

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1647

- 1 Trial Chamber V
- 2 Situation: Central African Republic II
- 3 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
- 4 Ngaïssona - ICC-01/14-01/18
- 5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
- 6 Trial Hearing - Courtroom 1
- 7 Friday, 27 January 2023
- 8 (The hearing starts in open session at 9.31 a.m.)
- 9 THE COURT USHER: [9:31:55] All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE SCHMITT: [9:32:17] Good morning, everyone.
- 13 Court officer, please call the case.
- 14 THE COURT OFFICER: [9:32:23] Good morning, Mr President, your Honours.
- 15 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 16 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 17 And for the record, we are in open session.
- 18 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you.
- 19 As far as I see it, Prosecution, victims representatives are unchanged.
- 20 MR VANDERPUYE: [9:32:46] We're unchanged. Good morning, Mr President.
- 21 Good morning, your Honours.
- 22 PRESIDING JUDGE SCHMITT: [9:32:50] Good morning.
- 23 That also applies for Ms Massidda.
- 24 MS MASSIDDA: [9:32:53] Unchanged as well. I just reappeared.
- 25 PRESIDING JUDGE SCHMITT: [9:32:56] And Ms Lau also.

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1 MS LAU: [9:32:58] Yes, I also remain the same. Thank you.

2 PRESIDING JUDGE SCHMITT: [9:33:01] Ms Dimitri.

3 MS DIMITRI: [9:33:03] Unchanged, Mr President. Good morning.

4 PRESIDING JUDGE SCHMITT: [9:33:07] Unchanged.

5 Mr Knoops.

6 MR KNOOPS: [9:33:08] Good morning, Mr President. Your Honours, good

7 morning. No, no changes in our team. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:33:13] Very good, thank you.

9 And a warm welcome to our witness. Good morning, Mr Dawili. I hope you had a
10 good rest and we can start as fresh as in the past days again with your testimony.

11 Mr Suzuki has the floor.

12 MR SUZUKI: [9:33:31] Thank you, Mr President, good morning. Good morning,
13 your Honours.

14 WITNESS: CAR-OTP-P-1647 (On former oath)

15 (The witness speaks French)

16 (The witness gives evidence via video link)

17 QUESTIONED BY MR SUZUKI: (Continuing)

18 Q. [9:33:41] Good morning, Mr Witness.

19 A. [9:33:42] Good morning.

20 Q. [9:33:44] I only have about half an hour or an hour of questions left for you,
21 Mr Dawili so --

22 PRESIDING JUDGE SCHMITT: [9:33:53] Well, this -- okay. I don't want to
23 comment, but if you look around here, people like this announcement very much.
24 So I would not go so far as to say, like in some movie, you made our day, but
25 nevertheless ...

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1 Please continue.

2 No, but seriously, that has, of course, nothing to do with the examination, as such,

3 which is very concise and to the point. Thank you.

4 MR SUZUKI: [9:34:28] Thank you, your Honour.

5 Q. [9:34:33] So, Mr Dawili, I'll ask for your patience in advance again and I'll get
6 started.

7 First, Mr Dawili, I'd like to clarify one thing that you said yesterday. Yesterday I
8 asked you a question, and in the French it is: (Interpretation) "It is incorrect to say
9 that food was distributed to the elements."

10 (Speaks English) And your response, Mr Dawili, was: (Interpretation) "I don't know."

11 (Speaks English) Now, my question is, just to be -- just to be clear, can you confirm
12 that you never heard that drugs were put in the food that was distributed to
13 elements?

14 A. [9:35:35] Yes, that's correct. Await to say that the elements were being drugged
15 in -- with their food.

16 Q. [9:35:50] Thank you for that clarification, Mr Dawili.

17 THE INTERPRETER: [9:35:54] Interpreter correction: The witness said, "I never
18 heard that drugs were given to the elements in the food."

19 PRESIDING JUDGE SCHMITT: [9:36:03] Thank you.

20 MR SUZUKI: [9:36:06]

21 Q. [9:36:07] Mr Dawili, Vianney Guenewi, also known as Cessez-le-Feu, can you
22 confirm that he was not a ComZone in the group?

