people could be detained, including outside, on the sides, and
12 also in the basement.

13 And while I was in detention, during the night, I could hear the cries or sighs of other
14 detainees who complained as I did.

15 MS NAOURI: [10:44:17](Interpretation) I'm sorry, your Honour, there might be a small
16 interpretation issue, but if I read the question that the Prosecutor's Office has just put to
17 the witness, it says the witness said there were cells within the main building of the
18 OCRB. However, in the French transcript of the witness's statement, it doesn't say that
19 he stated this. He did not say that there were cells within the main building, but he
20 simply and clearly explained that he himself was detained in one of the outer cells after
21 having been in the main entrance.

22 So a question was asked that made him say something that is not in the French
23 transcript, and this brought up or elicited a response, an answer, that is based on things
24 that the witness never said in the French version at least. So this poses a problem.

25 I haven't looked at the English transcript yet, so I don't know if this was something that

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1 was said in the English transcript, but it's not in the French transcript. And having
2 heard the witness in French, this is something he did not say. Unless there's something
3 that escapes me from the previous statement, I don't think he stated it there either.

4 MS NDAGIRE: [10:45:48] Madam President, I'm happy to provide the English
5 reference where the witness talks about the cells within the building, from the English
6 realtime transcript.

7 PRESIDING JUDGE SAMBA: [10:45:58] Yes, you could do that, but I do recall also
8 from his statement, which is, you know, part of the 68(3) ruling, he did mention cells.
9 He mentioned a cell where I think the Yalo brothers were, and things like that. But if
10 you can give the reference, Madam Prosecutor, that should be fine. It may be an
11 interpretation problem possibly.

12 MS NDAGIRE: [10:46:27] At the English realtime transcript today is T050, page 27,
13 lines 3 to 5, it states here:

14 "It was another building. It's part of the OCRB, but there are other cells within the
15 building, whereas this is the main building. They took our personal possessions."

16 MS NAOURI: [10:46:58](Interpretation) So maybe I can help with the translation. The
17 building in French, the compound, it means the whole area that includes all the
18 different buildings. So clearly there was an issue of translation here. So the compound
19 contains all the buildings, and it did not refer to the main building. And he used the
20 word "enceinte" in French, or compound. And referring to the Yalo brothers' cell, it's
21 outside, indeed. And in the previous statement, when he speaks of the inner cells, this
22 is something he had heard of before being detained.

23 So I think it's important to clarify this issue in order not to influence the witness and
24 make him say things he did not say.

25 PRESIDING JUDGE SAMBA: [10:47:47] But, Ms Naouri, why do you want to take us

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1 to inner cells, inner cells as in the main building? He hasn't said anything about inner
2 cells in the main building in his testimony. He spoke about the reception where
3 everything is done when you are brought in. Your clothes or removed or whatever is
4 done. And then he was taken to the outside -- one of the outer cells, the cells outside in
5 the compound. And he did talk about -- him saying even one of the cells outside in the
6 compound pre-supposes that there are other cells in the compound.
7 But quite apart from that, in his testimony -- in his statement, he did talk about other
8 cells that you yourself have agreed to, the cells where the Yalo brothers were and things
9 like that. So I accept there's an interpretation problem maybe with the French version,
10 but that's the evidence, as we understand it, from this witness.

11 MS NAOURI: [10:48:44](Interpretation) Your Honour, you are absolutely right in
12 everything you've said, and I do not need to see cells in the interior, on the inside. But I
13 just wanted there to be noted that there was an interpretation issue that refers to inner
14 cells. So the question asked by the Prosecutor's Office refers to inner cells, and that's
15 what I wanted to correct, because as you very correctly stated, this is something that is
16 not in the transcript or the statement or the French translation or the French transcript.
17 And it's based on an interpretation problem, and I think that was important to clarify
18 because that will influence answers.

19 PRESIDING JUDGE SAMBA: [10:49:37] Well, thank you very much.

20 Madam Prosecutor, please carry on.

21 MS NDAGIRE: [10:50:02]

22 Q. [10:50:03] Mr Witness, I believe you were giving us a response and midway your
23 response before the interruption. Please if you would like to continue and complete
24 your response.

25 PRESIDING JUDGE SAMBA: [10:50:16] Would you like to put the question again so

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1 that we have context of what the witness is trying to say, please.

2 MS NDAGIRE: [10:50:22]

3 Q. [10:50:23] So, Mr Witness, my question before the interruption was: While we
4 were in private session, you mentioned that there are cells within the main building of
5 the OCRB --

6 MS NAOURI: [10:50:32](Interpretation) No, that is not what the witness stated. That
7 was an interpretation error. The witness did not say that in French. He said there were
8 cells in the compound, but not inside the main building. But despite this, you are
9 repeating things that the witness did not state. That is all that I wanted to specify.

10 MS MAKWAIA: [10:51:01] Madam President, with your leave, please, since we've got
11 the witness here, perhaps he can tell us as opposed to counsel telling us what she
12 thinks is being said, because now we've had a back and forth on this issue, "enceinte",
13 "dedans". The witness is here --

14 PRESIDING JUDGE SAMBA: [10:51:16] All right. The witness will tell us. Ms
15 Makwaia, we have the young prosecutor on her legs. I can't have both of you standing
16 at the same time in the courtroom.

17 Mr Witness, can you help us. When you were taken, according to your testimony, to
18 the OCRB and when you entered the reception area, as you describe it, where next
19 were you taken to?

20 THE WITNESS: [10:52:04](Interpretation) Once I had arrived within the OCRB, within
21 the compound, I was taken to the reception. This is where we were dealt with, at the
22 entrance at the reception, and then they decide where to take you, where in the
23 different gaols. And there were gaol cells within the compound, on the outside of the
24 main building. And I was taken out of the reception to the outside, and I was taken to a
25 cell. And then from the cell that I was put in, I could see other cells around. And that's

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1 why I'm saying to you that there are also cells in the basement, in the basement of the
2 office. But I wasn't inside.

