

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Wednesday, 25 January 2023
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:26] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:49] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:30:56] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:12] Thank you.
20 I ask for the appearances of the parties. Mr Vanderpuye first.
21 MR VANDERPUYE: [9:31:17] Good morning, Mr President. Good morning,
22 your Honours. Good morning, everyone. Good morning, Mr Witness. Today the
23 Prosecution is represented by Claire Henderson, Yassin Mostfa and myself,
24 Kweku Vanderpuye. Good morning.
25 PRESIDING JUDGE SCHMITT: [9:31:31] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Ms Massidda.

2 MS MASSIDDA: [9:31:33] Good morning, Mr President, your Honours. For the
3 victims of the other crimes appearing today Mr Yaré Fall, Ms Evelyne Ombeni and
4 myself, Paolina Massidda.

5 PRESIDING JUDGE SCHMITT: [9:31:41] Thank you.

6 MS LAU: [9:31:45] Good morning, Mr President, your Honours. Good morning,
7 everyone in the courtroom. Today the former child soldiers are represented by
8 myself, Fiona Lau, Office of Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:31:57] Thank you, Ms Lau. Ms Dimitri next.

10 MS DIMITRI: [9:31:58] Thank you. Good morning, Mr President. Good morning,
11 Your Honours. Good morning, everyone. Mr Yekatom is present in the courtroom
12 this morning, and he's represented by Laurence Hortas-Laberge,
13 Tobie Raphaël Godue, Anta Guissé, Lena Casiez, Gyo Suzuki and myself,
14 Mylène Dimitri.

15 PRESIDING JUDGE SCHMITT: [9:32:15] Thank you.

16 Ms Proulx.

17 MS PROULX: [9:32:17] Good morning, Mr President, your Honours. Good
18 morning, everyone. Mr Ngaïssona is represented today by Chiara Giudici,
19 Brianna Dyer and myself, Marie-Hélène Proulx. And he is, of course, present in the
20 courtroom.

21 PRESIDING JUDGE SCHMITT: [9:32:33] Thank you. And, most importantly, we
22 have a new witness in the courtroom.

23 Mr Dawili, good morning. Can you hear and understand me well?

24 WITNESS: CAR-OTP-P-1647

25 (The witness speaks French)

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 (The witness gives evidence via video link)

2 THE WITNESS: [9:32:43](Interpretation) Good morning.

3 PRESIDING JUDGE SCHMITT: [9:32:44] On behalf of the Chamber, Mr Dawili,

4 I would like to welcome you to the courtroom. You are called to testify to assist the

5 Chamber in the case of the Prosecutor against Mr Yekatom and Mr Ngaïssona.

6 There should be a card in front of you on the desk with the solemn undertaking to tell

7 the truth. Would you please be so kind to read this card out aloud.

8 THE WITNESS: [9:33:20](Interpretation) I solemnly declare that I shall speak the

9 truth, the whole truth and nothing but the truth.

10 PRESIDING JUDGE SCHMITT: [9:33:26] Thank you very much, Mr Dawili. You

11 are now under oath.

12 Before we start with your testimony, a few practical matters. Everything we say

13 here and also, of course, what you are saying is written down and, more specifically,

14 it's translated. And to allow the interpreters to follow what everyone is saying, we

15 have to speak at a relatively slow pace. And also for you, Mr Dawili, before you

16 start answering, please wait two or three seconds so that the interpreters can catch up.

17 Thank you very much for the moment.

18 I give the floor to the Prosecution.

19 MR VANDERPUYE: [9:34:08] Thank you, Mr President. Good morning, again.

20 QUESTIONED BY MR VANDERPUYE:

21 Q. [9:34:15] Good morning to you, Mr Dawili.

22 A. [9:34:17] Good morning.

23 Q. [9:34:17] We met just a few days ago, but let me reintroduce myself. My name

24 is Kweku Vanderpuye. On behalf of the Prosecution team, I'll be putting some

25 questions to you today regarding your testimony.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Before I get going, I just have a few things I'd like to -- to mention. Obviously, you
2 are testifying in public. There may be some issues that arise during the course of the
3 examination which are particularly sensitive, and if that happens, just let us know.

4 If it's appropriate, I'll make an application to the Presiding Judge and the Chamber to
5 see whether we can proceed in a different way which may afford you some measure
6 of privacy, if it's an -- if it's an issue.

7 Your testimony is very important, obviously, so I'd like to cover as much of it in
8 public session as possible. It's important for the case as well.

9 If there's anything that I ask you during the course of the examination that is not clear
10 or that you don't understand, just let me know, and I will be happy to rephrase it or
11 reframe the question in a manner that we can better understand one another.

12 As the Presiding Judge has indicated, we are going through an interpreter in order to
13 communicate, so it's important to speak a bit slower than you might normally do - I'll
14 try to do the same - so that we don't step on each other and make it difficult for the
15 interpreters, who have a very difficult job already.

16 But it's also important to remember that because we're going through interpreters, the
17 questions that I may ask you may not come out quite as I intended and your answers
18 may not come out quite as you intend, so there may be some misunderstandings
19 which, of course, we can clarify as we go.

20 So far okay?

21 A. [9:36:36] I have understood.

22 Q. [9:36:40] Okay. Let's start with some biographical information then.

23 Could you please state your full name for the record.

24 A. [9:36:56] My name is Stephane Chrisostome Dawili Morgane.

25 Q. [9:37:12] What's your date of birth?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 A. [9:37:20] 10 August 1987.
- 2 Q. [9:37:26] Where were you born?
- 3 A. [9:37:31] In Carnot.
- 4 Q. [9:37:36] Is that also where you were raised?
- 5 A. [9:37:43] Yes.
- 6 Q. [9:37:46] What is your ethnicity and what is your religion?
- 7 A. [9:37:57] Gbaka-Mandja and I am a Christian.
- 8 Q. [9:38:04] Since the time that you were interviewed by the members of the Office
9 of the Prosecutor in 2017, have you been contacted by anyone in relation to your
10 testimony in this case or cooperation with the investigation?
- 11 A. [9:38:35] Yes. Mr Painas.
- 12 THE INTERPRETER: [9:38:38] The beginning of the witness's answer was unclear.
13 Could he be asked to repeat, please.
- 14 MR VANDERPUYE: [9:38:46] This may be an issue we need to go into -- I don't
15 know. Let me ask. Do you think this is an issue that we need to go into private
16 session for, Mr President?
- 17 PRESIDING JUDGE SCHMITT: [9:38:58] I don't think so.
- 18 MR VANDERPUYE: [9:39:00] Okay. May I ask the witness again to restate --
- 19 PRESIDING JUDGE SCHMITT: [9:39:03] Yes, please, please.
- 20 MR VANDERPUYE: [9:39:05]
- 21 Q. [9:39:05] Could you please restate the name, Mr Dawili?
- 22 A. [9:39:11] Alexis Painas.
- 23 THE INTERPRETER: And he says: "I explained to my elder brother only."
- 24 MR VANDERPUYE:
- 25 Q. [9:39:18] And what was the nature of that contact?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [9:39:28] Well, because he's my elder brother. If there's something, then we
2 share.

3 THE INTERPRETER: [9:39:37] Inaudible. Inaudible. Message from the English
4 booth: The sound is extremely echoy. It's not going to be easy.

5 PRESIDING JUDGE SCHMITT: [9:39:48] Well, obviously we have some sound
6 problems.

7 MR VANDERPUYE: [9:39:59]

8 Q. [9:40:00] I'm sorry, Mr Dawili, we didn't get the last name of -- oh, I see counsel
9 is on her feet. Just one moment.

10 PRESIDING JUDGE SCHMITT: [9:40:07] Yes, Ms Dimitri.

11 MS DIMITRI: [9:40:08] I think there's an issue of interpretation here. What he said
12 in French when you first asked the question was (Interpretation) "I explain to my
13 elder brother" (Overlapping speakers) (Speaks English) And I'm looking at the
14 English and it's simply stated: "Yes, I was contacted by Alexis Painas." So I think
15 there is a cross-purposes here. I mean, you might -- go ahead and clarify, but I just
16 wanted to indicate that I clearly hear him in French, but the English transcript seems
17 not clear.

18 PRESIDING JUDGE SCHMITT: [9:40:43] I also don't know where these sound
19 problems come from. I also hear perfectly in French. So we simply continue and
20 we assume that the sound is good enough for interpretation.

21 THE INTERPRETER: [9:40:57] Message from the English booth: When we
22 interpret, we need to listen and we need to speak.

23 PRESIDING JUDGE SCHMITT: [9:41:01] Well, if I may, I don't discuss with the
24 interpreters, actually. And I have to say, and I have to say it now because it arises
25 again that it is obvious that some problems only occur with some interpreters.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 So we continue now with the hearing.

2 MR VANDERPUYE: [9:41:27]

3 Q. [9:41:28] Aside from your -- from Mr Alexis Painas, did you discuss your
4 testimony or your cooperation with anybody else?

5 A. [9:41:52] What I would like -- it is my elder brother that I share things with.
6 That -- and he doesn't communicate it with anyone else. It is our secret.

7 PRESIDING JUDGE SCHMITT: [9:42:14] Mr Vanderpuye, also, you said it yourself,
8 wait until the interpretation has finished and then only start, please. Slow down I
9 mean.

10 MR VANDERPUYE: [9:42:23] Thank you, Mr President.

11 Q. [9:42:38] Do you know somebody by the name of Ephraim Odimba?

12 A. [9:42:46] Odimba? Yes, I know him.

13 Q. [9:42:55] Did you talk to him about your cooperation in this case?

14 A. [9:43:12] No.

15 Q. [9:43:13] Okay. I understand from your statement that you became a member
16 of the FACA in December 2006; is that right?

17 A. [9:43:36] Yes.

18 Q. [9:43:36] And you worked in the CCS company in IT for some three months
19 before being assigned to the field; is that right?

20 A. [9:43:51] Yes.

21 Q. [9:43:54] And you were a member in the FACA until the coup of Djotodia and
22 the Seleka on 24 March 2013; is that right?

23 A. [9:44:10] Yes.

24 Q. [9:44:13] And after that, did you ever rejoin the ranks of the military in your
25 country?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [9:44:28] Repeat. Could you repeat the question.

2 Q. [9:44:37] After the 24 March 2013 coup, at any point, did you rejoin the ranks of
3 the FACA?

4 A. [9:44:54] Yes.

5 Q. [9:44:58] When was that and how long did you serve?

6 A. [9:45:14] Well, in order to remember the date, it's a little bit difficult.

7 Q. [9:45:25] Can you approximate, maybe give the year?

8 A. [9:45:37] Yes, after the *overthrow, staff HQ launched an appeal and we went
9 to --

10 THE INTERPRETER: [9:45:49] Inaudible.

11 THE WITNESS: [9:45:51](Interpretation) -- of the army approximately two or three
12 months later after the coup d'état.

13 MR VANDERPUYE: [9:46:05]

14 Q. [9:46:05] You joined the Anti-Balaka at some point after the coup, right?

15 A. [9:46:15] Yes.

16 Q. [9:46:16] And from your statement, it appears that you joined the Anti-Balaka
17 around, I think you said 19 December 2013, a couple of weeks after the 5 December
18 attack; is that right?

19 A. [9:46:38] That's correct.

20 Q. [9:46:40] You joined the group that was under Mr Yekatom's command?

21 A. [9:46:53] That's correct.

22 PRESIDING JUDGE SCHMITT: [9:46:56] I think I know what you are going to say,
23 Ms Dimitri.

24 Mr Vanderpuye, it's supposed to be a Rule 68(3) witness. And well, okay, perhaps
25 you should not wait too long to try to establish the procedural preconditions.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [9:47:17] I'm within an inch of approaching (Overlapping
2 speakers)

3 PRESIDING JUDGE SCHMITT: [9:47:22] Okay, then -- then go this inch and then
4 proceed.

5 MR VANDERPUYE: [9:47:25] Thank you, Mr President.

6 Q. [9:47:26] If you could just very briefly -- just name, in fact, the positions that you
7 had in Mr Yekatom's group until you left in 2014, just the titles of the positions you
8 held.

9 A. [9:47:55] At the time I was corporal. Now I'm a *sergeant major of the Central
10 African Republic. I joined Mr Yekatom's group at the Yamwara school and I worked
11 as --

12 THE INTERPRETER: [9:48:05] Inaudible.

13 THE WITNESS: [9:48:07](Interpretation) -- *at the time since there were civilians or
14 what, I was corporal at the time. I lead one of the groups.

15 THE INTERPRETER: [9:48:20] The interpreter cannot follow the witness.

16 MR VANDERPUYE: (Overlapping speakers)

17 THE INTERPRETER: [09:48:19] There is an echoy sound, it's very difficult.

18 MR VANDERPUYE: (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [9:48:28] Obviously it's impossible to interpret.
20 Whatever sound this is, we have to fix that first.

21 You are following the French and do you hear everything?

22 Yes, okay.

23 So obviously, really, I have to address that. Obviously the French -- those who
24 follow what the witness says live in French have no problem, have no sound problem.