23 A. [9:36:26] Guenewi, him, alongside Mr Yekatom.

24 Q. [9:36:36] Thank you. And he was not a ComZone, correct?

25 A. [9:36:46] Yes.

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1 Q. [9:36:48] Thank you. And the -- are you familiar with an element named Dan

2 Parfait?

3 A. [9:37:07] Yes, I know him.

4 Q. [9:37:08] He was not a ComZone, correct?

5 A. [9:37:19] Dan? At the time, when I was in Mbaiki, all those things happened,

6 but after, I don't know. He might have been. I don't know.

7 Q. [9:37:31] No problem at all, Mr Dawili. If you don't know, that's not an issue.

8 And my last name for you, Max Maidanda, he was not a ComZone, correct?

9 A. [9:37:50] Yes.

10 Q. [9:37:55] Thank you, Mr Dawili.

11 Now, while you were in Bangui in 2013 and the Seleka were in power, did you hear

12 people recounting their experiences under the Seleka saying things like "The Muslims

13 pillaged my home" or "The Muslims killed my relatives"?

14 A. [9:38:38] The Seleka, not Muslims. Those with weapons -- it was the people

15 with weapons, not all the Muslims.

16 Q. [9:38:57] Thank you, Mr Dawili.

17 I understand, of course, that it's not all the Muslims who were aiding the Seleka --

18 A. [9:39:11] Yes.

19 Q. [9:39:13] -- but when you heard stories about what the Seleka were doing, did

20 people say things like, in French, (Interpretation) "The Muslims looted my house or

21 the Muslims killed my relatives"?

22 (Speaks English) Did you hear things like this?

23 A. [9:39:41] Yes.

24 Q. [9:39:44] And when you heard these stories, you understood that when they

25 said "*les musulmans*," they were talking about the Seleka; is that fair to say?

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- 1 PRESIDING JUDGE SCHMITT: [9:40:00] Mr Vanderpuye, finally raising.
- 2 MR VANDERPUYE: [9:40:02] Yes, Mr President. It's calling for --
- 3 PRESIDING JUDGE SCHMITT: [9:40:05] Rising, not raising.
- 4 MR VANDERPUYE: [9:40:09] It's coming to a --
- 5 PRESIDING JUDGE SCHMITT: [9:40:12] Raising an argument, but rising to do it.
- 6 MR VANDERPUYE: [9:40:16] Indeed. It's calling for a bit of speculation here. He
- 7 could ask if those individuals who indicated that to him particularised that or
- 8 specified that, but in general terms I don't think that's --
- 9 PRESIDING JUDGE SCHMITT: [9:40:30] Yeah, but the last question that was put, I
- 10 think, simultaneously to you rising was what the witness understood, and I think we
- 11 can ask that, that is a possibility.
- 12 So perhaps you repeat your question.
- 13 MR SUZUKI: [9:40:47] Thank you, Mr President.
- 14 Q. [9:40:50] Mr Dawili, when you heard such stories, did you understand that
- 15 when people said "*musulmans*" they were referring to the Seleka?
- 16 A. [9:41:07] Yes.
- 17 PRESIDING JUDGE SCHMITT: [9:41:10] (Microphone not activated) that question.
- 18 Continue.
- 19 MR SUZUKI: [9:41:17] Thank you, Mr President.
- 20 Q. [9:41:21] And how did you know that they were referring to the Seleka?
- 21 A. [9:41:38] I too, I was a victim, I was victim. People came to my house, they
- 22 looted, and everyone knew.
- 23 PRESIDING JUDGE SCHMITT: [9:41:46] And the witness has described the first day
- 24 of his testimony how this unfolded and how it happened and from there, obviously
- 25 he deduces his opinion or his understanding better to say.

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1 MR SUZUKI: [9:42:02] Thank you, your Honour. I think, your Honour, for the next

2 two or three questions I would ask that we go into private session.

3 PRESIDING JUDGE SCHMITT: [9:42:11] Then let's do that. Private session.

4 MR SUZUKI: [9:42:13] Thank you.

5 (Private session at 9.42 a.m.)