3 PRESIDING JUDGE SAMBA: [10:52:51] Thank you very much, Mr Witness.

4 Madam Prosecutor, what you are going to do is to, you know, get control of the
5 witness so you get answers -- precisely the answers that you want.

6 MS NDAGIRE: [10:53:06] I'm guided, your Honour.

7 If the Court Officer could please display tab number 14 of the Prosecution's list of
8 material. This is CAR-OTP-2033-6871.

9 Q. [10:53:35] Mr Witness, do you see the image on your screen?

10 A. [10:53:41] Yes. Yes, yes.

11 Q. [10:53:45] Please tell us what this is.

12 A. [10:53:58] These are cells where other detainees were put, so they are within the
13 OCRB compound but they are behind the main building. And this is where other
14 people, the people whose names I gave you, were detained, people who saw me arrive
15 there and who knew me from before. This is the building with the most cells. It is
16 bigger than the other ones, slightly bigger than the other ones, the detainees' cells.

17 Q. [10:54:41] And how did you know that these are the cells where the other
18 detainees are put? And I'm quoting from the English transcript, realtime transcript?

19 A. [10:55:00] I told you that when I was brought there to be searched within the main
20 building, I was then led out to be taken to what I've called my cell. And from this cell I
21 had a view on these other cells, on these cells. And then also before going in, I saw
22 them -- I was -- I saw them outside for a couple of minutes. I said hello, and I could
23 identify them. I knew that this was so and so, and so and so. So before I was taken there, I
24 was--well, when I was taken there, they were outside,* and they were told to come in, and then
25 I was smacked. That's it. I don't know how to explain this to you. It was not easy. And there

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1 were detainees who, for some of them, almost never went out. They were -- these ones
2 were, let's say, privileged. They were sometimes inside or outside, and that's how they
3 saw me arrive. That's how they recognised me. And they asked me why didn't I leave,
4 why didn't I flee Bangui, "because of the regime, you should have left Bangui." And
5 then I asked them the same thing, and * that's when they led me into my cell, only to
6 take me out again a little later. Did I answer your question correctly?

7 Q. [10:56:29] You did, indeed, Mr Witness.

8 A. [10:56:30] But I wasn't detained here. I was not detained within these cells. These
9 are the cells where the others were detained that I drew on my sketch, their placement,
10 near the 2017 entrance, according to the drawing.

11 Q. [10:57:07] Thank you for that, Mr Witness.

12 MS NDAGIRE: [10:57:10] Madam President, I'm mindful of the time. Before moving
13 on to the next document, might this be a good time to take a break?

14 PRESIDING JUDGE SAMBA: [10:57:19] You have, like, four more minutes.

15 MS NDAGIRE: [10:57:27] I'll proceed, then.

16 Can the Court Officer please remove this document and then display tab 15, which is
17 CAR-OTP-2033-7064.

18 Q. [10:58:00] Witness, do you see the photograph on your screen?

19 A. [10:58:04] Yes.

20 Q. [10:58:12] Please tell us if you recognise anything in this photograph.

21 A. [10:58:22] Yes. Yes, yes.

22 Q. [10:58:34] What does this photograph depict?

23 A. [10:58:36] I was detained here for a bit, the very first cell on the left.

24 Q. [10:59:04] Thank you, Mr Witness.

25 MS NDAGIRE: [10:59:06] This document may be removed from the screen.

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1 PRESIDING JUDGE SAMBA: [10:59:09] And that could be a good point to stop for
2 now.

3 Mr Witness, we are going to end here for now and we'll come back after 30 minutes to
4 continue with your direct examination.

5 So I rise the court. We will return at 11.30, please.

6 (Recess taken at 10.59 a.m.)

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

8 THE COURT USHER: [11:31:45] All rise.

9 Please be seated.

10 PRESIDING JUDGE SAMBA: [11:32:05] Good morning again.

11 Mr Witness, we are going to continue with your direct examination.

12 Madam Prosecutor, your witness, please.

13 MS NDAGIRE: [11:32:18]

14 Q. [11:32:25] Mr Witness, before the break, you were shown a photograph in which
15 you described that you were detained in there for a bit. Could you tell us how long
16 you were detained there.

17 A. [11:32:55] I spent one night in that place.

18 Q. [11:33:02] After that night, where did you go?

19 A. [11:33:04] After that night, during the morning, I was brought to the Ministry of
20 Public Security, or where, very early in the morning, the minister came and realised
21 that I was being detained at that place.

22 Q. [11:33:37] And you've mentioned a minister who came and realised that you were
23 being detained at that place.

24 Can you tell us who the minister is, please.

25 A. [11:33:56] The minister of public security. You want his name?

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1 Q. [11:34:03] Yes, please, Mr Witness.

2 A. [11:34:09] It is Mr Nouradine Adam.

3 MS NDAGIRE: [11:34:35] And now I realise we are still in open session. Perhaps we
4 might move to private session briefly for me to ask the witness who brought him to the
5 Ministry of Public Security.

6 PRESIDING JUDGE SAMBA: [11:34:44] Madam Court Officer, could we move into
7 private session, please.

8 (Private session at 11.35 a.m.)

9 THE COURT OFFICER: [11:35:03] We're in private session, Madam President.

10 PRESIDING JUDGE SAMBA: [11:35:07] Thank you very much, Madam Court Officer.
11 Madam Prosecutor, your witness.

12 MS NDAGIRE: [11:35:14] Thank you very much.

13 Q. [11:35:15] Mr Witness, I'm referring to the English transcript, at T50, the realtime
14 transcript, you said here:

15 "After that night, during the morning, I was brought to the Ministry of Public Security."
16 Who took you to the Ministry of Public Security?