25 So it doesn't make sense to tell the court officer to try to make the sound better if the

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 sound is already good enough. So we continue now.

2 Mr Vanderpuye, next question, please.

3 MR VANDERPUYE: [9:49:19] Thank you, Mr President.

4 Q. [9:49:26] Yes, I think I was just about to get into your statement.

5 As we discussed earlier, you met with OTP investigators in 2017 April over several
6 days. You recall that, yes?

7 A. [9:49:40] Yes.

8 Q. [9:49:41] And that you were interviewed by them in Bangui?

9 A. [9:49:52] Yes.

10 Q. [9:49:55] You were made aware at the time of the interview that it was about the
11 conflict in the Central African Republic between 2012 and 2014 and that it was
12 important for you to tell the truth, right?

13 A. [9:50:16] That is correct.

14 Q. [9:50:20] And you were also informed that the investigators were interested
15 particularly in the acts and activities of the Anti-Balaka, including its coordination
16 and also with respect to Mr Yekatom and Mr Ngaïssona, right?

17 A. [9:50:46] Yes.

18 Q. [9:50:48] And during the course of the interview, you participated in it
19 voluntarily and you told the truth; is that right?

20 A. [9:51:03] Yes.

21 Q. [9:51:07] Okay. You recently had an opportunity to look at your statement,
22 and I understand that you had certain corrections that you brought and also
23 elaboration with respect to some details in it; is that right?

24 A. [9:51:33] That is indeed correct.

25 MR VANDERPUYE: [9:51:36] For the record, Mr President, the corrections are

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 CAR-OTP-00000826.
- 2 PRESIDING JUDGE SCHMITT: [9:51:53] 00001.
- 3 MR VANDERPUYE: [9:51:57] Yes, yes.
- 4 PRESIDING JUDGE SCHMITT: [9:51:59] And if I may add just a remark, very, very
5 good readable I would say. The writing is very clear.
- 6 MR VANDERPUYE: [9:52:08] It is.
- 7 PRESIDING JUDGE SCHMITT: [9:52:09] So no problem to do that for everyone,
8 I think.
- 9 MR VANDERPUYE: [9:52:14] However, in respect of that, I'd like to show it to him
10 just to confirm that he wrote it or how it was written, if I could.
- 11 Could we have that please shown in eCourt if it's there?
- 12 We can show it. I think you have to give us the floor.
- 13 THE COURT OFFICER: [9:54:07] We have it displayed already on evidence 1.
- 14 MR VANDERPUYE: [9:54:12]
- 15 Q. [9:54:12] Do you recognise that, Mr Dawili?
- 16 A. [9:54:17] Yes.
- 17 Q. [9:54:19] Is that your handwriting, first of all? Did you write this?
- 18 A. [9:54:26] Yes.
- 19 Q. [9:54:30] I won't go through all of these, but -- it's obviously before the Chamber,
20 but I'd like to ask you whether, taking into consideration the corrections you've made
21 here, together with the statement that you read, whether the two of them together
22 accurately and -- accurately reflect what you said to investigators and what your
23 evidence is?
- 24 A. [9:55:08] Yes.
- 25 Q. [9:55:13] Would you have any objection to the Chamber considering your

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 statement together with your corrections as your evidence in this case?

2 A. [9:55:34] The day of our meeting -- of our interview, I was asked in one language,
3 it was then interpreted into French, and there's a problem of writing because there's
4 the name of a certain area called the *Quartier Consigne*, but then in the statement there
5 were some discrepancies so I made the correction.

6 PRESIDING JUDGE SCHMITT: [9:56:18] Mr Witness, taking into consideration the
7 corrections you made, do you agree that the statement, read together with your
8 corrections, will become part of the evidence in this case?

9 THE WITNESS: [9:56:42](Interpretation) Yes.

10 PRESIDING JUDGE SCHMITT: [9:56:43] Thank you.

11 I state for the record that the preconditions for Rule 68(3) are fulfilled with the
12 corrections made by the witness, and we have everything on the record, also the ERN
13 numbers.

14 MR VANDERPUYE: [9:56:55] Okay. Thank you, Mr President.

15 PRESIDING JUDGE SCHMITT: [9:56:57] Mr Vanderpuye.

16 MR VANDERPUYE: [9:56:59]

17 Q. [9:57:01] All right. I'd like to ask you some substantive questions about your
18 statement then. The first is about the 5 December attack. In your statement you
19 refer to some information concerning your awareness of that attack and you say that
20 at a certain point the Anti-Balaka retreated and the Seleka mounted a reprisal attack.
21 So my first question is: In reference to the reprisal attack, can you tell us what you
22 saw, that is on the Seleka side, when it happened, where it happened?

23 A. [9:57:57] This happened around 5 December that the Anti-Balaka confronted the
24 Seleka. I saw dead bodies in front of the assembly during the attack -- the day of the
25 attack.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:58:22] Too quick, Mr Vanderpuye. Too quick.
- 2 MR VANDERPUYE: [9:58:26]
- 3 Q. [9:58:27] Did you see what the Seleka did?
- 4 A. [9:58:35] Yes. The Seleka looted, killed people, the Seleka did many things.
- 5 Q. [9:58:48] Where did you see this happen?
- 6 PRESIDING JUDGE SCHMITT: [9:58:56] Okay. So this has to be fixed.
- 7 Not to be fixed, the witness reappeared.
- 8 Please try to continue, Mr Vanderpuye.
- 9 MR VANDERPUYE: [9:59:09] I'll try again.
- 10 Q. [9:59:11] Where did you see this happen, if you saw?
- 11 A. [9:59:20] By the assembly.
- 12 Q. [9:59:32] You indicated that the Anti-Balaka attacked on 5 December. Were
- 13 you aware of the areas in which that attack took place in and around Bangui?
- 14 A. [9:59:51] Boy-Rabe, Fouh and Kilometre 5.
- 15 Q. [10:00:02] Do you know if they attacked in the area of Boeing?
- 16 A. [10:00:12] Yes.
- 17 Q. [10:00:16] What do you know?
- 18 A. [10:00:26] Information, people were saying that the Seleka had gone into this or
- 19 that sector *Boy-Rabe, on 5 December there was information that was given.
- 20 Q. [10:00:46] Actually I was asking about the Anti-Balaka. Do you know if the
- 21 Anti-Balaka attacked in the area of Boy-Rabe on 5 December -- in the area of Boeing
- 22 on 5 December?
- 23 A. [10:01:03] Yes, on 5 December the Anti-Balaka attacked even up to Kilometre 5.
- 24 That is what I learnt.
- 25 Q. [10:01:17] When did you learn that and from whom?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [10:01:31] (No interpretation)

2 THE INTERPRETER: [10:01:35] Inaudible.

3 PRESIDING JUDGE SCHMITT: [10:01:37] Could you please repeat your answer,
4 Mr Witness.

5 THE WITNESS: [10:01:46](Interpretation) Yes. If the attack took place, we heard
6 many people saying that the Balaka attacked, there were many people, many people
7 who said the Balaka had attacked. At Boeing the Anti-Balaka attacked, they attacked
8 at Kilometre 5. Many people were saying this.

9 MR VANDERPUYE: [10:02:13]

10 Q. [10:02:14] Did you learn when on 5 December that attack took place in that area,
11 in Boeing area, for example?

12 A. [10:02:29] No, I don't know, but I heard people speaking. But I didn't see it
13 with my own eyes, but this is what people were saying.

14 Q. [10:02:45] Did they say which Anti-Balaka group or groups were involved in
15 that attack on Boeing?

16 A. [10:03:04] Yes. The Anti-Balaka have groups of four people, at Boeing --

17 THE INTERPRETER: [10:03:16] Or rather, correction from the interpreter: There's
18 Yekatom's group at Boeing.

19 THE WITNESS: [10:03:22] (Interpretation) And there were groups from the
20 gentleman who was the minister, but his name -- I can't remember his name, but this
21 was at Boeing. There was Yekatom's group. At Boeing it was the group, the
22 Boeing -- at Boeing -- ah, damn, I can't remember. At the time, I was -- I was
23 stationed at the airport shelter and the group that *was attacked -- Kilometre 5,
24 Yekatom's -- Mr Yekatom's group followed *by the group of the former minister, but I
25 can't remember his name. It's been years since, and so I don't remember the name.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [10:04:45] That's okay. Other than Boeing, did you hear about any other areas
2 that Mr Yekatom's group attacked?

3 A. [10:05:04] Yamwara, they attacked there, they attacked Boeing in order to make
4 their way to Kilometre 5, *Kilomètre Cinq*. That's what I heard.

5 Q. (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [10:05:19] Mr Vanderpuye, you can start now.

7 MR VANDERPUYE: [10:05:22] Thank you, Mr President.

8 Q. [10:05:23] Do you know an area called Cattin in Bangui -- or, rather, let me
9 rephrase that.

10 Do you know an area called Cattin?

11 A. [10:05:41] Catta?

12 PRESIDING JUDGE SCHMITT: [10:05:44] Mr Dawili, Cattin.

13 THE WITNESS: [10:05:49](Interpretation) Cattin.

14 PRESIDING JUDGE SCHMITT: [10:05:51] Exactly.

15 THE WITNESS: [10:05:53](Interpretation) Yes, Cattin, Cattin, I know it.

16 MR VANDERPUYE: [10:06:00]

17 Q. [10:06:00] Do you know if Mr Yekatom's group went through Cattin or attacked
18 in Cattin on 5 December 2013?

19 A. [10:06:20] They were at the Yamwara school, that's where the elements were at
20 the time, that's where the elements were. But on *the day of the attack of
21 5 December I don't know, for 5 December I don't really know clearly. I hadn't gone
22 back there yet. *I hadn't joined the group yet. I can't give you clarifications.

23 Q. [10:06:52] Do you know if there was a Muslim population that lived in Boeing
24 before the 5 December attack? Had you been there before? Were you familiar with
25 that?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [10:07:14] Yes. Boeing is part of the capital and Muslims lived in different
2 districts in Gobongo, Boy-Rabe, Boeing. There were many Muslims living in these
3 districts.

4 Q. [10:07:35] Do you know what happened to the Muslims that lived in those areas
5 during and after, immediately after the attack of the Anti-Balaka on 5 December 2013?
6 Did they remain in those areas? Did they go elsewhere? Do you know?

7 A. [10:08:05] Yes, after the attack, if I'm not mistaken, they fled. And then there
8 were no Muslims living in these districts. They were gathered around
9 *Kilomètre Cinq* -- Kilometre 5.

10 Q. [10:08:29] I'd like to ask you some questions concerning when you joined the
11 group. At paragraph 28 of your statement you indicate that you joined the
12 Anti-Balaka at the Yamwara school on 19 December 2013. My question is, first:
13 Are you sure about that date? Are you specific about that?

14 A. [10:09:01] Yes, the 19th.

15 Q. [10:09:09] Is there anything particular about the 19th that makes you certain that
16 that's the date that you joined?

17 A. [10:09:24] Yes. Before going there, I was stationed at the airport and I sent my
18 wife on the 10th *to Bocaranga to her parents and then nine days later I decided to
19 join this group on the 19th.

20 Q. [10:09:49] All right. I'd like to show you a series of photographs. The first one
21 is at tab 10, CAR-OTP-2095-5556. I think you may have it on the screen in front of
22 you now. I just want you to identify, if you can, the location of the photograph and
23 if you recognise the person in that photograph as well. But let's start with the
24 location. Do you recognise it?

25 A. [10:10:36] Yes, this is the Yamwara school.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [10:10:41] Do you recognise the person that's in the photograph in the blue shirt
2 looks like?

3 A. [10:10:49] Can you zoom in? Can you zoom in further?

4 Yes, his name is Dambao. He was in my class. This is a policeman. I know him,
5 but I forget his name. I know him.

6 Q. [10:11:22] Can you please repeat the name.

7 A. [10:11:29] No. I've forgotten. Since the photo wasn't zoomed in yet, I referred
8 to certain colleagues, but it wasn't that colleague. I know him, but I do not know his
9 name.

10 Q. [10:11:43] Okay. In this photograph the building on the right is what and the
11 building on the left is what?

12 A. [10:12:00] It's the school, the Yamwara school.

13 Q. [10:12:09] Can you distinguish between what buildings we're looking at on the
14 screen, classroom, office, that kind of thing? Or you don't know?

15 A. [10:12:27] Yes, I went there on the 19th. It wasn't many months. I knew
16 the -- I didn't really know this district. I knew the Yamwara school. Next to it
17 there's a house, I didn't really know it's function, but on the left, that is the Yamwara
18 school, if I'm not mistaken.

19 Q. [10:13:01] Now the area in which we can see this person in the blue, dark blue
20 with the, looks like a gun, standing, is that the area in which you indicated in your
21 statement that there was a gathering every day to check who was present or not?
22 That's at paragraph 34 of your statement.