6 THE COURT OFFICER: [9:42:19] We are in private session, Mr President.

7 MR SUZUKI: [9:42:34] Thank you, Madam Court Officer.

8 Q. [9:42:38] Mr Dawili, I have -- I have two or three questions about Kapou. Now,

9 the Prosecution intends to call a witness to testify in this case, and this witness has

10 claimed that (Redacted)

11 (Redacted)

12 (Redacted)

13 And my question --

14 A. [9:43:31] (Inaudible) in possession of that information.

15 PRESIDING JUDGE SCHMITT: [9:43:39] Could you please repeat your answer,

16 Mr Witness, because it's important here. And I think it's already the answer to the

17 question that has not been asked. Mr Witness, please be so kind, we had

18 problems -- technical problems.

19 THE WITNESS: [9:43:59](Interpretation) I did not hear about that. That

20 information did not come my way.

21 PRESIDING JUDGE SCHMITT: [9:44:08] Thank you.

22 MR SUZUKI: [9:44:12]

23 Q. [9:44:13] Thank you, Mr Dawili.

24 Madam Court Officer, if you could take us to the document at Defence tab 30, that's

25 CAR-OTP-000000 --

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1 PRESIDING JUDGE SCHMITT: [9:44:29] Still on the same issue?

2 MR SUZUKI: [9:44:31] Yes, your Honour.

3 00000008. Madam Court Officer, if you could avoid showing the P number

4 somehow. I apologise. I should have warned you in advance. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:44:54] Well, I don't know if we have all the zeros

6 here.

7 MR SUZUKI: [9:44:59] I think there are seven zeros, your Honour.

8 PRESIDING JUDGE SCHMITT: [9:45:03] Seven zeros, but then again plus five.

9 Well, 00000008-000001.

10 Please move on.

11 MR SUZUKI: [9:45:18] Thank you, your Honour.

12 Q. [9:45:21] Mr Witness, have you ever seen this person on the screen?

13 A. [9:45:35] No.

14 Q. [9:45:35] Thank you. I have one more photo to show you, Mr Witness.

15 At Defence tab 31, Madam Court Officer, CAR-D29-0015-0002. If you could just

16 zoom into the very, very top, please. I apologise, the name is ...

17 Same question, Mr Dawili, have you ever seen this person before?

18 A. [9:46:23] No.

19 PRESIDING JUDGE SCHMITT: [9:46:25] Just to clarify matters, Mr Dawili, in Kapou

20 do you recall when you had been -- at what time you had been in Kapou and how

21 long you have been there? You personally I mean, you. Not the Anti-Balaka as

22 such. You.

23 THE WITNESS: [9:46:51](Interpretation) I can't remember the date. I don't

24 remember the date when I was there. I didn't memorise it. But at the time, the

25 Muslims had come, I was there and then after I was replaced.

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1 PRESIDING JUDGE SCHMITT: [9:47:06] So --

2 THE WITNESS: [9:47:10](Interpretation) So two to three weeks, unless I'm mistaken.

3 PRESIDING JUDGE SCHMITT: [9:47:16] And do you happen to know how long the

4 Anti-Balaka stayed at Kapou, or some fraction of the Anti-Balaka? Roughly, of

5 course. You would not have counted the days, we understand that, but three

6 weeks -- two weeks, three weeks? One, two, three months?

7 THE WITNESS: [9:47:41](Interpretation) Yes, after me, many people were there

8 until -- the ones after me, I don't know. Even -- some people even four to five

9 months.

10 PRESIDING JUDGE SCHMITT: [9:48:02] Please continue.

11 MR SUZUKI: [9:48:04] Thank you, your Honour. Just for the record or for your

12 Honours' reference, at paragraph 43 the witness says Kapou, he was at Kapou around

13 April 2014.

14 Q. [9:48:27] Thank you, Mr Dawili.

15 Mr President --

16 PRESIDING JUDGE SCHMITT: [9:48:33] Back to open session.

17 MR SUZUKI: [9:48:37] Thank you.

18 (Open session at 9.48 a.m.)

19 THE COURT OFFICER: [9:48:43] We are back in open session, Mr President.

20 MR SUZUKI: [9:49:00] Thank you, Madam Court Officer.

21 Q. [9:49:05] Mr Dawili, I have a few questions about Mbaiki now.

22 The prefect of the Lobaye, Alexander -- Alexandre Kouroupe-Awo testified in these

23 proceedings, and according -- or he said, rather, in French (Interpretation) "I don't

24 believe either that the Muslim properties were looted."