17 A. [11:35:45] The head of the OCRB whom I recognised, early in the morning, when
18 he came to announce to me that the minister needed me to wash my face and I would
19 be taken there to him and Mr -- a Mr Said.

20 Q. [11:36:18] Just for clarity, Mr Witness, could you tell us the name of the head of the
21 OCRB.

22 A. [11:36:34] The name of the head of the OCRB is General Mazangue, who is
23 seconded by Mr Said. And when you ask General Mazangue, he says he is no longer
24 the head of OCRB, but it is Mr Said. And he is the one who accompanied me to the
25 minister's.

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1 Q. [11:37:07] And how do you know that it was General Mazangue who was
2 seconded by Mr Said?

3 A. [11:37:13] When I was detained inside my cell, I heard (Redacted) asking if I was
4 there, and Mr Mazangue made it clear that he did not understand anything and did not
5 decide anything. And even when I was arrested, I was never interrogated. There was
6 no hearing for me. *I was only mistreated by Mr Said. He even was the one who put
7 me into the gaol cell.

8 And the next morning, when Mr Minister came with his car, as I could see through
9 small holes in my cell, I saw the vehicle enter, and I heard him give the order to Mr
10 Said to bring him to see him -- bring me to see him, rather. And during this trip to go
11 to the minister's, he had told me that he was the boss, he himself in person. So once we
12 got there, I understood in the exchanges that took place with the minister that he,
13 indeed, was the boss.

14 Q. [11:38:44] Just so we understand properly, when you say he said he was the boss,
15 "he told me he was the boss," who are you referring to?

16 A. [11:38:52] When he said that he was the boss, I'm referring to whom? Well, I'm
17 saying that he was the one who could decide to release me or kill me possibly that
18 night. He had that right over many people.

19 MS NDAGIRE: [11:39:35] Could the Court Officer please now display on the witness's
20 screen tab 16 of the Prosecution's binder, and this is CAR-OTP-2069-3226.

21 PRESIDING JUDGE SAMBA: [11:39:58] Madam Prosecutor, before we do that, can we
22 just have a clarification in respect of the witness's last answer.

23 Mr Witness, when you say, and I read out what you just read:

24 "When he said that he was the boss, I'm referring to whom? Well, I'm saying that he
25 was the one who could decide to release me or kill me possibly that night. He had that

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1 right over many people."

2 Who are you referring to?

3 THE WITNESS: [11:40:56](Interpretation) Well, the person who came to my rescue,

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted). That's how I understood that he was the real boss. That was during the

11 night. It wasn't simply the following morning. It was thanks to this type of revelation

12 that I said, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) to spare my life, I would not be here. And I understood that I was being

18 brought -- excuse me. I'm still seeing these images. If he had not been there, indeed, I

19 would not be here today, like the others.

20 PRESIDING JUDGE SAMBA: [11:42:44] Thank you very much, Mr Witness. Who did

21 this young man warn you against? Do you know the person's name, the boss's name?

22 THE WITNESS: [11:43:12](Interpretation) This is the head of the OCRB, Mr Said.

23 PRESIDING JUDGE SAMBA: [11:43:14] Madam Prosecutor, carry on, please.

24 MS NDAGIRE: [11:43:18] Thank you, Madam President.

25 If the Court Officer could kindly display tab 16. The document is CAR-OTP-2069-3226.

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1 Q. [11:43:37] Mr Witness, do you see the photograph on your screen?

2 A. [11:43:51] Yes.

3 Q. [11:43:52] Do you recognise anyone in this photo?

4 A. [11:43:54] Yes. * In the loin cloth, is the transitional President, Mr Michel Djotodia.
5 And the one in military uniform, next to the other one who is dressed in black, is Mr
6 Said. He is the one who accompanied me.

7 Q. [11:44:31] And just so we are clear, where did Mr Said accompany you to?

8 A. [11:44:36] To the minister, the minister of security, Mr Nouradine, the following
9 morning after my detention.

10 PRESIDING JUDGE SAMBA: [11:44:58] Do you still want us to be in private session?

11 MS NDAGIRE: [11:45:02] I think we can move to open session.

12 PRESIDING JUDGE SAMBA: [11:45:04] Thank you.

13 Madam Court Officer, can we get back into open session, please.

14 (Open session at 11.45 a.m.)

15 THE COURT OFFICER: [11:45:16] We're back in open session, Madam President.

16 PRESIDING JUDGE SAMBA: [11:45:21] Thank you very much.

17 Madam Prosecutor, carry on, please.

18 MS NDAGIRE: [11:45:36] Thank you, Madam President.

19 We can have this photograph removed from the screen. And the next photograph
20 which should be displayed is tab 17 of the Prosecution's binder. It's CAR-OTP-2069-
21 3227.

22 PRESIDING JUDGE SAMBA: [11:46:04] Do you want it displayed in the public gallery
23 also?

24 MS NDAGIRE: [11:46:10] Yes, of course. My apologies. May it be displayed in the
25 gallery.

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1 Q. [11:46:25] Mr Witness, do you see the photograph on your screen?

2 A. [11:46:28] Yes.

3 Q. [11:46:34] Please tell us if you recognise anyone in the photo.

4 A. [11:46:45] Once again, I recognise the transition president, and the man in
5 camouflage before the very last one is Mr Said.

6 Q. [11:47:05] Just so we are clear, could you count -- because there are a number of
7 individuals in the photograph, could you count which person you have identified as
8 Mr Said, please.

9 A. [11:47:32] On the left, that is, to the right of the transition president, the man in
10 military attire -- no, no, without the epaulets, with the shaven head, and then the
11 second-last person in the light-coloured attire.