23 A. [10:13:24] Yes. Yes, this is the area in which ...

24 THE INTERPRETER: [10:13:33] Inaudible.

25 PRESIDING JUDGE SCHMITT: [10:13:37] Mr Witness, could you perhaps repeat the

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 last part of your answer. It did not come through very well. You said "this is the
2 area in which ..." Could you please repeat that, which area it is.

3 THE WITNESS: [10:14:00](Interpretation) Yes, these are the schoolrooms of the
4 Yamwara school. This is where we held the assemblies where we could check who
5 was present. Every Saturday we reported on who was absent. This happened in
6 the grounds here of the Yamwara school.

7 MR VANDERPUYE: [10:14:34]

8 Q. [10:14:35] Okay. Let me show you another photograph. This one is at tab 12,
9 CAR-OTP-2095-5474. I think you have it on the screen in front of you now. Do you
10 recognise the location, what we see here?

11 A. [10:15:11] Yes, this is in a classroom at the Yamwara school.

12 Q. [10:15:18] And having been there yourself, you can see that these men in the
13 photograph are -- it looks to me, anyway, like they're standing at attention or at least
14 in formation of some sort. Do you know why they would be in that position, why
15 they would be standing in formation or at attention?

16 A. [10:15:46] They're standing at attention, they are waiting for instructions given
17 by their leader. They are in a class. They are being taught.

18 Q. [10:16:14] Do you recognise the *chef* that seems to be on the left side of the
19 screen?

20 If we can zoom in a little bit so that he can -- the witness can have a better look.

21 A. [10:16:35] Yes, I know him.

22 Q. [10:16:45] And what's his name?

23 A. [10:16:55] He is the leader Iblock. He was a *caporal-chef* at the time, master
24 corporal.

25 Q. [10:17:10] I'm sorry, could you repeat the name, if you know it.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [10:17:26] I know him by his nickname which was Iblock, Iblock.

2 Q. [10:17:43] Okay. Let me just show you another photograph so we can confirm
3 that.

4 This one is at tab 14, CAR-OTP-2095-5254. Wait a minute. Wrong number. Try
5 again. 2095-5262.

6 Is this the same individual?

7 A. [10:18:37] This is Iblock.

8 Q. [10:18:38] Now let me show you another photograph, CAR-OTP-2095-5254.

9 Same question as before: Do you recognise the location?

10 A. [10:19:08] This is in a schoolroom at the Yamwara school.

11 Q. [10:19:14] Do you recognise anyone in the photograph you see in front of you
12 now?

13 A. [10:19:28] I know them, but I do not know their names.

14 Q. [10:19:32] I want you to take a good look at the one that's sitting up high above
15 the rest of them.

16 If we could zoom in on that, we could take a look at it.

17 Do you recognise this individual? He has to have -- he appears to have something
18 shaved into the side of his head.

19 A. [10:19:50] Yes, I know him. At the time there were many, many, many people.

20 Q. [10:19:58] Do you recall anybody by the name or by the nickname of Tangani
21 during that period of time at the school?

22 A. [10:20:12] Chingani?

23 Q. Tangani.

24 A. [10:20:19] No.

25 Q. [10:20:23] Does the name Geoffroy Koussagale ring a bell?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 A. [10:20:34] Maybe he was deployed before. I don't know.
- 2 Q. [10:20:43] Okay.
- 3 PRESIDING JUDGE SCHMITT: [10:20:44] If I may shortly.
- 4 Thank you very much to the interpreter for stepping in so quickly, and it really
- 5 worked out and thank you very much for that.
- 6 MR VANDERPUYE: [10:21:00]
- 7 Q. [10:21:01] Let me show you another photograph. This one is
- 8 CAR-OTP-2095-5517.
- 9 We'll show this one? All right, we'll show this one.
- 10 You recognise the location, I take it?
- 11 A. [10:21:29] This is Yamwara school.
- 12 Q. [10:21:40] Do you recognise anyone in the photograph in the foreground at the
- 13 moment?
- 14 A. [10:21:53] No.
- 15 MS DIMITRI: [10:21:58] Mr Vanderpuye, I'm using paper copies. Would you mind
- 16 giving the tabs before you give the ERNs. Thank you.
- 17 PRESIDING JUDGE SCHMITT: [10:22:07] Indeed, I'm also struggling, Mr
- 18 Vanderpuye.
- 19 MR VANDERPUYE: [10:22:10] Sorry. I'm just sailing along here.
- 20 PRESIDING JUDGE SCHMITT: [10:22:14] Yeah, yeah, you are in a flow. Still, it's
- 21 always good if the others can follow your flow.
- 22 MR VANDERPUYE: [10:22:21] No, I apologise. This one is at tab 11.
- 23 PRESIDING JUDGE SCHMITT: [10:22:37] I think the answer was that he does not
- 24 recognise the persons.
- 25 But have you seen them before?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [10:22:56](Interpretation) I just told you the 19th, it might have been
2 before they were deployed. I don't know them. Maybe -- they might have been
3 part of the group. I know that the place -- the place is Yamwara school, but ...

4 PRESIDING JUDGE SCHMITT: [10:23:23] Okay. Thank you.
5 Please, Mr Vanderpuye.

6 MR VANDERPUYE: [10:23:29] I think the witness said he didn't know the -- he
7 knew the area, he didn't know the people, but that doesn't appear on the transcript
8 yet.

9 Also can you --

10 THE INTERPRETER: [10:23:38] Correction from the booth: Yes, the last part of the
11 reply was (Overlapping speakers)

12 MR VANDERPUYE: -- just repeat the (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [10:23:42] Mr Vanderpuye, there is overlap now.
14 Please finish the interpretation, please.

15 THE INTERPRETER: [10:23:51] Apologies from the booth. We'll have to check the
16 audio and make a correction.

17 PRESIDING JUDGE SCHMITT: [10:23:57] Okay. But I think it came through. We
18 understood the answer. The witness does not know the persons. He said, I think,
19 they might have been deployed before he became a member of the group.
20 Please continue, Mr Vanderpuye.

21 MR VANDERPUYE:

22 Q. [10:24:14] One other thing, just so that the transcript is clear, and you correct me
23 if I'm wrong, I think in your answer you indicated that you recognised the location as
24 the Yamwara school? It just didn't show up in the French transcript so I
25 (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [10:24:31] Yes, that's the Yamwara school.

2 PRESIDING JUDGE SCHMITT: [10:24:34] It didn't appear in the French, but it was
3 translated in English. It was correctly translated.

4 Yes, Mr Vanderpuye.

5 MR VANDERPUYE: [10:24:44]

6 Q. [10:24:45] Also just to inform you, our information is these photographs that I'm
7 showing you were taken around 15 December, so they would have been before you
8 arrived, according to your recollection.

9 Let me just ask, at the time that you arrived at the school on the 19th, it wasn't open,
10 was it?

11 A. [10:25:24] Could you repeat? Could you repeat? The 19th, the 19th December.
12 And everything that happened before, I don't know about.

13 Q. [10:25:46] When you arrived on the 19th, there were no classes or students in the
14 school; is that right?

15 A. [10:25:57] Yes, yes.

16 Q. [10:26:00] It was already a base for the Anti-Balaka; is that right?

17 A. [10:26:09] Yes.

18 Q. [10:26:12] When you arrived there, did you see small children in and around the
19 school?

20 A. [10:26:23] No. Around? No, not around. There were people -- well, there
21 are people who live around there with their children, but in the school I did not see
22 children.

23 Q. [10:26:47] What about in the grounds that we're looking at now in this
24 photograph, did you see children, small children in that area?

25 A. [10:27:09] These are adults, not children.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [10:27:12] Well, let me -- let me just blow this up a little bit so I can be more clear
2 about what I'm talking about.

3 If we could just blow up the area behind this gentleman here in the blue scarf.

4 A. [10:27:28] When I got there, whether I saw children?

5 PRESIDING JUDGE SCHMITT: [10:27:33] Yes. Yes, exactly Mr Dawili.

6 THE WITNESS: [10:27:39](Interpretation) But, but there is the road where the people
7 go by and the children sell their wares, sometimes * water. The children can cross
8 and sell their stuff, their odds and ends of things.

9 MR VANDERPUYE: [10:28:09]

10 Q. [10:28:10] Let me show you what I'm -- what I'm referring to then.

11 You need to give us the floor which is --

12 A. [10:28:33] (No interpretation)

13 Q. [10:28:35] -- over at the registry.

14 A. [10:28:37] Yes, you know, at the time, the children would come and sell stuff,
15 they would come and watch. And there was the road, they would go by way of the
16 road. I saw.

17 Q. (Microphone not activated)

18 PRESIDING JUDGE SCHMITT: [10:29:00] This is one of these days, you did not
19 have your microphone on, Mr Vanderpuye.

20 MR VANDERPUYE: [10:29:05] I want to make sure the witness is seeing what we're
21 seeing. I'm on evidence 2, which is what we're displaying. And the same
22 photograph is on evidence 1. I want the witness to see what's on evidence 2. Or if
23 you could give us the floor on evidence 1, we can show the witness what we're
24 looking at.

25 THE COURT OFFICER: [10:29:31] I have a confirmation that the witness is

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 following evidence 2.

2 MR VANDERPUYE: [10:29:38] Let me invite the Chamber to switch over to
3 evidence 2 so that we can see -- so the Chamber can follow what we're describing.

4 Q. [10:29:46] All right. Now what you should see in front of you is, at least to my
5 eyes, a small child with a yellow collar. Can you see that person?

6 A. [10:29:59] Yes, I see that person.

7 Q. [10:30:01] Did you see children --

8 A. [10:30:04] I see the person. He's got his arms folded.

9 Q. [10:30:08] Yes, that's him. Did you see children about that age in that area of
10 the school or around the school when you joined Mr Yekatom's group on
11 19 December 2013 and thereafter?

12 A. [10:30:29] Around -- around -- around I saw the children, but -- but not in the
13 group.

14 Q. [10:30:47] What were they doing in that area on the base?

15 A. [10:30:59] At the time the base, it was a school. There were various roads,
16 people would go by, and also children who would be selling their odds and ends of
17 things, corn or maybe peanuts, karaka (phon) - we have a name for those peanuts,
18 there's a Sango word for those snacks - or they would sell water. The children
19 would come and they would be selling these various odds and ends of things at the
20 school.

21 Q. [10:31:41] Did they work at the school to make money also? Do things for the
22 elements?

23 A. [10:31:51] The children? No. Around -- there were people around who lived
24 there and these are children, they might come, they would sell things. They would
25 go by, they would -- they would look *at people and they would wait for the

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka, some *would just come and look. But not in the group.

2 MR VANDERPUYE: [10:32:21]

3 Q. [10:32:22] Let me show you another photograph.

4 MS DIMITRI: I'm sorry.

5 PRESIDING JUDGE SCHMITT: [10:32:24] Ms Dimitri.

6 MS DIMITRI: [10:32:26] The inaudible was "*mais pas dans le groupe*".

7 PRESIDING JUDGE SCHMITT: [10:32:35] Well, I would have also asked him to
8 repeat, but, well, it's also consistent with what the witness said before.

9 Mr Vanderpuye.

10 MR VANDERPUYE: [10:32:48]

11 Q. [10:32:49] Let me show you another photograph. This one is at tab 9,
12 CAR-OTP-2095-5570. This is another photograph taken on 15 December 2013 at the
13 Yamwara school. I'm sure you'll agree that that's the school.

14 Do you recognise the individual standing in the foreground with the sunglasses on?

15 A. [10:33:32] Yes, I know that person.

16 Q. [10:33:35] Who is that person?

17 A. [10:33:45] *These are our elements, but I don't know their names.

18 Q. [10:33:49] Is there anyone else in this photograph that you recognise?

19 A. [10:34:01] Just him. Well, you know, you just asked the -- well, you can
20 see -- you can see those children, the people who live around there, you can see that --

21 THE INTERPRETER: [10:34:24] Incomprehensible.

22 PRESIDING JUDGE SCHMITT: [10:34:27] Ms Dimitri.

23 MS DIMITRI: [10:34:29] I understand you didn't get what he said. He's talking
24 about the *puit* *(Interpretation) the well, (Speaks French) "*vous voyez, il y a de puits*", un
25 *puits*. *(Interpretation) "You see there are wells." (Speaks English) And then the part

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 that you missed was also "*Ils viennent puiser de l'eau*". *(Interpretation) "They come to
2 draw water."

3 THE INTERPRETER: [10:34:46] Message from the booth: That's quite possible, but
4 when the sound is poor, we can't invent things. We would rather check the audio
5 and correct the transcript after the fact because we can't invent evidence.

6 PRESIDING JUDGE SCHMITT: [10:35:01] I think so we -- what we could do
7 is -- definitely there has to be some correction, there have to be some improvement
8 after the break. Perhaps let's continue a little bit and look how it's unfolding,
9 otherwise we make a break now. Perhaps it's even better to make a break now.