25 (Speaks English) And my question for you, Mr Witness, is: Can you confirm that

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1 you or the elements based in Mbaiki did not pillage Muslims' houses in Mbaiki?

2 A. [9:50:02] That's correct.

3 Q. [9:50:06] Thank you, Mr Dawili.

4 And can you confirm that Mr Yekatom or his elements did not take over any
5 Muslims' houses in Mbaiki?

6 A. [9:50:26] Yes. From the PK road to Mbaiki.

7 Q. [9:50:31] Thank you, Mr Dawili.

8 I'm going to move on to the issue of Boda. In your witness statement you spoke
9 about going to Boda after Mbaiki. Was Sete among those who went to Boda with
10 you?

11 A. [9:51:12] Could you repeat your question?

12 Q. [9:51:16] Of course, Mr Dawili. My apologies, it wasn't the correct
13 pronunciation. Sete, did he go to Boda with you?

14 A. [9:51:34] Yes.

15 Q. [9:51:37] Thank you, Mr Dawili.

16 Do you know an individual named Dobo Aime alias Kich-man?

17 A. [9:51:57] No.

18 Q. [9:52:06] And did you -- did you travel in the same vehicle as Davy Lako-Toema
19 when you went to Boda?

20 A. [9:52:33] I beg your pardon, Davy who?

21 Q. [9:52:39] Lako-Toema.

22 PRESIDING JUDGE SCHMITT: [9:52:42] I think it's again, perhaps -- I don't know
23 how the pronunciation would be of the person, but he seems not to recognise the
24 name. Perhaps you can give it another try.

25 MR SUZUKI: [9:52:51] Thank you, Mr President. I'll split up the question.

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1 Q. [9:52:56] Mr Witness, do you know an element named Davy Lako-Toema? He
2 was a FACA.

3 A. [9:53:11] Yes, Davy, Davy, I know him.

4 Q. [9:53:13] Thank you. And Davy went to Boda with you, correct?

5 A. [9:53:17] Yes.

6 Q. [9:53:20] And were you in the same pickup when you travelled from Mbaiki to
7 Boda with Davy Lako-Toema?

8 A. [9:53:50] Yes.

9 Q. [9:53:51] Thank you. Now, on your way to Boda, you stopped at a village
10 called Boukoko; is that correct?

11 A. [9:54:09] That is correct.

12 Q. [9:54:12] And you didn't stop at Boboua, correct?

13 A. [9:54:32] I don't know that village. I'm not from there.

14 Q. [9:54:37] Not a problem, Mr Witness.

15 Can you confirm that the cars that you were travelling in didn't get a flat tire along
16 the way? Can you confirm that?

17 A. [9:55:06] It was a long time ago. I've forgotten. It was many years ago.

18 Maybe. Maybe some people helped. No.

19 PRESIDING JUDGE SCHMITT: [9:55:22] Well, that's -- Mr Dawili, that's
20 understandable after ten years. These are -- but you know the Defence asks these
21 questions because they might be relevant. But if you don't recall, that's also
22 understandable, then you tell us.

23 Mr Suzuki, continue.

24 MR SUZUKI: [9:55:39] Thank you, your Honour.

25 Q. [9:55:42] One last question, Mr Dawili, on this topic. If you can't remember, it's

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1 not a problem at all. Can you confirm that you didn't stop at a village called

2 Ndanga?

3 A. [9:56:05] What I just told you, those villages between Mbaiki and Boda, I don't

4 know the names of those villages in that area.

5 Q. [9:56:19] Of course, Mr Witness. I'll move on.

6 Now, you explained in your witness statement that Freddy Ouandjio was killed in

7 Boda. And I have a question related to that. There was an individual or a

8 Prosecution witness who claimed that when the girlfriend of Mr Ouandjio heard that

9 Coeur de Lion had been shot, she grew angry and she shot her gun in the air and was

10 demanding to see the body of Coeur de Lion. And this occurred in Mbaiki.

11 So my question for you is: Can you confirm that you never heard of such an

12 incident occurring?

13 A. [9:57:38] *That was when we returned. When we returned, in Mbaiki, the

14 *elements who had their base there learned that Ouandjio had been killed. They got

15 angry and they shot up into the air.