12 Q. [11:48:11] But which of the two that you have identified as Mr Said in the
13 photograph, please.

14 A. [11:48:22] The second-last person to whom the president is saying hello.

15 Q. [11:48:31] Thank you very much.

16 MS NDAGIRE: [11:48:40] The last photograph that will be displayed to the witness is
17 tab 18 of the Prosecution's list of material. The ERN is CAR-OTP-2094-2006.

18 Q. [11:49:05] Mr Witness, do you see the image on your screen?

19 THE COURT OFFICER: [11:49:09] Counsel, do you want this to be broadcast to the
20 public?

21 MS NDAGIRE: [11:49:14] Yes, of course. I apologise. I keep forgetting to say that it
22 can be displayed to the public gallery.

23 Q. [11:49:27] Mr Witness, do you recognise the person in the image?

24 A. [11:49:29] Perfectly, yes.

25 Q. [11:49:38] Who is this person?

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1 A. [11:49:39] It is he, the head of the OCRB, Mr Said, who brought me to the hearing.

2 Q. [11:50:04] Now, Mr Witness, as we've been going over aspects of your statement
3 and your testimony this morning, you've spoken about Mr Said. However, in your
4 interview and statement of 2017, there wasn't a mention of Mr Said. Could you explain
5 why that is.

6 A. [11:50:38] For the simple and good reason that my life was in danger. As soon --
7 as long as people are at large, we cannot hesitate. I think you can understand that
8 today. This is a danger for me. I am freeing myself of what they wanted to put into my
9 head, that whatever they would do, that I must not speak about that. And I think my
10 testimony has to serve humanity, that silence is not a reason to protect lives. I am
11 testifying to say that there are people who have not had the luck to be alive today.
12 These people have done so much evil that they have to be punished. They hurt us.
13 And I am just a survivor.

14 Q. [11:51:47] Thank you for that, Mr Witness, and thank you for answering my
15 questions.

16 MS NDAGIRE: [11:51:54] Madam President, I have no further questions at this point,
17 and I request if the witness's prior statement may be admitted under Rule 68.

18 PRESIDING JUDGE SAMBA: [11:52:06] Thank you very much. It is so admitted.

19 Ms Pellet, you requested to put some questions to this witness, so you may want to
20 start your questioning of this witness.

21 MS PELLET: [11:52:26](Interpretation) Thank you, your Honour. Thank you, your
22 Honour. I maintain my request. As my colleague from the Prosecution has just
23 satisfied the requirements of 68(3), and given the decision this morning, my questions
24 will be limited to what the witness has had to suffer through during the events of 2013
25 and the impact of these events described by the witness on himself and the members of

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1 his family. QUESTIONED BY MS PELLETT: (Interpretation) Q. [11:53:20] Good morning,
2 Witness. We know each other, but for the purposes of the transcript, I would like to point
3 out that I am your legal representative, as your application to participate was accepted on
4 27 May 2022 and again on 8 November last year, on the basis of a form that we filled in
5 together on 3 March 2022 via a video and telephone link when the network...

6 *MS NAOURI: [11:53:58](Interpretation) Madam President, it is not a matter of establishing the
7 relationship between my learned friend and her client: she is testifying on behalf of... of her
8 client. She says when they met, how and by what means. These are questions she can ask her
9 client. If it was my witness, I would not ask how we met.. So if she wants to establish the
10 relationship between her and her client, that's fine, but it must not be done in a leading way, so
11 no leading questions should be asked, and then she could establish how they met through the
12 testimony of the witness. Thank you. That's what I wanted to say, Madam President.

13 PRESIDING JUDGE SAMBA: [11:54:49] Thank you. Ms Pellet.

14 MS PELLETT: [11:54:52](Interpretation) Thank you, Madam President. My introduction
15 has always been the same since the beginning of the trial, verbatim it has been the same
16 since 16 November 2023, and my colleague had not seen any objection. In any case,
17 this is of no importance *because, I repeat, this information is in our filing ICC-01/14-
18 01/21-518-Red, paragraphs 30 and 31. It has no importance and it's simply to establish
19 the reason why I am representing this person.

20 PRESIDING JUDGE SAMBA: [11:55:52] Thank you very much, Ms Pellet. Carry on
21 with your questioning of this witness, please.

22 MS PELLETT: [11:55:56](Interpretation) Thank you, Madam President.

23 Q. [11:56:02] Witness, before beginning to ask you questions, I want to specify one
24 thing, but if my questions may be ones that could identify you, I will ask that we go
25 into private session and that way you will be able to freely answer my questions,

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1 providing the information that you want to provide.

2 Moreover, if you feel that the answer that you are going to give to my questions could
3 possibly indirectly make it possible to identify you, raise your hand, and I will ask that
4 we go into private session. Okay? So you can answer without any fear. Have you
5 understood?

6 A. [11:56:44] Yes, I have understood, indeed. Thank you.

7 Q. [11:56:47] Mr Witness, were you mistreated or threatened during your detention
8 at the OCRB?

9 A. [11:57:07] Practically all the time.

10 Q. [11:57:08] Could you give me some examples of this mistreatment.

11 A. [11:57:11] As soon as I arrived, as soon as I arrived, as soon as I arrived, the person
12 who was transporting me spat in my face. And when he introduced me to this man,
13 the man did not waste any time and he said, "You go there and take everything you've
14 got on you off." And when I refused, he slapped me across the face. He boxed me. He
15 did the same things as the other, saying, threatening that if I did not obey his orders to
16 the letter he would kill me. And same thing. Other people around me said, "Just
17 obey," simply. I'm sorry, I could not say everything.