10 MR VANDERPUYE: [10:35:29] I'm not on anything crucial. So I think
11 (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [10:35:34] Okay, then we can continue.
13 So, Mr Dawili, could you speak, perhaps -- really, perhaps, this might improve.
14 Could you please speak up, speak very loud and clear, if you can. You know that
15 we have some problems here. It's not -- nothing that you're responsible for. This is
16 the -- these are technical problems. Please be so kind and speak very clearly and
17 loud, if possible. Thank you very much.

18 Mr Vanderpuye, please continue.

19 MR VANDERPUYE: [10:36:01] Thank you, Mr President.

20 Q. [10:36:06] I was going to ask you if this is a water point, as you seem to have
21 indicated that. Where on the school grounds is that? Is that near the classroom?
22 Is it near the field that we saw before where you had your assemblies? Where would
23 this be located?

24 A. [10:36:35] You just have to look. You can see there's the school and then there's
25 the spot where the people are seated.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [10:36:54] Thank you for that clarification.

2 So in the background on the right you can see where the gentlemen are sitting down,
3 and that's in front of the classroom building, right, that we saw before?

4 A. [10:37:12] Yes.

5 Q. [10:37:16] What we see in this photograph of these children at the base, is that
6 something that you saw frequently while you were a member of Mr Yekatom's group
7 stationed at the Yamwara school?

8 A. [10:37:42] I just told you, that's where the children around would go to draw
9 water, and also the children would play there. So what you see in that photograph,
10 you see kids playing.

11 Q. [10:38:05] My question was whether you saw this kind of thing often while you
12 were at the school as an element or as a *chef de section*, or this is some photograph that
13 was taken that only happens once in a lifetime?

14 A. [10:38:31] *Well, it happened often as this is where the people would draw
15 water. Each day people would go and draw water.

16 Q. [10:38:45] Okay. That's -- that's helpful.

17 I think at paragraph 32 of your statement you described that life was difficult and that
18 you needed food and water and that the population had to bring you things. Here
19 we can see on the base itself a water point. So when you say that you needed water
20 and food and the population brought you things, what did you mean by that?

21 A. [10:39:37] As they drew water at -- well, you see, we did not have containers for
22 water. People would bring us things, we would drink. Some would come and
23 sometimes ...

24 THE INTERPRETER: [10:40:01] Basically the witness is explaining that some people
25 would draw water and they would fill up various containers with the drinking water.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [10:40:19] Mr President, I'm on the floor, but I can read in the
2 transcript a sort of a summary. And I'm not sure exactly why that is or -- from the
3 interpreter I mean, but I'm not sure exactly why --

4 PRESIDING JUDGE SCHMITT: [10:40:46] I think it reflects what the witness has
5 said.

6 MR VANDERPUYE: [10:40:50] But it says "basically the witness says" and that
7 concerns me.

8 PRESIDING JUDGE SCHMITT: [10:40:54] Well then we let the witness repeat
9 simply. There is no other choice, actually.

10 MR VANDERPUYE: [10:41:00]

11 Q. [10:41:01] I'm sorry, Mr Dawili, could you just repeat your answer, if you
12 can -- if you can remember it.

13 A. [10:41:15] I just told you that at the time *we did not have any jerrycans.
14 People were stationed there and -- you see, around that area, there were people who
15 did have jerrycans, that sort of thing, they would draw water. This is what I have
16 told you. They would bring us food as well to eat.

17 Q. [10:41:49] So then my question is: Were these kids and things like that, were
18 they among the people that would help you out, bring you food, bring you jerrycans,
19 bring you plates, bring you water, that is you, the elements, in plural?

20 A. [10:42:08] Those children would come and draw water from that well and that
21 *well was useful for the surrounding areas. They would come, they would draw
22 water, for their homes, *not to help us. *Children like that couldn't help us at that
23 time.

24 Q. [10:42:34] All right. Thank you. I'm going to show you something else now, if
25 I may.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:42:38] Ms Dimitri.

2 MS DIMITRI: [10:42:39] I'm sorry, but it's important.

3 He said "*pas pour nous aider*", not "maybe for us". Not for us, "*pas pour nous aider*".

4 THE INTERPRETER: [10:42:49] Message from the interpreters: It is possible that
5 we missed a negation because of the poor sound quality. We will check the audio
6 and we will make any necessary corrections.

7 PRESIDING JUDGE SCHMITT: [10:43:03] We will have the break now. This has to
8 be fixed. I don't know what the reason for that is. There have obviously been some
9 changes at the video-link location. Perhaps they can be reversed. But
10 nevertheless -- well, how long will this take? How long will your examination
11 continue, Mr Vanderpuye, first?

12 MR VANDERPUYE: [10:43:24] I knew that was coming. Well --

13 PRESIDING JUDGE SCHMITT: [10:43:28] You always know that this is coming.

14 MR VANDERPUYE: [10:43:31] I know it's coming. I'm always more hopeful than
15 things seem to work out, but if we fix this issue, I think it will take me an hour and
16 something to get through it, I think.

17 PRESIDING JUDGE SCHMITT: [10:43:45] Okay. Ms Dimitri, of course, also knows
18 what I'm asking.

19 MS DIMITRI: [10:43:46] Yes, but before I answer, Mr President, if I may, I mean, I
20 know the interpreters are making a big effort. The witness is speaking in French,
21 which obviously is not his mother tongue. I don't think it's a question of sound. I
22 can hear him very well. I'm used to the Central African accent. It's a question of
23 accent, it's his particular accent. But we can ask the technicians to fix the issue as
24 much as they can, but I don't think it will improve. It's a question of accent.
25 Because he's making tremendous efforts to speak in a language which is not his

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 mother tongue. He's speaking in French. And that's my -- my understanding.

2 MS MASSIDDA: [10:44:33] Sorry, your Honour. The French of the witness is clear.

3 I mean, we can understand clearly what he's saying. I'm following the feed original,
4 the floor, and we can understand clearly in French what the witness is saying.

5 PRESIDING JUDGE SCHMITT: [10:44:45] That's also my impression. I also
6 sometimes switch. So there must be perhaps some problem with the -- with the
7 connection to the interpretation booths, perhaps, so still -- but, Ms Dimitri, you have
8 not answered my question, which I have not asked yet. But you know, of course,
9 what I want to ask you.

10 MS DIMITRI: [10:45:06] Thank you, Mr President. Mr Suzuki is going to conduct
11 the examination. I am quite confident that we will finish Friday. So we have -- we
12 estimated a couple of hours because we have some material and questions because of
13 his position, but I'm pretty sure we're going to finish Friday.

14 PRESIDING JUDGE SCHMITT: [10:45:31] So it's enough for you when you continue
15 this afternoon?

16 MS DIMITRI: [10:45:35] We could do -- what I wanted to suggest, but it's for
17 Mr Suzuki to take the final decision, is that we start with a small subject this afternoon,
18 and then we settle on what was said in examination-in-chief. We use the rest of the
19 afternoon to cut down and be more refined in our examination in order to be able to
20 finish Friday by 4.

21 PRESIDING JUDGE SCHMITT: [10:45:56] Fine. Then let's say break until 11.30.
22 It's a longer break, but since Mr Vanderpuye will definitely finish before the lunch
23 break -- yeah, definitely, well, it's a Rule 68(3) witness. Then we will have perhaps
24 this shorter -- shorter session in the afternoon. Okay. So we try to fix it.

25 Mr Dawili, it's not at all your fault or something like that, we have to fix here

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 technical issues, but thank you for the moment for your efforts. Thank you very
2 much.

3 THE COURT USHER: [10:46:24] All rise.

4 (Recess taken at 10.46 a.m.)

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

6 THE COURT USHER: [11:31:40] All rise.

7 Please be seated.

8 PRESIDING JUDGE SCHMITT: [11:32:03] Mr Vanderpuye, you still have the floor
9 and we continue in French.

10 MR VANDERPUYE: [11:32:09] Okay.

11 PRESIDING JUDGE SCHMITT: [11:32:10] Well, I -- Ms Dimitri said she can follow
12 the witness, Ms Massidda said she can follow the witness, Judge Kovács told us that
13 he can follow the witness, so his French is good.

14 And, Mr Dawili, we continue in French. But as I said, try to speak very clearly and
15 loud so that we can hear it from the sound very well.

16 So Mr Vanderpuye, you have the floor still.

17 MR VANDERPUYE: [11:32:37] Thank you, Mr President. Just one moment.

18 PRESIDING JUDGE SCHMITT: [11:32:40] Yes.

19 MR VANDERPUYE: [11:32:51]

20 Q. [11:32:52] All right. I think I was just about to show you some video footage in
21 respect of your statement at paragraph 31 where you indicated that there were many
22 Anti-Balaka at the Yamwara school, you indicated there were thousands of them
23 there. So I wanted to show you a video footage which is at tab 29, I believe,
24 CAR-OTP-2012-0523. And we can play that, I think, through 43:44, just for about a
25 minute or so. It should come up in evidence 2. Hang on one second.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 The translation is found at tab 3, CAR-OTP-2118-5507 and it's really short. It's at
2 page 5540, lines 1107 through 1122.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [11:34:12] (Interpretation of the video excerpt)

5 "Impartial principles contradicted by the reality on the ground ... but 1,500 men have
6 been gathered in an abandoned school near Bangui. During mass, the pastor has a
7 very belligerent sermon.

8 Who is the God, the eternal God of? Whose God is he?

9 He's our God. The God of the army, he is the first warrior. That is why God
10 gathered you here this morning to go and fight our enemies and to liberate Central
11 Africa.

12 The Christians are continuing to train ..."

13 MR VANDERPUYE: [11:35:00]

14 Q. [11:35:01] Mr Dawili, were you able to see that? I think I saw that you
15 were -- you were smiling a little bit. Were you able to see and hear the -- the video?

16 A. [11:35:19] Yes, I saw the video.

17 Q. [11:35:22] Now, I take it you weren't present during the course of this
18 particular -- what we see in this scene, but does it reflect roughly the number of men
19 that you saw while you were there at the Yamwara school?

20 A. [11:35:46] Yes.

21 Q. [11:35:49] Did you attend a gathering such as this at any point during the time
22 that you were deployed to that school?

23 A. [11:36:04] Yes.

24 Q. [11:36:13] Did you recognise the pastor or the person that was speaking?

25 A. [11:36:30] Yes, I *recognise him.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 Q. [11:36:36] And what's his name?
- 2 A. [11:36:44] I know him, but I don't know his name. We called him Pasto (phon).
- 3 Q. [11:36:59] All right. That's fine. Did you recognise at the beginning of that
- 4 clip Mr Yekatom? That would have been at 00:43:48.
- 5 A. [11:37:24] Can you repeat the question, please.
- 6 Q. [11:37:28] I was asking if you recognised Mr Yekatom in this clip at 00:43:48.
- 7 A. [11:37:41] Yes.
- 8 Q. [11:37:43] All right. He's the one on the right. Who is the person on the left?
- 9 Do you recognise that person?
- 10 A. [11:37:54] On the right, that's Mr Yekatom. On the left, I don't know this guy,
- 11 the guy on the left.
- 12 Q. [11:38:09] During your time at the Yamwara school, did you ever hear of
- 13 someone called Captain Charles Ngremangou?
- 14 A. [11:38:25] Yes. I heard people speaking about him.
- 15 Q. [11:38:34] Okay. In your statement you referred to several leaders in
- 16 Mr Yekatom's group, such as Mr Ouandjio, Mr Beina. Do you recall the names of
- 17 some of the other --
- 18 A. [11:38:58] Yes.
- 19 Q. [11:38:59] -- section -- some section chiefs, company commanders and
- 20 ComZones within Mr Yekatom's group?
- 21 A. [11:39:11] I know some names.
- 22 Q. [11:39:16] Who do you remember?
- 23 A. [11:39:29] The deputy at the time was the late Ouandjio.
- 24 Q. [11:39:38] Let me show you a document. This is at tab 27, CAR-OTP-2039-0063.
- 25 If I hadn't mentioned it before, it can be broadcast. If not, I will otherwise mention it,

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 just so the Registry knows.
- 2 All right, I think we have it on the screen now. Yes, we do, okay.
- 3 Do you recognise the names you see in front of you now?
- 4 A. [11:40:27] Yes. Yekatom, Ouandjio, Gbiamone, Mbomon Basile, I know him.
- 5 THE INTERPRETER: [11:40:49] Inaudible.
- 6 THE WITNESS: [11:40:54](Interpretation) *No, no, yes, Momokama, I know him.
- 7 Can you please scroll up.
- 8 MR VANDERPUYE: [11:41:10]
- 9 Q. [11:41:10] Well, there are a lot of names on here. I just want to know if
- 10 generally you recognising these names is among the chiefs and members of the
- 11 (Overlapping speakers)
- 12 A. [11:41:21] Yes. There are some names that I don't know. The ones that I know
- 13 here are Mbomon Basile, Yekatom Rombhot and Yamba *and Rengai, I don't know
- 14 him. Maybe I know them physically, but I don't know their names. Those that I
- 15 know their names are Mbomon Basile, Yekatom.
- 16 Can you scroll up, please.
- 17 Yes. Momokama, I know him, he was in my promotion. Bedane, I know him.
- 18 Iblock, I know him. Yangana, yes.
- 19 Q. [11:42:47] Okay. I guess we'll go back and sort out the names.
- 20 But in any event, let's go over to the next page really quickly, 0064.
- 21 We see your name over there at number 14, right? That's your registration number?
- 22 A. [11:43:12] Yes, yes. Yes.
- 23 Q. [11:43:15] You recognise (Overlapping speakers)
- 24 A. [11:43:19] I recognised him from my promotion.
- 25 Q. (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. (Overlapping speakers)

2 Q. [11:43:28] Sorry, let me just -- let me just ask you. Tell us which names you
3 recognise so that we're not overlapping when we're speaking. Just go ahead, go
4 through that and let us know which ones you recognise. Just read out the name.