16 THE INTERPRETER: [9:57:56] Inaudible.

17 THE WITNESS: [9:57:58](Interpretation) -- the girlfriend of Ouandjio.

18 THE INTERPRETER: [9:58:06] Interpreter correction: The last part of the witness's

19 response was: "It wasn't the girlfriend of Ouandjio."

20 PRESIDING JUDGE SCHMITT: [9:58:17] Exactly.

21 Mr Vanderpuye?

22 MR VANDERPUYE: [9:58:18] I'm sorry, Mr President, I understand that the

23 transcripts disagree, so I understand there's a translation issue here. Maybe

24 Mr Suzuki can clarify the witness's response.

25 PRESIDING JUDGE SCHMITT: [9:58:28] I think I have understood it. If I may, he

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1 was asked about -- first about Ouandjio, but then you put Coeur de Lion in the
2 question and the girlfriend of Coeur de Lion who has supposedly been shooting in
3 the air. And the witness said that this is another story, the shooting in the air, it was
4 not done by the girlfriend but by other people. I think that was quite clear. I think
5 it's also now reflected in the French transcript I would say, which is more important
6 than what I'm blabbering here. It's clear. Thank you.

7 Mr Suzuki, please continue.

8 MR SUZUKI: [9:59:28] Your Honour, if I could have a moment to confer.

9 PRESIDING JUDGE SCHMITT: [9:59:32] Of course.

10 (Counsel confers)

11 MR SUZUKI: [9:59:56] Thank you, Mr President.

12 Q. [10:00:01] And thank you for your response, Mr Dawili.

13 Can you confirm that Boda, the city of Boda was not under Mr Yekatom's control?

14 A. [10:00:23] That is correct.

15 Q. [10:00:28] Thank you, Mr Dawili.

16 And in your witness statement you say that Yekatom had not wanted Ouandjio to
17 attack Boda. So my question is, Mr Dawili, did you discuss the fact that Mr Yekatom
18 did not want Freddy Ouandjio to go to Boda with other elements who went to Boda?
19 Did you discuss this among the elements?

20 A. [10:01:09] Yes, I heard it on the phone. I heard a conversation with Alfred
21 Yekatom. He said he wanted to go to Boda. And Yekatom refused that he should
22 go to Boda. It was their own idea to go to Boda.

23 Q. [10:01:29] Thank you, Mr Dawili.

24 And I know this was a long time ago, but can you tell us who else overheard that
25 conversation? Who was with you when you heard that conversation between

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1 Mr Ouandjio and Mr Yekatom?

2 A. [10:01:51] There were many of us.

3 Q. [10:02:01] Thank you, Mr Dawili.

4 PRESIDING JUDGE SCHMITT: [10:02:04] Do you recall someone specifically? You
5 know, "many of us", but do you recall a person? But only if you're sure, of course.

6 It's a long time ago and at the time you wouldn't know that you would have to testify
7 about it.

8 THE WITNESS: [10:02:26](Interpretation) Yes. Sete, Davy, many people, many
9 people were there. But the phone was on loudspeaker.

10 PRESIDING JUDGE SCHMITT: [10:02:47] Well, that is of course also important,
11 Mr Suzuki.

12 MR SUZUKI: [10:03:04]

13 Q. [10:03:04] Mr Dawili, do you remember if Honorine Mbafolo was also there?

14 A. [10:03:17] Yes, if I'm not mistaken.

15 Q. [10:03:23] Thank you, Mr Dawili.

16 I have a few questions about Coeur de Lion for you. Can you confirm that
17 Coeur de Lion was not from Bossangoa?

18 A. [10:03:46] I don't know their ethnicity.

19 Q. [10:04:01] Just to be clear, Mr Witness, setting aside his ethnicity, do you know if
20 he -- if he came from the town of Bossangoa?

21 A. [10:04:27] *Well, I know -- I don't -- I'm not here to *describe where they're from.

22 Q. [10:04:42] No problem, Mr Witness. Mr Dawili, a number of witnesses have
23 spoken about a rift, a split that developed between Mr Yekatom and Freddy Ouandjio.
24 Is this something that you also noticed?