18 Q. [11:58:02] I understood.

19 MS PELLET: [11:58:10] (Interpretation) And I will ask the Presiding Judge to take us
20 into private session.

21 PRESIDING JUDGE SAMBA: [11:58:14] Yes, we will go into private session. But try
22 not to elicit evidence that the Prosecution must have already led, Ms Pellet. We don't
23 want a repeat of what the Prosecution has led or what we already have in evidence,
24 please.

25 Madam Court Officer, can you please get us into private session.

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1 (Private session at 11.58 a.m.)

2 THE COURT OFFICER: [11:58:46] We're in private session, Madam President.

3 PRESIDING JUDGE SAMBA: [11:58:48] Thank you very much.

4 Ms Pellet, please.

5 MS PELLET: [11:58:51](Interpretation) Thank you, Madam President. Just one
6 clarification. The answers to the questions this morning of the witness have led to this
7 sequence, but they were not re-transcribed in the English version of the transcript and
8 so the witness can provide additional information. I want him to give names of the
9 people he could not give us in the open session. Thank you, Madam President.

10 PRESIDING JUDGE SAMBA: [11:59:31] In doing so, you may want to guide him so
11 that we don't have a repeat of the testimony that the Prosecution has already led.
12 Thank you very much.

13 MS PELLET: [11:59:40](Interpretation) Understood, Madam President.

14 Q. [11:59:44] Now we are in private session so you are free to give the names of these
15 people. You referred to two people, one who was in the car with you when you were
16 taken to the OCRB and the other who -- I do not have the French transcript before me,
17 but I think I remember, the person who slapped you across the face, boxed you, and
18 threatened to kill you.

19 A. [12:00:17] The person who took me from the place I was arrested at, his name is
20 Mahamat Saleh, I believe. And everything I experienced during my transport is
21 something I've already described.

22 Once we had arrived a few hundred metres away from the OCRB, this is when he told
23 me I could be killed at any moment. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted), it is that my fate is sealed and they will kill me, and shall I be able to even
3 survive.

4 And so at this point I was really down, I felt crushed, and I said, (Redacted)

5 (Redacted)

6 (Redacted) and this would -- is what he

7 was doing at this point. *So we went on, and through some games of misdirection, the man he

8 was talking to said "take him to the OCRB". And that is when I was taken to Mr Said, whom I

9 recognise very well now. And when I got there, he spared no effort. He simply said to me

10 (Redacted). And I have the

11 impression that he wanted to do it quickly because there was (inaudible). And I... When I

12 wanted to refuse, that's when the others said to me: "Be careful". (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:02:58] Thank you, Mr. Witness. Thank you very much. Just to... to be entirely
16 complete, which... you mentioned the minister that Mr Mahamat Saleh called when you
17 were in the car; which minister are you referring to?

18 A. [12:03:08] This is Minister Nouradine who came to see me very early in the morning.

19 Q. [12:03:14] Thank you very much.

20 MS PELLET: [12:03:15](Interpretation) Madam President, we can now go back into
21 open session.

22 PRESIDING JUDGE SAMBA: [12:03:26] Thank you very much.

23 Madam Court Officer, can we go back into open session, please. Thank you.

24 (Open session at 12.03 p.m.)

25 THE COURT OFFICER: [12:03:36] We're back in open session, Madam President.

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1 PRESIDING JUDGE SAMBA: [12:03:39] Thank you very much.

2 Ms Pellet, your witness, please.

3 MS PELLET: [12:03:44](Interpretation) Thank you, Madam President.

4 Q. [12:03:47] Mr Witness, we are back in open session. So what I said to you before
5 also is true for this part of our exchanges.

6 * Mr Witness, do you still think back to the events that led to your victimisation in
7 2013?

8 A. [12:04:04] I must admit that I've made an effort to forget, but I cannot forget
9 because of the security situation in the country. So testifying today allows me to maybe
10 turn the page because your court is allowing me to say certain truths that could maybe
11 help save lives in the future. But one cannot forget what one's experienced. *And
12 whenever I go past that place, I am reminded that some others like me are no longer
13 here with us today.

14 And I say this - and maybe it's none of my business - but justice should serve everyone.

15 *It can't be accepted that people are arbitrarily arrested just to destroy their lives. This
16 is not good.

17 Q. [12:05:15] Thank you, Mr Witness. When you think back to what happened, what
18 do you feel?

19 A. [12:05:21] It's difficult for me to describe what I feel. I was humiliated. I could not
20 say what I'm saying to you today. They had the right of life or death against everyone.
21 And many other people like me experienced similar things but they can't speak about them
22 because they don't have the courage. And I am testifying in front of this court because it has to
23 provide justice * so that humanity can achieve a world where everyone can live in peace.

24 Q.[12:06:15] Mr Witness, did you have psychological help when you left the OCRB?

25 A.[12:06:19] Up until this day, not. As for many others, there was no support.

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1 Q. [12:06:29] And do you think you would need psychological support?

2 A. [12:06:31] *When I think that I am a family father and that God saved my life, I tell
3 myself that I have to find bread by the sweat of my brow and live as long as possible to
4 spare my children from having to go through what I did.

5 MS PELLET: [12:07:01](Interpretation) Can we go back into private session.

6 THE INTERPRETER: [12:07:05] The interpreter requests that there is a bit of a break between
7 the witness's statements and the legal representative of the victims' questions because it is
8 impossible to keep up at this speed.

9 PRESIDING JUDGE SAMBA: [12:07:20] So, Ms Pellet, can you observe the five-second break
10 between question and answer, please.

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

12 (Private session at 12.07 p.m.)

13 THE COURT OFFICER: [12:07:49] We're in private session, Madam President.

14 PRESIDING JUDGE SAMBA: [12:07:52] Thank you.

15 Ms Pellet, your witness, please. Thank you.

16 MS PELLET: [12:07:55](Interpretation) Thank you, your Honour. And I apologise. I will
17 respect the five-second rule.