5 A. [11:43:46] Maidanda Max, Satan *Rodrigue, Deina Aristide -- or, rather, Beina
6 Aristide, Keapex-Ozui. Kalenada, I know him. Odimba, I know him. Koi Kpingo,
7 I know him. Kando, I know him. Soyama, I know him. Abdoulaye Mahamat, I
8 know him.

9 And Kalanda Herve, I know him.

10 Q. [11:44:53] Okay, that's very helpful. You might know that this list goes on
11 through about 135 people, but we won't go through all that stuff. The Chamber has
12 that already.

13 Let me show you a different document.

14 This is at CAR -- tab 8, CAR-OTP-2101-3241. Yeah, I think I've got that right. And
15 we'll go to the next page of that document. We can zoom out a little bit so he can see
16 more names in one go.

17 You can see obviously Mbomon there, Yekatom is there, Motema is there. Do you
18 recognise those names?

19 A. [11:46:04] Captain Kamezolai, yes. Mbomon Basile. Corporal *Chef* Yekatom,
20 Keapex-Ozui, Beina Befio Habib, Beina Aristide.

21 Q. [11:47:03] Okay. Let's take a look at 3244 -- page 3244. If we go down to *Au*
22 *grade de sergent*". You recognise the names there? You've named a few already.

23 A. [11:47:30] Yes. Corporal Maidanda Max, CAL Azou Heritier, Satan,
24 Wendessere, Dawili Stephane, Manoumana Salvador.

25 Q. [11:48:03] All right, if we go down so you can see all the way to the bottom of

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 the screen. Do you recognise names there?

2 A. [11:48:18] Koi Kpingo, the late Seda, Goliatha Alban, Kando John Fred.

3 Q. [11:48:36] Now, the individuals that you've named in both of these documents,
4 these were members of Mr Yekatom's group at the time that you were also a member
5 of Mr Yekatom's group, I take it?

6 A. [11:48:52] Yes.

7 Q. [11:48:57] And they were in positions of leadership, *chef*?

8 A. [11:49:06] Yes.

9 Q. [11:49:08] Let me show you a video now, if I may. This one is at tab 18,
10 CAR-OTP-2065-4849. It's mainly for identification, but the transcript reference in
11 any event is at tab 1, CAR-OTP-2118-5685. I would like to play just from the
12 beginning to 51 seconds. I'll ask you to identify the location and people.
13 And for the interpreters, if necessary, the transcript reference will be from line 1 to
14 about line 29 at page 5687. It may not be necessary, though.

15 Can you see the video on the screen already, Mr Dawili?

16 A. [11:50:20] (Overlapping speakers)

17 Q. [11:50:22] Okay. All right. We'll play it just now, just for about a minute.

18 A. [11:50:27] Mr Yekatom.

19 (Viewing of the video excerpt)

20 MR VANDERPUYE: [11:51:22]

21 Q. [11:51:27] All right. We've just stopped now at 52 seconds.

22 I can see already at the beginning of the video you recognised some of the individuals
23 there. Can you tell us who you recognise, please?

24 A. [11:51:52] There's Mr Yekatom, Ouandjio, the late Habib.

25 Q. [11:52:04] Okay. I'm going to show you a few stills and that maybe will help us

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 out.

2 At 2 minutes 5 seconds, I'd like you to take a look at this individual and let us know if
3 you recognise him.

4 Do you recognise this person?

5 A. [11:52:41] Can you zoom in, please.

6 Q. [11:52:43] We can play it a little bit instead, that might help you.

7 A. [11:52:55] Yes, I know him.

8 Q. [11:52:58] Who do you recognise him to be?

9 A. [11:53:07] Goliatha from my promotion.

10 Q. [11:53:12] Let me ask you about another person. This is at 2 minutes 35
11 seconds, should be about. The individual on the left of the screen, sitting next to
12 Mr Yekatom, do you know who that is?

13 A. [11:53:36] The guy on the right who is *touching his head?

14 Q. [11:53:52] On Mr Yekatom's right-hand side.

15 A. [11:53:53] No, I don't know him.

16 Q. [11:54:01] The guy who we can see in complete -- not with his hand on his head,
17 but on the left side of the screen, do you recognise that person?

18 A. [11:54:16] No.

19 Q. [11:54:21] Let me take you to another part of the video, it's at 3 minutes 17
20 seconds, and I'll ask you if you recognise that person.

21 Yeah, that's it.

22 We can see here an individual who has a hat on in the middle of the screen sitting just
23 above the person that's wearing the white shirt. Do you recognise that person?

24 A. [11:54:59] It's Iblock, the one who is wearing green and white. The one with
25 the helmet is Iblock, but you can't really see the picture very well on that side.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [11:55:23] All right. We can play just a bit of it so maybe it will help you -- it
2 will help you see who that is. But if you -- if you don't recognise, it's okay. It's not
3 a problem.

4 A. [11:55:41] Yes, Abdoulaye and Iblock.

5 Q. [11:55:47] Okay. I'd like to show you another part of this video which is at 3
6 minutes -- 3 minutes 45 seconds, just about. We may need to play this a little bit.
7 I would like to direct you to a person that's wearing a green scarf in this video, so pay
8 attention, you'll see him come up in a minute.

9 (Viewing of the video excerpt)

10 Did you see the person in the green scarf?

11 A. [11:56:30] Yes, I know him.

12 Q. [11:56:36] Do you know who it is, his name?

13 A. [11:56:44] His name is Heritier, that's his -- his first name, but I can't remember
14 his --

15 Q. (Overlapping speakers)

16 A. [11:56:55] -- surname. Heritier, he was in my promotion.

17 Q. [11:57:05] (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [11:57:06] Please slow down, Mr Vanderpuye, plus
19 microphone.

20 MR VANDERPUYE: [11:57:23]

21 Q. [11:57:24] Heritier was the name you said, right?

22 A. [11:57:29] His first name.

23 Q. [11:57:31] We ended up just a moment ago at 3 minutes 49 seconds. I'd like
24 you to take a look at that person and let us know if you can identify them.

25 A. [11:57:48] I know him.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [11:57:53] Who is he?

2 A. [11:57:59] This is -- this is an *elder, but I can't remember his name. His name
3 is Davy, if I'm not wrong.

4 Q. [11:58:16] Last one is at 4 minutes 17 seconds. This one is more difficult, but I'd
5 like you to identify, if you could, the person in the yellow hat.

6 A. [11:58:40] No.

7 Q. [11:58:44] Okay. It's no problem. It's no problem.

8 A. [11:58:56] *Okay.

9 MR VANDERPUYE: [11:59:00]

10 Q. [11:59:01] I'd like to show you another video. Actually, I'll show stills of this
11 one, I think. It's at tab 19, CAR-OTP-2065-3897. And the first is really at 00 seconds
12 of this -- and minutes of this video.

13 First of all, do you recognise who you see in this video? We all see it, Mr Yekatom,
14 so that's not necessary, but the others?

15 A. [11:59:43] Yes. There is Rodrigue Mo -- Habib, now deceased. And *there is
16 Momokama.

17 Q. [12:00:02] Momokama is in the yellow and Habib is in the brown or dark shirt,
18 right?

19 A. [12:00:11] Yes.

20 Q. [12:00:11] Okay. Momokama - just for the transcript now, sorry about
21 that - Momokama is wearing the yellow shirt?

22 A. [12:00:32] Yes.

23 Q. [12:00:34] And Habib is wearing the shirt that's dark coloured with some
24 writing on it?

25 A. [12:00:46] Yes. Black.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [12:00:49] Thank you. Let me show you a different frame. That's
2 at -- I believe it's 44 seconds, just about. Yeah, that's fine, 44 seconds, point 18.

3 Do you recognise the woman that is behind Momokama in this footage?

4 A. [12:01:21] Yes.

5 Q. [12:01:23] Who is she?

6 A. [12:01:30] I don't know her name.

7 Q. [12:01:35] Do you know what she did or was doing at that location? By the
8 way, this is at the school?

9 A. [12:01:53] No. It's close by, it's alongside the school, and the woman is part
10 of -- she was one of the elements.

11 Q. [12:02:06] Okay. Do you know which group she was with or who her
12 commander was or if she was a commander?

13 A. [12:02:24] No.

14 Q. [12:02:28] Let me show you a different clip then. This one is at 1 minute, 15
15 seconds.

16 Do you recognise this woman?

17 A. [12:02:48] I recognise her.

18 Q. [12:02:51] Okay. Same question: Who is she?

19 A. [12:02:59] I don't know their *name.

20 Q. [12:03:04] Was she among the elements in Mr Yekatom's group?

21 A. [12:03:10] Yes. Yes.

22 Q. [12:03:17] Do you know who her commander was or if she was a commander or
23 what unit she belonged to?

24 A. [12:03:27] No.

25 Q. [12:03:30] Let me show you another clip. This is at 1 minute, 21 seconds.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Do you recognise the girl in this picture?

2 A. [12:03:50] That one? No.

3 Q. [12:03:55] So you had never seen her before until now that I show you this
4 footage?

5 A. [12:04:03] Yes.

6 Q. [12:04:07] Did you see -- well, let me ask you more generally. Did you see
7 many women or girls like the ones I've shown you now while you were on the base at
8 the Yamwara school?

9 A. [12:04:31] Not ...

10 MR VANDERPUYE: [12:04:47] I don't have anything in the transcript yet.

11 MS DIMITRI: [12:04:53] "*Pas de grand nombre*".

12 MR VANDERPUYE: (Overlapping speakers)

13 THE INTERPRETER: [12:04:57] "Not many. Not many." Message from the
14 interpreter: The last reply was "Not many."

15 MR VANDERPUYE: [12:05:06]

16 Q. [12:05:07] Okay. More than three, I guess; fair to say?

17 A. [12:05:15] That ...

18 MR VANDERPUYE: I've got nothing in the transcript again.

19 THE INTERPRETER: [12:05:27] Message from the interpreter: The witness said
20 "*ça déplace*", which does not make sense in this context.

21 PRESIDING JUDGE SCHMITT: [12:05:44] Please repeat the question,
22 Mr Vanderpuye.

23 MR VANDERPUYE: [12:05:46]

24 Q. [12:05:47] My question is: Did you see more than the three women that I
25 have -- or girls that I have shown you just now while you were an element on the base

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 at Yamwara?

2 A. [12:06:03] Yes. It might have been more than 10.

3 Q. [12:06:10] All elements of the group?

4 A. [12:06:19] Yes.

5 Q. [12:06:23] Did they engage in combat, fighting?

6 A. [12:06:37] When I joined, no, no, I didn't -- I didn't see them engaging in fighting.

7 No.

8 Q. [12:06:46] What were they doing as elements of the group?

9 A. [12:06:59] They would cook.

10 Q. [12:07:11] I'm going to ask you to repeat that, please. I don't have anything in
11 the transcript.

12 THE INTERPRETER: [12:07:17] Message from the booth: The last answer was:
13 "They would cook."

14 MR VANDERPUYE: [12:07:27] Okay, thank you.

15 Q. [12:07:31] What else would they do besides cook, if you know?

16 A. [12:07:49] Well, they were women, so they would take care of the meals, the
17 cooking chores, that's all.

18 Q. [12:08:01] Okay. Let me ask you about a different part of your statement where
19 you refer to training. You talk about military training that was given to elements at
20 paragraph 33, and I think also some other ones, but certainly at paragraph 33. And
21 in that context, you say that you gave, among others, military training. So I wanted
22 to ask you what you mean when you say "military training" in your statement?

23 A. [12:08:47] Yes, you know, we were *senior officers providing advice about DIH,
24 international humanitarian law.

25 THE INTERPRETER: [12:09:15] The last part of the reply was inaudible, and the

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 French court reporter was unable to capture the last part of the reply as well.

2 MR VANDERPUYE: [12:09:28]

3 Q. [12:09:31] I'm afraid I'm going to have to ask you to repeat your answer. If you
4 could, maybe speak a little bit more slowly so that the interpreters can catch
5 everything you say.

6 A. [12:09:55] Yes. We would provide advice *and train them in DIH, international
7 humanitarian law, and we would show how to -- well, what to do on the battlefield
8 while respecting international humanitarian law and various other kinds of training,
9 tactics, for example.