25 A. [10:05:10] Yes.

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1 Q. [10:05:13] Thank you. And a Prosecution witness stated, and I'll cite the French:

2 (Interpretation) "There was also friction between Coeur de Lion and Rombhot and

3 Coeur de Lion wanted to leave the group before his death."

4 A. [10:05:44] That's true -- that's exact.

5 Q. [10:05:50] Thank you, Mr Dawili.

6 PRESIDING JUDGE SCHMITT: [10:05:55] If I may, if we are on the subject.

7 Did you understand or did you have information what caused the problems between

8 Coeur de Lion and Mr Yekatom?

9 THE WITNESS: [10:06:14](Interpretation) No. I don't know. These were two
10 leaders. At the time he was the deputy of Mr Yekatom, and I don't know what the
11 problem was between them. I don't know this.

12 PRESIDING JUDGE SCHMITT: [10:06:28] Thank you. He's always -- well, yes, yes,
13 no, no.

14 Please, Mr Suzuki.

15 MR SUZUKI: [10:06:39] Thank you, your Honour.

16 Q. [10:06:42] Mr Dawili, in fact, Coeur de Lion had a sort of clique, a little subgroup
17 of elements that were loyal to him; is that correct?

18 A. [10:07:03] Yes.

19 Q. [10:07:11] And after his death, many of these -- these loyal elements in his group
20 left -- left the group entirely; is that correct?

21 A. [10:07:30] Yes, that's true.

22 Q. [10:07:38] Mr Witness, Vivien Beina came and testified in these proceedings and
23 he spoke of an incident where Coeur de Lion had stolen some motorcycles and Habib
24 Beina confronted him and he ordered him to return the motorcycles, but

25 Coeur de Lion refused and he pointed his weapon at Habib Beina. My question is:

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1 Have you heard of this incident as well?

2 A. [10:08:26] At the time I was in Mbaiki, so I don't really have a clear view to be
3 able to give you any clarification on this matter.

4 Q. [10:08:39] Thank you, Mr Dawili. Not a problem at all, of course.

5 I apologise, I have to return to a question that apparently didn't properly make it into
6 the transcript. So again, I apologise, Mr Dawili, but can you confirm again that
7 Mr Yekatom or his elements did not occupy any Muslims' houses in Mbaiki? Can
8 you confirm that?

9 PRESIDING JUDGE SCHMITT: [10:09:16] Mr Vanderpuye.

10 MR VANDERPUYE: [10:09:18] I think Mr Suzuki is restating a question he
11 previously posed, but I don't think it was -- first of all, I don't think it was posed that
12 way and, second of all, I think the witness had answered it.

13 PRESIDING JUDGE SCHMITT: [10:09:30] True, but I have to say, if I recall it
14 correctly, this is the problem, the last question you put it in a negative way and the
15 witness said yes, so there is always an uncertainty what this "yes" means. So how
16 you put it this way I appreciate it more. So please repeat the question this way.
17 You understand my point? I don't know the whole transcript from today, but I
18 heard also when you put the question -- do it the same way like you did it now.
19 In my opinion, there was also an uncertainty about what the answer of the witness
20 meant with regard to the question, however the question was. Repeat it just the way
21 you did it this time.

22 MR SUZUKI: [10:10:23] Thank you, Mr President.

23 Q. [10:10:25] Mr Dawili, can you confirm that Mr Yekatom or his elements did not
24 occupy any Muslims' houses in Mbaiki?

25 A. [10:10:46] We *did not occupy Muslim houses, but for them, no.

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1 PRESIDING JUDGE SCHMITT: [10:10:58] Well, that's not clearer.

2 So Mr Dawili, did the elements, you and the elements of Mr Yekatom occupy

3 Muslims' houses at some point in time? And if so, where did you do that?

4 THE WITNESS: [10:11:22](Interpretation) At Mbaiki we were staying near the town

5 hall, I said this in my statement. We were stationed near the town hall, the mayor's

6 house. That's where we were stationed.

7 PRESIDING JUDGE SCHMITT: [10:11:44] And was this, where you stayed there,

8 was this in a Muslim house?

9 THE WITNESS: [10:11:55](Interpretation) No. This was a state-owned building.

10 PRESIDING JUDGE SCHMITT: [10:12:00] I think at some point in time we have to

11 leave the subject.