18 Q. [12:08:06] Mr Witness, you stated this morning that during the events in 2013, you were

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) now and

4 then (Redacted) in order to survive.

5 Q. [12:09:54] Who told you that if they met you at large, they might kill you?

6 A. [12:09:58] Minister Nouradine, he stated and he let it be understood to Mr Said

7 that I had to be closely watched or followed.

8 Q. [12:10:10] Thank you, Mr Witness. Before we went into private session, you stated

9 you had a family. If you were not able to continue your professional activities, how

10 could you provide for your family after these events?

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MS PELLET: [12:10:57](Interpretation) Your Honour, for my following two questions,

16 we can go back into open session.

17 PRESIDING JUDGE SAMBA: [12:11:04] Madam Court Officer, can we go back into

18 open session, please.

19 (Open session at 12.11 p.m.)

20 THE COURT OFFICER: [12:11:22] We're back in open session, Madam President.

21 PRESIDING JUDGE SAMBA: [12:11:25] Thank you very much.

22 Ms Pellet, continue, please.

23 MS PELLET: [12:11:27 (Interpretation) Thank you, your Honour. Actually, I only have one

24 question left. Q. [12:11:33] Mr Witness, what do you expect from this trial of Mr Said?

25 A. [12:11:38] Now, on this, I'd like to thank you very much. Many people in *my

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1 country, just like myself presently, were victims of atrocities. Some of them are no
2 longer with us, and others, like myself, cannot testify of what they underwent. I
3 suffered what I suffered, and I'm telling my truth so that this can serve to help those
4 that are guilty either to do evil to others, to ruin their lives, to disrupt their lives, to stop
5 them from living their life in all dignity. And I think that this is a good opportunity
6 that must be taken because this court is an international court of justice that is not
7 impacted in the same way that the justice is in my country, for example. And I realise
8 that I had to overcome in order to testify to allow justice to be taken in -- justice to be
9 made, in order to help others, to save lives, regardless of whether people will change or
10 not. Because I say to myself, if God did not save my life, I would not have the
11 opportunity to testify and be able to say what I am saying today. That is the reason,
12 simply put.

13 Q. [12:13:25] Thank you very much, Mr Witness.

14 MS PELLET: [12:13:27](Interpretation) Your Honour, I thus finish my questioning.
15 Thank you.

16 PRESIDING JUDGE SAMBA: [12:13:30] Thank you very much, Ms Pellet.

17 Now, Mr Witness, we're going to have questions put to you by counsel for Mr Said. So
18 I ask that you cooperate much the same way that you cooperated with the Prosecution
19 and counsel representing the victims.

20 Defence, your witness, please. Ms Naouri.

21 MS NAOURI: [12:14:03](Interpretation) Thank you, your Honour. The cross-
22 examination will be taken by my colleague, * Mr Counsel Jacquemin.

23 MR FRANÇOIS-JACQUEMIN: [12:14:19](Interpretation) Your Honour, members of the
24 court.

25 QUESTIONED BY MR FRANÇOIS-JACQUEMIN: (Interpretation)

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1 Q. [12:14:25] Good afternoon, Witness. My name is Florian François-Jacquemin, and
2 I will be asking you questions in the name of Mr Said's Defence counsel team. As the
3 Prosecutor and the lawyer before me, I will be referring to you as 'Mr Witness.' And
4 when we will be in open session, I'll do everything possible so that nothing unveils
5 your identity. And I will advise you, as others have done before me, not to reveal your
6 identity in open session. Be very wary of this.

7 You realise that I'm slowing down, even though I speak French like you, and this is for
8 the simple reason that everything that we say is translated, and I'm taking the time so
9 that the interpreters can translate, and I invite you to do the same thing so that
10 everything can be taken down and translated.

11 I will ask you to listen to my questions attentively and only answer the questions I ask
12 you in order to be precise and to better manage time. This will allow us to move
13 forward better and to better understand everything that has happened.

14 MR FRANÇOIS-JACQUEMIN: [12:15:45](Interpretation) To start, your Honour, I have
15 a few questions about Mr Witness's life path, and I'd like these to be asked in private
16 session.

17 PRESIDING JUDGE SAMBA: [12:15:53] Okay.

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

19 (Private session at 12.16 p.m.)

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

21 PRESIDING JUDGE SAMBA: [12:16:19] Thank you very much.

22 Mr Jacquemin, your witness, please.

23 MR FRANÇOIS-JACQUEMIN: [12:16:24](Interpretation) Thank you, your Honour.

24 Q. [12:16:26] Following the questions that were asked to you, I'd like to go back to
25 your educational path. You studied in France; is that true?

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1 A. [12:16:32] Yes.

2 Q. [12:16:33] Can you explain to the Court where you studied, for how long and
3 what you studied.

4 A. [12:16:53] Well, if it's relevant. What is this related to?

5 Q. [12:16:56] I just want to ask about your educational background, about your
6 studies - I'll be quick - about your professional activities and your political activities.
7 And I'll quickly ask you three series of questions on these topics to better understand
8 you, and then we'll bring up other questions in open session.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MR FRANÇOIS-JACQUEMIN: [12:18:52](Interpretation)

2 (Redacted)

3 (Redacted)

4 A. [12:18:57] I have not gone back.

5 Q. [12:19:02] Now I'll speak about your professional activities in Central African

6 Republic. In your statement, in your previous statement -- now, when I'm referring to

7 the previous statement, it is what you signed with the OTP, which you spoke about

8 with the Prosecutor.