10 Q. [12:10:33] Thank you. That's very clear.

11 Who participated among the leaders, Yekatom, Beina, Ouandjio and so on, who
12 participated in the training that was given to the elements?

13 A. [12:10:55] All the leaders, *if they felt comfortable. There was no *fixed
14 instructor. If you were *knowledgeable or comfortable -- how should I put this?
15 How should I put this? If you were comfortable with a subject, you could teach the
16 elements, but there were no *fixed teachers.

17 Q. [12:11:32] Okay. That would mean, I guess, from your answer, that
18 Mr Yekatom participated in this training as well, or gave it, let's say, to the elements?

19 A. [12:11:55] He was the leader. He could designate others and the elements
20 would do their work.

21 Q. [12:12:09] How often was the training given?

22 A. [12:12:20] Could you rephrase your question?

23 Q. [12:12:28] Was training given to the elements on more than one occasion?

24 A. [12:12:42] Yes. The training -- well, if you felt familiar or comfortable ...

25 PRESIDING JUDGE SCHMITT: [12:13:04] We have, again, no translation.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 THE INTERPRETER: [12:13:06] Apologies from the interpretation booth. The last
2 part of the response was inaudible, and we cannot reconstitute the message from the
3 French transcript either.

4 PRESIDING JUDGE SCHMITT: [12:13:23] I think it's really important to
5 know -- well, Ms Massidda, Ms Dimitri, did you hear the whole answer?
6 So there must be a problem with the booth. It's impossible that these experienced
7 interpreters do not hear what others who speak French hear. So we really would
8 have to fix that. There seems to be a problem in this connection. I don't have
9 another explanation because this never happened before like that.

10 So, Mr Witness, could you please repeat your answer. We again had this technical
11 problem.

12 THE WITNESS: [12:14:09](Interpretation) Concerning the training, there was no set
13 schedule.

14 PRESIDING JUDGE SCHMITT: [12:14:18] Mr Vanderpuye.

15 MR VANDERPUYE: [12:14:19] Thank you, Mr President.

16 Q. [12:14:24] In terms of the international humanitarian law that you provided
17 training on, did you provide training on, for example, how to treat civilians in the
18 course of combat?

19 A. [12:14:54] Yes, while respecting -- even the schools is doable and the hospitals,
20 even the children, we would provide advice.

21 Q. [12:15:31] You said that you would provide advice, right?

22 A. [12:15:39] Yes.

23 Q. [12:15:43] Do you recall if the training that you gave was consistent with the
24 training that you received as a member of the FACA? So in other words, is it the
25 same sort of training on international humanitarian law that you got as -- when you

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 joined the FACA?

2 A. [12:16:16] Yes.

3 Q. [12:16:21] Is it right that all persons who joined the FACA received some
4 training on international humanitarian law?

5 A. [12:16:36] Yes.

6 Q. [12:16:41] So all the military members of Mr Yekatom's group and Mr Yekatom
7 would have received that training?

8 A. [12:16:56] Yes.

9 Q. [12:16:59] Did you provide training on weapons? You mentioned tactics, but
10 I'm asking differently about weapons particularly.

11 A. [12:17:23] Yes. Showing -- we would show people how to disassemble and
12 reassemble weapons. And what I just said was that there was no qualified *senior
13 officer, as such. If you felt comfortable showing the elements, you would show them,
14 and there wasn't an exact schedule. People would train the children in this or this
15 subject, but there wasn't a set schedule. That's what I've just told you.

16 Q. [12:18:06] So with respect to the training that you gave on international
17 humanitarian law, should I understand then that the elements were instructed, for
18 example, not to target civilians?

19 A. [12:18:31] Yes.

20 Q. [12:18:33] And not to target people that were not involved in the -- in the
21 combat?

22 A. [12:18:44] Yes.

23 Q. [12:18:47] Were there instances of which you were aware in which that actually
24 happened, that is, civilians were targeted and people that were not involved in the
25 combat were targeted? During your time in Mr Yekatom's group, did that happen?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [12:19:20] No, not with my own eyes.

2 Q. [12:19:26] Did you hear -- did you hear about it?

3 A. [12:19:37] No.

4 Q. [12:19:41] I'm going to play you a videotape, although that's old school, a video.

5 It's at tab 21, CAR-OTP-2065-3172. It's the whole of the transcript that will be

6 involved here. It's short, though, it's about a minute and 35 seconds. The

7 transcript's at tab 2, CAR-OTP-2118-5654.

8 I just want you to take a look at this video, and I'll ask you some questions about

9 people you may know or what they speak about.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [12:21:15] (Interpretation of the video excerpt)

12 "We are there *going to kill them all. I am ready to slit *somebody's throat. I don't

13 have any time to waste. It's time to get to work. We are here ready to slit the

14 Muslims' throats. We are there ready to take care of them. I am the head of a

15 section.

16 *[In French] May the Central Africans feel at peace. We have come to -- we have

17 come *intervene in the Central African Republic *for the Central African people to feel

18 at peace.

19 So I am a *corporal. We want Djotodia to get out of *the Central African Republic.

20 We can't stand the Muslims.

21 We're all soldiers. *That's why we are here. We're here to fight for our country.

22 *Over and out."

23 MR VANDERPUYE: [12:22:22]

24 Q. [12:22:23] Did you see the -- and hear the video?

25 A. [12:22:32] Yes, I saw it. You know, in the army there are soldiers who

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 are -- some soldiers have ranks, some don't.

2 Q. [12:22:56] Did you recognise the individuals in the video?

3 A. [12:23:06] Yes. I know them.

4 PRESIDING JUDGE SCHMITT: [12:23:12] Ms Dimitri.

5 MS DIMITRI: [12:23:13] The previous answer, the word missed by the interpreter is
6 "*des chanvreurs*". He said: "*Il y a des militaires qui sont des chanvreurs*".

7 THE INTERPRETER: [12:23:40] Message from the -- yes, basically -- from the booth:
8 Basically the witness used a slang word that means someone who smokes dope.

9 PRESIDING JUDGE SCHMITT: [12:23:56] Which is, of course, quite an information
10 that's interesting.

11 MR VANDERPUYE: [12:24:01] It is.

12 Could you -- will you do me a favour, please, and could you state what you said in
13 English so I can -- so I can see it in the transcript.

14 PRESIDING JUDGE SCHMITT: [12:24:17] Well, that's a new form to deal with
15 things, but why not.

16 MS DIMITRI: [12:24:26] In the FACA there are some militaries who smoke weed.

17 MR VANDERPUYE: [12:24:31] Thank you very much.

18 PRESIDING JUDGE SCHMITT: [12:24:33] But still, Mr Vanderpuye -- Mr Dawili,
19 did you recognise some of the Anti-Balaka on the screen in the video?

20 THE WITNESS: [12:24:51](Interpretation) The video that was displayed, I'm familiar
21 with it. There are two soldiers who are talking, I know them. When you look at
22 them, you can see that they are people who smoke dope. *A proper soldier wouldn't
23 say what he just said.

24 PRESIDING JUDGE SCHMITT: [12:25:07] I think you would want to know exactly,
25 Mr Vanderpuye, who these two people are, or not?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 MR VANDERPUYE: [12:25:13] Yes, I would.
- 2 PRESIDING JUDGE SCHMITT: [12:25:15] Yes.
- 3 MR VANDERPUYE: [12:25:16] If we could just go to a particular point in the video.
- 4 It's at 1 minute, I think, 2 seconds, something like that.
- 5 we're at 1 minute, 2 seconds.
- 6 Q. [12:25:40] Do you recognise the individuals that are in this frame?
- 7 A. [12:25:48] Yes, I know them.
- 8 PRESIDING JUDGE SCHMITT: [12:25:52] Who are they?
- 9 THE WITNESS: [12:25:58](Interpretation) Mboli and *their elements behind are
- 10 (inaudible) -- you look at them, you can see it's someone who smokes dope, weed.
- 11 PRESIDING JUDGE SCHMITT: [12:26:12] Well, and the one in the foreground, you
- 12 know, who is -- who is speaking, actually, who is that?
- 13 THE WITNESS: [12:26:22](Interpretation) Mboli is his name.
- 14 PRESIDING JUDGE SCHMITT: [12:26:25] Thank you.
- 15 MR VANDERPUYE: [12:26:27]
- 16 Q. [12:26:27] Who is the person behind Mboli in the brown shirt with the -- looks
- 17 like there are some horns or something on a (Overlapping speakers) logo. Who is
- 18 he?
- 19 A. [12:26:40] I don't know him. I don't know him.
- 20 Q. [12:26:58] Do you recognise anyone other than Mboli in this frame?
- 21 A. [12:27:12] *Non*.
- 22 Q. [12:27:13] Let me show you a different frame. This one is at 27 seconds.
- 23 Do you recognise the individual in the -- with the sunglasses on?
- 24 A. [12:27:30] At the time, there were a lot of people I didn't know. No.
- 25 Q. [12:27:53] Do you recognise the person in the orange -- looks like an orange

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 jacket?

2 A. [12:28:05] No.

3 Q. [12:28:08] That's not you, right?

4 A. [12:28:16] No.

5 Q. [12:28:19] Do you recognise the location?

6 A. [12:28:31] Could you play the video for me.

7 Q. [12:28:34] We can play a little bit, sure. If you don't recognise it, don't worry,
8 it's not -- it's not crucial, but just to know.

9 Okay, go ahead, we can play it.

10 (Viewing of the video excerpt)

11 A. [12:28:50] I don't know that place. I don't know it.

12 Q. [12:28:53] Okay. And let me show you 1 minute, 16 seconds of this video. Let
13 me know if you recognise the person there. You would have heard this guy
14 introduced himself as --

15 A. [12:29:05] Yes, I know.

16 Q. He introduced himself as --

17 THE INTERPRETER: [12:29:18] Overlapping.

18 MR VANDERPUYE: [12:29:20]

19 Q. [12:29:21] -- Max Maidanda, is that -- does that fit your recollection?

20 A. [12:29:23] Yes. I know him.

21 PRESIDING JUDGE SCHMITT: [12:29:27] And who is it, for the record? Because
22 there were overlapping speakers.

23 THE WITNESS: [12:29:37](Interpretation) Maidanda Max.

24 PRESIDING JUDGE SCHMITT: [12:29:44] Thank you, Mr Witness.

25 MR VANDERPUYE: [12:29:46]

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [12:29:46] He's in the red shirt, Mboli is to his -- well, is on the right of the screen,
2 so to his left. Who is the person with the blue, I guess it's a shirt on top of his head,
3 behind Max Maidanda, in the white shirt? Do you recognise him?

4 A. [12:30:14] No.

5 Q. [12:30:18] Do you recognise anyone else in this frame?

6 A. [12:30:28] My problem is that *I don't have a good memory for faces.

7 PRESIDING JUDGE SCHMITT: [12:30:40] Mr Dawili, you don't have to. If you
8 recognise someone, it's fine, you tell us like you did. If not, also not a problem, then
9 you don't recognise anyone else.

10 Mr Vanderpuye.

11 MR VANDERPUYE: [12:30:55]

12 Q. [12:30:57] If you remember, was Max Maidanda one of the chiefs, the section
13 chiefs who provided training to other elements in Mr Yekatom's group?

14 A. [12:31:21] Yes.

15 Q. [12:31:28] Did you ever hear Maidanda say that as a soldier he's willing to kill
16 even small children?

17 A. [12:31:52] Those are his own thoughts.

18 Q. [12:32:01] That may be, but did you ever hear him say that?

19 A. [12:32:11] No.

20 Q. [12:32:17] Did you hear other elements say that or similar things about civilians?

21 A. [12:32:32] Yes, you know, among the elements, there were elements who did
22 their job well and others who had been smoking weed and had other habits -- or
23 rather --

24 Q. I think I heard you say that they spoke in that way. *

25 A. [12:33:20] Yes, I said that there are -- not all the elements are well educated.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 There are some dopeheads who speak in their own way, so some people who smoke
2 dope who speak in their own way.

3 MR VANDERPUYE: [12:33:40]

4 Q. [12:33:40] What was done about that in the group?

5 A. [12:33:55] If an element spoke this way, he had to be educated, he had to be
6 criticised for doing this.

7 Q. [12:34:13] And what about if they acted on it, what was done then?

8 A. [12:34:27] If they acted on this -- acted on these words, *then they would have to
9 be sanctioned and they would have to be taught that what they have done *or said is
10 not normal.

11 Q. [12:34:51] Who was responsible for sanctioning them?

12 A. [12:35:03] The elements were sanctioned, if it was a leader, could be the head of
13 the section. In the group there were different sections, and if an element who
14 committed this act, it would be the leader of that section that would have the power
15 to sanction him. Sometimes they did things that were not okay. *Yekatom would
16 have them punished by wetting or thrashing them.

17 MR VANDERPUYE: [12:35:44]

18 Q. [12:35:45] Okay. Let me ask you about a couple of other things in your
19 statement.

20 You talk about areas under Mr Yekatom's control, and this is at paragraph 45. You
21 indicate that the area from PK9 to Mongoumba, Boda and Mbaiki figured among the
22 areas under the control of Mr Yekatom. So I just want to ask first: What period of
23 time are you talking about that these areas were under Mr Yekatom's control, if you
24 can remember?