12 MR SUZUKI: [10:12:07] Thank you, your Honour.

13 Q. [10:12:11] I'll move on to a different subject, Mr Dawili.

14 I'd like to play you a video at Defence tab 10, that's CAR-OTP-2112-1378, timestamp

15 14 seconds to 50 seconds. And the transcript is at Defence tab 11, CAR-D29-000 --

16 THE COURT OFFICER: [10:12:45] Sorry, but can you confirm that the video

17 recording is public, because it's marked as confidential.

18 MR SUZUKI: [10:12:53] Apologies. It is a public video. That's my mistake. And

19 we'll be playing it from the Defence bench, Madam Court Officer. And the transcript

20 is at Defence tab 11, CAR-D29-0006-0759.

21 PRESIDING JUDGE SCHMITT: [10:13:15] Perhaps the interpreter could indicate

22 when he's ready.

23 Yes, he is, so we can play it.

24 MR SUZUKI: [10:13:24] Thank you, Mr President.

25 And that's lines 7 to 15 for the interpreters.

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WITNESS: CAR-OTP-P-1647

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [10:13:35] (Interpretation of the video excerpt)

3 "They are professional soldiers, they are called the FACA, the Armed Forces of

4 Central Africa. FACA or, rather, former FACA since the national army fled in front

5 of the rebel advance. They are all Christians but swear that the Muslims of Bangui

6 are not their enemies.

7 They think that we're going to kill them, but they are our colleagues. Our problem is

8 the Seleka."

9 MR SUZUKI: [10:14:23]

10 Q. [10:14:21] (Overlapping microphones)

11 PRESIDING JUDGE SCHMITT: [10:14:28] You have to repeat it because there was

12 another microphone on, so please. Not your fault.

13 MR SUZUKI: [10:14:37]

14 Q. [10:14:39] Mr Dawili, the -- can you confirm that the individual that we saw in

15 that video saying that "the Muslims are our brothers", that's Keapex Junior, correct?

16 A. [10:14:56] Yes, it's Keapex Junior.

17 Q. [10:15:03] And Keapex Junior is the brother of Habib Beina; is that correct?

18 A. [10:15:12] Yes, that is true.

19 Q. [10:15:18] Thank you, Mr Dawili. And Keapex Junior was one of Mr Yekatom's

20 close advisers in the group, correct?

21 A. [10:15:35] This is something I don't know.

22 Q. [10:15:42] No problem, Mr Dawili. Thank you.

23 Could we -- we'll play from the Defence bench, rather, the document at Defence tab 8,

24 CAR-OTP-2107-1191. And the transcript is at Defence tab 9, CAR-D29-0006-0933,

25 lines 6 through 12.

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1 (Viewing of the video excerpt)

2 "The road southwest from Bangui, through a lawless countryside. Our first stop is a
3 roadblock by men who say they're the national army ..."

4 MR SUZUKI: [10:16:58]

5 Q. [10:17:01] Mr Dawili, I understand that might be hard to see, and if you can't
6 make that out, it's not an issue, but the individual that we see who is facing us in that
7 circle of men, can you confirm that that's Habib Beina?

8 A. [10:17:25] Can you put the video on?

9 Q. [10:17:28] Of course.

10 (Viewing of the video excerpt)

11 MR SUZUKI: [10:17:55]

12 Q. [10:17:55] Was that a little bit more clear, Mr Witness? Were you able to
13 confirm that?

14 A. [10:18:06] The man that I saw, yes, that is Habib.

15 Q. [10:18:16] Thank you, Mr Dawili.

16 A. [10:18:18] Yes, that's him.

17 Q. [10:18:19] Thank you, Mr Dawili.

18 And for the record, that's at 11 seconds --

19 PRESIDING JUDGE SCHMITT: [10:18:21] Mr Vanderpuye.

20 MR VANDERPUYE: [10:18:23] It's fine.

21 PRESIDING JUDGE SCHMITT: [10:18:24] I thought you have a different opinion.

22 MR VANDERPUYE: [10:18:27] No, I -- we would stipulate to it. The only issue is if
23 Mr Suzuki wouldn't mind putting the approximate date of these two videos, the
24 previous one and this one (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [10:18:38] That is indeed -- yeah, That's indeed

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1 helpful. You can continue and, perhaps, your colleagues find it out and you can tell
2 us later.