9 In this statement, you said (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Trial Hearing
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13 MR FRANÇOIS-JACQUEMIN: [12:34:27](Interpretation) Court Officer, I would like to
14 show the witness CAR-D33-0014-0011. It is tab 30 of our list of notifications.

15 Q. [12:34:44] I will show you on the screen, Mr Witness, a document. Tell me once
16 you have this document up on your screen.

17 THE COURT OFFICER: [12:34:58] The item at tab 30 ends with 0013. Do you mean to
18 call 0013 or 0011?

19 MR FRANÇOIS-JACQUEMIN: [12:35:06](Interpretation) 0011, Court Officer. Thank
20 you.

21 Could we zoom the top part of this screen -- of this document, rather.

22 Q. [12:35:43] Witness, do you have the photo up on your screen?

23 A. [12:35:46] Yes.

24 Q. [12:35:51] Is this, indeed, you on this photo?

25 A. [12:35:55] Yes, this is me, indeed.

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1 MR FRANÇOIS-JACQUEMIN: [12:36:02](Interpretation) Court Officer, could we

2 perhaps scroll down somewhat to read what is written underneath the photo.

3 (Redacted)

4 (Redacted)

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 (Redacted)

11 (Redacted)

12 Q. [12:39:52] Okay. Thank you very much. I have concluded with this part of your
13 personal experience, your political commitments and activism, your career, et cetera.

14 Now I have some questions with regard to the use of your phone.

15 MR FRANÇOIS-JACQUEMIN: [12:40:08](Interpretation) I will now ask to go into
16 private session and then we'll continue later in open session.

17 Q. [12:40:25] Mr Witness, can I continue?

18 A. [12:40:27] I did not understand.

19 Q. [12:40:30] I will go on on telephony, the use of the phone.

20 A. [12:40:32] Telephony?

21 MR FRANÇOIS-JACQUEMIN: [12:40:37](Interpretation) Court Officer, I will take
22 some time to explain the documents I'm providing, ones which we will be discussing
23 together. Court Officer, could you please put up on the screen, tab 23 of our list of
24 notifications, third page, CAR-OTP-0000-0514.

25 Q. [12:41:02] Mr Witness, tell me once you have this exhibit on the screen. I will take

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1 this time while we're waiting to explain what we will be doing. The document that I
2 will be showing you - the Court Officer will send it to you and you will have it before
3 you - is a report of the Office of the Prosecutor which attributes telephone numbers
4 with you. So I want to check these phone numbers with you. That's the purpose of
5 what we will be doing.

6 Do you have the document before you, Mr Witness? Mr Witness, are you with us? Do
7 you have the document before you?

8 A. [12:42:22] In English, yes.

9 Q. [12:42:32] I will translate it for you.

10 Thank you, Court Officer.

11 The first number mentioned is (Redacted), and it's written here that this is the number
12 that you gave to the Office of the Prosecutor. Do you remember this number? Do you
13 recognise it as being your number?

14 A. [12:42:52] Yes, this is my Azur number.

15 Q. [12:43:00] Can you tell us when you began to use this number, and if you still use
16 it today.

17 A. [12:43:07] First of all, the Azur network no longer exists. It's a number I used
18 when (Redacted)
19 (Redacted). I used it. I cannot tell you about the exact dates, but Azur has not
20 existed for three years now.

21 Q. [12:43:28] So you have no longer used it, not for the past three years. Next
22 number, (Redacted), the second number. And it is also said that you had given this
23 during your witness statement. Same question: Do you recognise this number as
24 yours, Mr Witness, and when have you used it? Up until when?

25 A. [12:43:56] It is my number that I'm still using now.

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1 Q. [12:44:08] I thank you, Mr Witness.

2 I'm being told that we're going too quickly. Let's try to slow down a bit.

3 The third number, Mr Witness, is (Redacted), third number here, and it is written that
4 you had provided this number, but the Prosecutor does not specify when. Do you
5 remember this number? Same question.

6 A. [12:44:34] Yes, I had this number when (Redacted)

7 (Redacted) that continues this work, but this number was stolen

8 from me. I no longer use it. And it is now someone for close on a year, perhaps two
9 years, who has been using this number. It's the company MOOV.

10 Q. [12:45:04] Thank you, Mr Witness. Now, the fourth and last number, (Redacted),
11 which you would have provided during a security assessment questionnaire. Again,
12 do you recognise it as being yours, and from when to when did you use it?

13 A. [12:45:23] It's a number that was attributed to me by Orange. When it began to exist as
14 an operator, I bought it and * and it was someone else who used it in the past, I think, and
15 I'm actually still using it now. It's still my number. It is identified with my name. I did not
16 document the period since when I had been using the number, but that can be checked.

17 Q. [12:45:55] Thank you, Mr Witness. So you have recognised these four numbers.
18 Mr Witness, you are speaking to whom now?

19 A. [12:46:09] I would like a break.

20 Q. [12:46:13] You are speaking to whom? There's no one else with you in the room?

21 PRESIDING JUDGE SAMBA: [12:46:20] That's okay. Mr Jacquemin, he wants a break.
22 How many minutes would you want, Mr Witness?

23 THE WITNESS: [12:46:32](Interpretation) Two minutes. Two minutes.

24 PRESIDING JUDGE SAMBA: [12:46:33] All right. You are excused, Mr Witness. We'll
25 wait for you.

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1 Mr Jacquemin, two minutes or thereabouts.

2 (The witness exits the video-link room)

3 (The witness enters the video-link room)

4 PRESIDING JUDGE SAMBA: [12:48:37] Thank you very much, Mr Witness.

5 Mr Jacquemin, you can continue with your cross-examination, please.

6 MR FRANÇOIS-JACQUEMIN: [12:48:43](Interpretation) Thank you, Madam

7 President.

8 Q. [12:48:50] Is everything okay, Mr Witness?

9 A. [12:48:52] Yes.

10 Q. [12:48:58] First I will make a formal comment. It's my fault we're going a bit too

11 fast. Let us try to follow the five-second rule between my questions and your answers.