25 A. [12:36:38] Starting from 10 to 15, well, thereabouts, from 10 to 15 *January or

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 thereabouts.

2 Q. [12:37:05] All right. So just so that I understand you correctly, from around the
3 10th or 15th -- or 10th or 15th of January, the areas of PK9 to Mongoumba, Boda and
4 Mbaiki was under the control of Mr Yekatom and his group; do I have that right?

5 A. [12:37:33] From the 10th to the 15th, this is not strict dates, I don't remember the
6 exact dates. It was around the 10th, it was thereabouts. It was under their control
7 around those dates.

8 Q. [12:38:04] When you say that these areas were under the control of Mr Yekatom
9 and his group, what do you mean by that? Do you mean that there were elements
10 there? Do you mean that they controlled the roads? Do you mean controlled the
11 towns? What do you mean when you say they were under his control?

12 A. [12:38:34] Yes. Just before the bridge of PK9, the area was controlled by *other
13 elements up until Mbaiki and Boda, going through Mongoumba. That's the area,
14 around there -- or there precisely.

15 Q. [12:39:06] Okay. I'd like to ask you a bit about your statement concerning the
16 Mbaiki axis. In your statement at paragraph 38, you say that after Djotodia stepped
17 down on 10 January 2014, "we took control of the axis to Mbaiki" and then you
18 describe various locations, Sekia, Ndangala, Bimon, Kapou, Pissa, and you say at
19 paragraph 39 that you took those villages without fighting.

20 So the first thing I want to ask you is when you say that you took control of the axis, if
21 you could just briefly describe for the Chamber how that was carried out.

22 A. [12:40:08] We went towards Sekia and at PK9 -- or before PK9 we reached a
23 checkpoint, and then from there we went to Kapou, Bimon, and from Bimon to Pissa,
24 Kapou and Mbaiki.

25 Q. [12:40:36] And in that direction, did you encounter Seleka resistance, that is,

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 fighting or combat among the Seleka -- or from the Seleka?

2 A. [12:40:49] No.

3 Q. [12:40:53] Along that route, did you encounter Muslim civilians?

4 A. [12:41:08] As we arrived, they fled and they gathered near Mbaiki. And so it
5 was *in Mbaiki that we *found Muslims together.

6 Q. [12:41:24] At paragraph 37 of your statement, you indicate that the group
7 divided, saying that there was a path from the Yamwara to Samba and Sekia and that
8 you divided groups, one group went towards PK9, another group went towards
9 Mbaiki. So in respect of that, I wanted to ask you if you could tell us roughly the
10 number of individuals that went one direction versus the other, if you can remember.

11 A. [12:42:10] I don't remember the number of individuals today, but we're talking
12 about dozens of individuals.

13 Q. [12:42:26] How many people went down towards Mbaiki?

14 PRESIDING JUDGE SCHMITT: [12:42:29] Ms Dimitri.

15 MS DIMITRI: [12:42:32] I don't know if the statement's on the screen, but you said 37
16 and it was interpreted by 47.

17 MR VANDERPUYE: [12:42:50] Thank you for that. I hadn't noticed, but yes, it's
18 paragraph 37, three-seven, of the statement.

19 Q. [12:43:02] I think I was asking -- maybe I didn't see the answer. Yes, how
20 many -- how many of you went down towards Mbaiki?

21 A. [12:43:18] 30 to 40 of us or thereabouts.

22 Q. [12:43:22] So if I can ask, how could 30 or 40 people control that axis from PK9 to
23 Mbaiki?

24 A. [12:43:41] All in all from PK9 to Mbaiki?

25 Q. [12:44:00] Yes, that's my question.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [12:44:06] That's *that I am --

2 THE INTERPRETER: [12:44:06] Inaudible.

3 THE WITNESS: [12:44:06] (Interpretation) *Dozens per post. *It might have been
4 more than that. *For example, Kapou ... PK9, there might be 20 to 25 there and there
5 might even be several hundreds.

6 Q. [12:44:31] What happened to the thousands of elements that were at the
7 Yamwara school before you departed? Where did they go?

8 A. [12:44:49] I don't know. I don't know what their positions were. I know
9 where I went, but I don't know where the others went to, what axis they went to.

10 Q. [12:45:09] Okay, that's helpful.

11 I'd like to show you some video footage then, and maybe you can help -- help us
12 navigate this as well.

13 This is at tab 15, CAR-OTP-2094-7618. And I don't think that the transcription is -- or
14 translation is necessary. This is -- there's a lot of music in this video and the
15 Chamber has seen it before many times. So I just want to play, if I could, 9 minutes
16 45 seconds through 10 minutes 12 seconds, and then we'll play it incrementally.
17 So take a look at this. I'll ask you the usual questions, what do you see, who -- you
18 know, who is in it and that kind of thing.

19 PRESIDING JUDGE SCHMITT: [12:46:03] And we appreciate that the interpreters
20 do not have to translate the music.

21 (Viewing of the video excerpt)

22 MR VANDERPUYE: [12:46:41] All right, we've stopped it now at -- we stopped it at
23 10:12 I think it was, roughly.

24 Q. [12:46:50] First of all, did you recognise the individuals in that clip, and who did
25 you recognise?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [12:47:01] Can you pause it and zoom in so that I can identify them?

2 Q. [12:47:06] Yes, we can go on pause. How about from the screen we have right
3 now at 09:45, do you recognise the individuals there?

4 A. [12:47:24] Yes.

5 Q. [12:47:25] Who do you recognise? And if you could indicate some article of
6 clothing that they are wearing so that we can see who you're talking about.

7 A. [12:47:42] Yes, Heritier. He is holding a weapon in his left hand and he's in
8 uniform. There's Gounga (phon) who is there and Habib, Beina. And the other one,
9 well, I know him, his -- his nickname is Cessez-le-Feu. I know him.

10 Q. [12:48:15] Okay. At least they're in this group here somewhere.

11 Let me play you another part of this footage and we'll play it from 10:12 to 10:36.

12 And then I'll ask you the same, the usual questions.

13 (Viewing of the video excerpt)

14 MR VANDERPUYE: [12:49:05]

15 Q. [12:49:06] Were you able to see this part of the footage?

16 A. [12:49:18] It's a bit blurry. If you put the video on, then maybe I'll be able to
17 identify them. Slowly.

18 Q. [12:49:27] Yes, I'll take you to very specific parts of this section.

19 So the first I'll show you is right here at 10:13. Do you recognise anyone in this -- in
20 this frame?

21 A. [12:49:42] Yes, I recognise some of them.

22 Q. [12:49:46] Who are they and what are they wearing?

23 A. [12:49:50] But it's blurry. It's blurry.

24 PRESIDING JUDGE SCHMITT: [12:50:00] But, Mr Dawili, you said you recognise
25 some of them. Please tell us whom do you recognise, even if admittedly the footage

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 is not perfect.

2 THE WITNESS: [12:50:23](Interpretation) There are many elements whom *I
3 recognise, but I don't know their names. But I know them. I can see them and I
4 know them.

5 MR VANDERPUYE: [12:50:41]

6 Q. [12:50:41] These are elements within the group that you were in, in other words,
7 in Mr Yekatom's group?

8 A. [12:50:53] Yeah.

9 Q. [12:50:56] Do you recognise the location?

10 A. [12:51:01] No.

11 Q. [12:51:05] Okay. I'm going to show you another part of this footage, and I want
12 to ask you to let us know if you recognise. This is at 10 minutes 36.

13 Do you recognise anyone in this frame?

14 A. [12:51:39] Yes. The woman who has something on her hair -- who has dyed
15 hair, that one.

16 Q. [12:52:01] Where is she in the screen, on the shot? Right? Left? And what's
17 her name?

18 A. [12:52:10] She's on my right, and I can't see her face very well.

19 Q. [12:52:16] Do you recognise the kid in the front, in the beige shirt?

20 A. [12:52:28] No.

21 Q. [12:52:31] Have you ever heard of somebody called Bougie Noire?

22 A. [12:52:45] Like I just said, I started there on the 19th and so most of the children
23 there I didn't know them.

24 Q. [12:53:11] (Microphone not activated)

25 PRESIDING JUDGE SCHMITT: [12:53:12] Microphone, please.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [12:53:15]

2 Q. [12:53:16] Have you heard the name Bougie Noire before or is this the first time
3 that (Overlapping speakers) --

4 A. [12:53:21] (Overlapping speakers)

5 THE INTERPRETER: [12:53:22] Answer inaudible.

6 THE WITNESS: [12:53:26](Interpretation) You've just said Bougie Noire. No, *I
7 don't think so.

8 MR VANDERPUYE: [12:53:36]

9 Q. [12:53:36] Let me show you 10 minutes 34 seconds and ask you if you can ...
10 Do you recognise the women in this frame?

11 A. [12:54:09] Yes.

12 Q. [12:54:12] Same question: Who do you recognise? And if you could tell us
13 how to identify them, left, right.

14 A. [12:54:26] The one on my left, she *is called Cheveux Rouges, I know her. And
15 the one with a cap, *I can see her, but I don't know her name.

16 Q. [12:54:50] Have you heard the name Honorine Mbafolo before?

17 A. [12:55:03] Mbafolo, yes, I've heard that name.

18 Q. [12:55:07] Have you heard the name or the nickname Mama Tia Godobe before?

19 A. [12:55:20] Yes.

20 Q. [12:55:22] Have you heard the name Cheveux de la Mort before?

21 A. [12:55:30] It's not Cheveux de la Mort. It's Cheveux Blancs.

22 Q. [12:55:42] Okay. Are any of those individuals or anybody by those names on
23 this video frame in front of you now, to your recollection?

24 A. [12:55:57] It's Cheveux Blancs, the one who has coloured hair -- who has dyed
25 her hair, that's Cheveux Blancs, that's her name. And the one next to her, *I can see

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 him, but I cannot identify.

2 Q. [12:56:21] I'm going to show you a couple of other images from this video

3 footage, but I think -- let me start with a different one than I had anticipated.

4 Let's start at 23:33, and we can just go to the frame, I think.

5 (Viewing of the video excerpt)

6 All right.

7 PRESIDING JUDGE SCHMITT: [12:58:05] Well, do we have a still or is it still

8 running?

9 MR VANDERPUYE: [12:58:09] That's it, we have it -- it's stopped now. It's still.

10 Q. [12:58:13] First of all, do you recognise the individual -- well, obviously, there's

11 that good-looking guy in the middle over there. You recognise that guy. Who else

12 do you recognise in the frame?

13 A. [12:58:31] There's myself, there's Habib Beina, there's Yekatom, and then behind

14 me there's Bakali (phon) and ...

15 THE INTERPRETER: [12:58:47] Inaudible.

16 MR VANDERPUYE: [12:58:50]

17 Q. [12:58:51] Do you recognise the location?

18 A. [12:58:58] Yes, this is in Pissa.

19 Q. [12:59:05] And do you remember approximately when this was and how many

20 of you there were in Pissa at that time?

21 A. [12:59:18] At that time, there were 10 to 15 of us at Pissa and Yekatom had just

22 visited there.

23 MR VANDERPUYE: [12:59:37] Mr President, I see that it's 1. I think I can finish in

24 15 minutes.

25 PRESIDING JUDGE SCHMITT: [12:59:43] Well, I think that perhaps you should

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 finish then -- or any better -- yeah, continue simply so --

2 MR VANDERPUYE: [12:59:51] If it's okay -- you know, if it's okay with everyone.

3 PRESIDING JUDGE SCHMITT: [12:59:54] I think it's okay. I think we don't need to
4 make --

5 MR VANDERPUYE: Okay.

6 PRESIDING JUDGE SCHMITT: If you say it's 30 minutes, we would have to make a
7 pause or go beyond in the second session but -- so please continue.

8 MR VANDERPUYE: [13:00:02] I think we'll finish in 15 minutes.

9 PRESIDING JUDGE SCHMITT: Yeah, good.

10 MR VANDERPUYE:

11 Q. [13:00:06] This was in Pissa. And was this on the way down to Mbaiki, if you
12 recall?

13 A. [13:00:25] Yes, this was at Pissa.

14 Q. [13:00:28] About how long after you were in Pissa did you reach Mbaiki, if you
15 remember?

16 A. [13:00:44] One to two weeks.

17 Q. [13:00:51] When you arrived in Mbaiki, you say that you stayed next to the
18 mayor's office, and you say that the population welcomed you. And this is at
19 paragraph 48 and I believe 52 of your statement.

20 A. [13:01:18] Yes.

21 Q. [13:01:20] You mentioned that some Muslims had fled from other areas to
22 Mbaiki. Do you have any idea how many Muslims we're talking about or you're
23 thinking about when you say this in your statement?

24 A. [13:01:47] Many.

25 Q. [13:01:50] Fair enough.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 You were there when they were evacuated in Mbaiki?

2 A. [13:02:02] Yes.

3 Q. [13:02:04] And do you recall how they were evacuated and how long it took for
4 them to be evacuated?

5 A. [13:02:21] We were in Mbaiki. We were there for one to two weeks, and it was
6 our presence that scared them and made them leave.

7 Q. [13:02:39] Do you know why your presence scared them and made them leave?

8 A. [13:02:53] Yes. Because they thought, like at the other axis from Bossangoa, the
9 Balaka, when the Balaka came they would kill, that they would kill Muslims, that's
10 what they thought. And so they thought that we'd do the same thing. That's what
11 was in their head, that's what they were thinking and that's what pushed them to flee
12 Mbaiki.

13 Q. [13:03:30] So to your knowledge, everyone was aware that the Anti-Balaka were
14 attacking Muslim civilians?

15 A. [13:03:39] (Overlapping speakers)

16 MR SUZUKI: [13:03:44] Excuse me, Mr President.

17 PRESIDING JUDGE SCHMITT: [13:03:47] This is a little bit a distortion of what the
18 witness said, I have to agree, although I have not heard Mr Suzuki. Could you
19 please rephrase that, Mr Vanderpuye, because he said -- I understood at least, correct
20 me, that the Muslims feared, that is his testimony, feared another group of
21 Anti-Balaka. So was -- so you would have to limit it to this group.

22 MR VANDERPUYE: [13:04:16] Okay. I understood differently so maybe I can
23 clarify it.

24 PRESIDING JUDGE SCHMITT: [13:04:22] You can clarify it, but this ...

25 MR VANDERPUYE: [13:04:25]

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [13:04:25] You mentioned something about the Muslims thought that you would
2 come to kill them. Do I have that right?

3 A. [13:04:44] Yes, that's what they were thinking.

4 Q. [13:04:47] And that's because, to your knowledge, they had heard about the
5 Anti-Balaka doing the same thing in Bossangoa; do I have that right?

6 A. [13:05:03] Yes.

7 Q. [13:05:06] At that time, you were aware of what the Anti-Balaka had done or
8 were doing that came from Bossangoa; is that right?

9 A. [13:05:22] Yes. Yes.

10 Q. [13:05:26] Were you aware if the Anti-Balaka that came from Bossangoa were, in
11 fact, killing Muslim civilians on the way down from Bossangoa into Bangui?

12 A. [13:05:44] Yes, I heard.

13 Q. [13:05:51] Are you aware if other members of your group, that is Mr Yekatom's
14 group, were also aware of that? In other words, did that discussion take place
15 among you and your members of Mr Yekatom's group?

16 A. [13:06:13] As I just said, and in the video that you've just seen, the children, they
17 would say "when we found Muslims, we kill them". So these are the words that
18 would scare people. And before that, I heard people talking, but I could not -- did
19 not see it with my own eyes. But it's the name, the Anti-Balaka name that would
20 scare people.

21 Q. [13:06:52] But you were aware that they did flee the areas that Mr Yekatom and
22 his group came to control, so Kapou, Sekia, Bimon, Pissa, PK9, Ndangala and Mbaiki;
23 is that right?

24 A. [13:07:17] Yes.

25 Q. [13:07:22] You said that in your statement at a certain point you were the deputy

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 ComZone for Mbaiki and that Mr Yekatom --

2 A. [13:07:37] Yes.

3 Q. [13:07:39] -- Mr Yekatom appointed you to that position?

4 A. [13:07:45] Yes, that is correct.

5 Q. [13:07:49] And during the time that you were the deputy ComZone in Mbaiki,
6 who was the ComZone in Mbaiki?

7 A. [13:08:06] Sete.

8 Q. [13:08:17] Can you repeat the name, please?

9 A. [13:08:25] At the time it was Sergeant Sete.

10 Q. [13:08:31] And as the deputy ComZone, did you report to Sergeant Sete?

11 A. [13:08:43] Yes.

12 Q. [13:08:45] Did Sete report to Mr Yekatom?

13 A. [13:08:53] Yes.

14 Q. [13:08:57] And how many elements did you and Sete have at your disposal or
15 under your control in Mbaiki while you were the deputy ComZone?

16 A. [13:09:19] About 40.

17 Q. [13:09:22] While you were in Mbaiki, did you come to hear of the killing of the
18 deputy mayor of Mbaiki by the name of Djido Saleh?

19 A. [13:09:41] Djido, Djido.

20 Q. [13:09:43] Yes.

21 A. [13:09:49] I heard about it.

22 Q. [13:09:51] Can you tell the Chamber what you heard?

23 A. [13:10:07] During the *evacuation of Muslims, they were scared, they left for
24 Chad. Djido stayed behind, he stayed there, he stayed there during that time, and
25 there was a misunderstanding between him and a family which led to their death.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [13:10:35] Well, what did you hear about that?

2 A. [13:10:39] Yes, one of the -- one of our elements organised --

3 THE INTERPRETER: [13:10:47] Inaudible.

4 THE WITNESS: [13:10:50](Interpretation) -- as you just said ...

5 MR VANDERPUYE:

6 Q. [13:11:00] I'm afraid I'm going to have to ask you to repeat that once again. We
7 didn't get all of your answer.

8 PRESIDING JUDGE SCHMITT: [13:11:08] Mr Dawili, I have to apologise for the
9 technical problems. Could you please repeat your answer.

10 THE WITNESS: [13:11:21](Interpretation) Yes. We were in Mbaiki, after the
11 *evacuation of the Muslims. *Towards PK5, *towards Chad, *others went in the
12 direction of Cameroon. Djido was *one of the Muslims who stayed in Mbaiki.
13 There was a misunderstanding between him and one of our people, and I heard
14 noises, I got there, I saw the bodies. That's all.

15 MR VANDERPUYE: [13:12:10]

16 Q. [13:12:11] You previously mentioned someone by the name of Mama Tia
17 Godobe in your answer; is that right?

18 A. [13:12:20] Yes.

19 Q. [13:12:25] Is that the person that was involved in the killing of Djido Saleh?

20 A. [13:12:36] Yes, a lot of people, a lot -- he was one of them. There were a lot of
21 people who took part. She took part.

22 Q. [13:12:59] She participated is what you said, right?

23 A. [13:13:08] She.

24 Q. [13:13:11] Are you aware of anyone else who participated among the elements
25 in your group besides her?

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 A. [13:13:23] No, *only she took part. It was the people from Mbaiki. There was
2 a crowd of civilians *who brought it about, but it was she who took part.

3 Q. [13:13:38] What was done as a result of her participation in terms of punishment
4 or discipline or instruction, anything like that to your knowledge?

5 A. [13:14:10] She was punished. She was punished and sent to Bas (phon).

6 Q. [13:14:29] Who punished her?

7 A. [13:14:39] * Well, it was our leader Sete who ordered us to leave Mbaiki. She
8 was punished at the gendarmerie. She was flogged and handed over to the
9 gendarmerie, and they did the rest.

10 Q. [13:14:59] When you say "our leader," who are you referring to?

11 A. [13:15:07] Sete.

12 PRESIDING JUDGE SCHMITT: [13:15:14] Well, his -- he was the deputy, he was the
13 ComZone, Sete. Well, we heard the answer and he's still on the screen.

14 MR VANDERPUYE: [13:15:26] (Microphone not activated)

15 PRESIDING JUDGE SCHMITT: [13:15:28] Yeah, yeah, but --

16 MR VANDERPUYE: [13:15:30] I apologise. I was looking at the screen which went
17 blank.

18 PRESIDING JUDGE SCHMITT: [13:15:35] Actually, there are some days where we
19 don't get 100 per cent, Mr Vanderpuye, so we are happy that we have him on the
20 screen -- on some screen.

21 MR VANDERPUYE: [13:15:43] Okay. Thank you. I apologise for that. I have
22 two questions more and I think that's it.

23 PRESIDING JUDGE SCHMITT: [13:15:50] Yeah, yeah, okay, then we will hear these
24 two questions, of course.

25 MR VANDERPUYE:

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 Q. [13:15:54] Mr Dawili, do you know someone by the name of Ngombe, Cyril
2 Ngombe?

3 A. [13:16:10] Ngombe? Cyril Ngombe? He was a master corporal.
4 Gombe (phon)

5 Q. [13:16:22] Was he in your -- that is, in Mr Yekatom's group?

6 A. [13:16:28] Yes.

7 Q. [13:16:35] Was he in Mbaiki with your group?

8 A. [13:16:40] He was in Pissa.

9 Q. [13:16:44] During the time that you were in Mbaiki at the time that Djido Saleh
10 was killed, was Ngombe in Mbaiki or in Pissa, if you remember?

11 A. [13:17:03] At the time, the time, I don't know, how should I say this? Ngombe,
12 he was in Pissa.

13 Q. [13:17:23] If you're not sure, then just say you're not sure, because I don't want
14 you to guess.

15 A. [13:17:32] Yes. Because this was years ago, I don't remember.

16 Q. [13:17:43] That's no problem.

17 Do you know someone by the name of Nadege Mbafolo?

18 Do you know someone by the name of Honorine Mbafolo?

19 A. [13:18:03] Yes, *Mbafolo Mama Tia Godobe.

20 Q. [13:18:11] Okay. After Djido Saleh was killed, did you and the -- or your
21 ComZone discuss this with Mr Yekatom?

22 A. [13:18:34] * Yes, he's the leader, he reported back to his superior. I am not
23 really in a good position to explain this.

24 Q. [13:18:47] Do you know if Mr Yekatom discussed this or attended a meeting to
25 discuss this at the gendarmerie or with Sangaris or other, let's say, international forces

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 on the ground around that time; do you know?

2 A. [13:19:12] Yes, I knew.

3 Q. [13:19:15] Tell the Chamber what you know about that.

4 A. [13:19:23] Coming back from Mbaiki, we *ended up just before PK9 and we
5 *found a French detachment there. And *in Mbaiki, *(inaudible) MINUSCA,
6 *leaders, then -- *(inaudible).

7 Q. [13:19:51] Do you know about a meeting that he attended at the beginning of
8 March concerning, among other things, what happened to Djido Saleh?

9 A. [13:20:15] I don't know.

10 Q. [13:20:17] Okay. Did you discuss what to do about Mama Tia Godobe's
11 involvement in the killing and/or mutilation of Djido Saleh with Mr Yekatom? You
12 know, how she should be punished or what should be done with her or what you
13 should do?

14 A. [13:20:54] No. I just talked to Sete. Sete was the one who decided about that.

15 Q. [13:21:01] Last question.

16 PRESIDING JUDGE SCHMITT: [13:21:04] (Microphone not activated)

17 MR VANDERPUYE: [13:21:05]

18 Q. [13:21:05] Where did you get your information from in your discussion -- when
19 you were discussing the matter with Sete?

20 A. [13:21:21] You know, if something happens, crowds, crowds -- if there's a
21 murder, there are crowds *that talk saying that such and such an event took place at
22 such and such a time, and so and so took part, and you report to the superior and it's
23 up to the superior to report to Yekatom. The information came from people.

24 MR VANDERPUYE: [13:21:57] All right. I think -- Mr President, thank you very
25 much. I'm sorry to detain everyone in this way. I'm done.

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [13:22:05] No, no, we appreciate it that you finished,
2 well, before the lunch break. However, I have to say this is a very wide
3 interpretation of "two questions". It went -- I counted them, it went nine questions.
4 But no matter.

5 Ms Dimitri.

6 MS DIMITRI: [13:22:22] Thank you, Mr President. Given the time -- I don't know if
7 the victims have questions, but given the time, I think it would be better, with your
8 leave, that we start tomorrow.

9 PRESIDING JUDGE SCHMITT: [13:22:31] I'm fine with that.

10 We start tomorrow at 9.30. Thank you.

11 THE COURT USHER: [13:22:37] All rise.

12 (The hearing ends in open session at 1.22 p.m.)

13 CORRECTIONS REPORT

14 The following corrections, marked with an asterisk (*) and not included in the
15 audio-visual recording of the hearing, are brought into the transcript.

16 Page 51, lines 15-16:

17 "Yekatom would sanction them by wetting them and by

18 THE INTERPRETER: [12:35:43] Inaudible."

19 is corrected to "Yekatom would have them punished by wetting or thrashing them."

20 Page 64, lines 7-9:

21 "Our leader. He was the one who ordered us to leave Mbaiki. She was *punished at
22 the gendarmerie. She was handed over to the gendarmerie and they did the rest"

23 is corrected to "Well, it was our leader Sete who ordered us to leave Mbaiki. She was
24 punished at the gendarmerie. She was flogged and handed over to the gendarmerie,
25 and they did the rest".

Trial Hearing
WITNESS: CAR-OTP-P-1647

(Open Session)

ICC-01/14-01/18

- 1 Page 65, line 19:
- 2 "Mbafolo" is added.
- 3 Page 65, lines 22-23:
- 4 "Yes, yes, he reported back. I'm not really in a good position to explain this. It's the
- 5 leader" is corrected to "Yes, he's the leader, he reported back to his superior. I am not
- 6 really in a good position to explain this".