12 Is that okay for you, Mr Witness?

13 A. [12:49:12] Yes. My mistake.

14 MR FRANÇOIS-JACQUEMIN: [12:49:31](Interpretation) Court Officer, could you

15 please put another document up. Tab 24 of our communication. CAR-D33-0014-0023.

16 Q. [12:50:07] Tell me once you have this document before you, Mr Witness.

17 THE INTERPRETER: [12:50:11] 22, corrects the interpreter.

18 MR FRANÇOIS-JACQUEMIN: [12:50:32](Interpretation)

19 Q. [12:50:33] Mr Witness, do you have the document before you?

20 A. [12:50:35] Yes.

21 Q. [12:50:38] I will explain what this exhibit is. We asked the Prosecutor if there was

22 the analysis of your phone numbers, but this was not done as such. So what we have

23 done is, in other analyses of phone numbers, we have looked for your telephone

24 numbers. The table you have before you, and I will read this for those in the

25 Prosecution, you've got all the references to telephone documents. So it's a summary of

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1 communications that you've had with the numbers that we have authenticated together
2 with you as being your numbers. Do you understand what I have just explained to
3 you? I will help you to read this later. Do you understand what you have before you?

4 A. [12:51:32] Could you please repeat.

5 Q. [12:51:44] Yes, I will do so. The Prosecutor analysed phone numbers. Do you
6 follow me?

7 A. [12:51:55] Yes.

8 Q. [12:51:56] We looked for your telephone numbers in the analyses made by the
9 Prosecutor, your number and other numbers, and the table you have before you is a
10 summary of where your numbers were found in these analyses. The column on the
11 left, the column that you have on the left, Mobile Station International Subscriber
12 Directory Number, corresponds to the user of the line. Here, in the table you have
13 before you, the user of the line is (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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9 (Redacted)

10 A. [12:55:03] I think, yes, only. Absolutely. There's nothing else.

11 Q. [12:55:15] Mr Witness, you mentioned that Nour, that's how you call him, had
12 contacts with Nouradine Adam. Can you tell us more about that? What do you know
13 about that?

14 A. [12:55:30] I mentioned that Nour had contacts with Nouradine, because when we
15 saw he was in Nouradine's office and I tried to talk to him just to make myself known.
16 And that's what I said. I didn't say anything else. They seemed to be on very good
17 terms, on very friendly terms with Nouradine.

18 Q. [12:56:06] Go ahead, Mr Witness.

19 A. [12:56:08] I don't know any more than that. I saw him that morning when I went
20 from detention. He came out of Nouradine's office. He pretended that he didn't know
21 me.

22 Q. [12:56:24] Okay. I understood your answer. Thank you, Mr Witness. So you did
23 not know any more about relations with Nouradine Adam, apart from them being very
24 friendly, when you were at Nouradine Adam's office?

25 A. [12:56:41] You say "you were introduced."

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1 Q. [12:56:47] You were present there. Excuse me if I wasn't clear. The day you were
2 in Nouradine Adam's office, he was present and he seemed to be on friendly terms
3 with Nouradine Adam?

4 A. [12:57:05] A clarification. At the reception, when I was brought, he was coming
5 out of Nouradine's office. I was at the reception. He was saying bye in a very friendly
6 way to Nouradine. That's what I observed. And I said, well, that's it. Okay.

7 Q. [12:57:27] Thank you, Mr Witness. I think that was clear and that's what you
8 wrote in your witness statement. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [12:58:41] I thank you, Mr Witness.

19 MR FRANÇOIS-JACQUEMIN: [12:58:44](Interpretation) Court Officer, I would ask
20 that you put up tab 24, CAR-D33-0017 -- sorry, 0014-0022, page 23.

21 Q. [12:59:07] Mr Witness, tell me when you have this new document on the screen
22 before you. And this will be the last document that I will be bringing up with you
23 today given the late hour.

24 Do you have the document before you, witness?

25 A. [12:59:32] Yes.

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1 Q. [12:59:37] So it's still the same functioning, but this time the person is (Redacted)
2 (Redacted), someone you called on 1 April 2013 for a call of over a minute. Who is this
3 man, Mr Witness?

4 A. [13:00:04] I do not know him.

5 Q. [13:00:05] You do not remember this phone call of 1 April 2013, Mr Witness?

6 A. [13:00:08] I do not know this man.

7 Q. [13:00:16] Very well. Thank you, Mr Witness. I will not be asking you questions
8 on a call that you don't remember.

9 MR FRANÇOIS-JACQUEMIN: [13:00:23](Interpretation) Your Honour, Madam
10 President, I can continue with more phone numbers. There's two that are left, and I'll
11 let you decide. But I'm being reminded, quite correctly, that the state of health of Mr
12 Said might be not compatible with extending this questioning.

13 PRESIDING JUDGE SAMBA: [13:00:47] Exactly. So let's comply with the
14 recommendations of the medical officer until we get any further direction otherwise.
15 So thank you very much, Mr Jacquemin.

16 Mr Witness, we are going to stop today's proceedings now, but we shall come back
17 tomorrow in the morning to continue with your cross-examination by counsel for Mr
18 Said.

19 So I'm going to ask you not to discuss anything that has happened here today in court
20 with any other person, if it were not for anything, for your own very security. You will
21 remain on oath. And so when we meet again tomorrow, we shall continue with your
22 cross-examination.

23 On that note, I say thanks to everybody and ask that we adjourn this matter till
24 tomorrow at 9.30 in the morning.

25 THE COURT USHER: [13:01:48] All rise.

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