3 MR SUZUKI: [10:18:49] Thank you, Mr President. Then I'll ask that we play until
4 29 seconds.

5 (Viewing of the video excerpt)

6 "... the national army, defending the country against the Muslim-led Seleka rebels and
7 the ousted president.

8 We have no problems with the Muslims. They are our brothers. We've lived with
9 them for a long time. We only have a problem with Djotodia and his mercenaries."

10 PRESIDING JUDGE SCHMITT: [10:19:39] Well, the mentioning of Djotodia could
11 perhaps indicate at least something time-wise, but, of course, we cannot be sure.

12 You can simply continue with your questioning. I think your colleagues will find
13 out. And if not, we can't change it anyway.

14 MR SUZUKI: [10:19:59] Thank you, Mr President.

15 Q. [10:20:04] Mr Witness, you heard on -- in that video Mr Yekatom saying that
16 "the Muslims are not our enemies, they are our brothers" and that he only has a
17 problem with Djotodia and his mercenaries.

18 My question is: Is that something that you yourself often heard Mr Yekatom say?

19 A. [10:20:28] Yes.

20 Q. [10:20:35] Thank you, Mr Dawili.

21 And in your witness statement you say at paragraph 34 and 35 that

22 Mr Yekatom -- when Mr Yekatom addressed the soldiers, he would instruct them to
23 protect the population and he also instructed elements to fight the enemy and not the
24 civilians.

25 My question is: Habib Beina, did he give the same kind of instructions?

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WITNESS: CAR-OTP-P-1647

1 A. [10:21:11] Yes.

2 Q. [10:21:15] Thank you, Mr Dawili.

3 We'll play one last video for you. That's at Defence tab 24, CAR-OTP-2065-1015.

4 The timestamp is 1 minute 40 seconds to 2 minutes 10 seconds. And the transcript is

5 Defence tab 25, CAR-D29-0006-1325. And for the interpreters, that's lines 17 to 22.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [10:22:05] (Interpretation of the video excerpt)

8 "How do you know if the Seleka are going to arrive?

9 Well, we have antennas everywhere. We're soldiers. A good soldier can't sleep on
10 the spot like this without knowing. Because a good soldier at any moment is ready
11 to fight. And since we have enemies who are Seleka, we have to fight in order to get
12 information. We need to place our antennas everywhere in the villages in order to
13 gather information."

14 MR SUZUKI: [10:22:39]

15 Q. [10:22:40] Mr Dawili, you heard -- you heard Mr Ouandjio specifying in that
16 video that the enemy were the Seleka. So my question for you is: Can you confirm
17 that Mr Ouandjio also gave instructions to fight the enemy and not civilians?

18 A. [10:23:09] Yes.

19 Q. [10:23:12] Thank you, Mr Dawili.

20 And can you confirm that Mr Yekatom never instructed elements to destroy houses,
21 correct?

22 A. [10:23:31] That is true.

23 Q. [10:23:44] Thank you, Mr Dawili.

24 And one last question for you. You said Keapex was -- rather, you said that you
25 don't know whether Keapex Junior was one of Mr Yekatom's closest advisers, but can

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WITNESS: CAR-OTP-P-1647

1 you confirm that they were close personally?

2 A. [10:24:09] Yes. Because they knew each other beforehand.

3 Q. [10:24:26] Thank you, Mr Dawili.

4 MR SUZUKI: [10:24:25] Mr President, for Mr Kweku's -- rather, excuse me,

5 Mr Vanderpuye.

6 PRESIDING JUDGE SCHMITT: [10:24:38] Well, it's not completely wrong.

7 MR SUZUKI: [10:24:43] The metadata of the videos, the video at tab 8,

8 CAR-OTP-2107-1191. According to the metadata, that's 21 January 2014, and that

9 would be -- that would be the video where Keapex is --

10 PRESIDING JUDGE SCHMITT: [10:25:09] Yeah, yeah, I recall it.

11 MR SUZUKI: [10:25:12] And we don't have the metadata for the second video with

12 Mr Yekatom.

13 PRESIDING JUDGE SCHMITT: [10:25:18] Thank you very much.

14 MR SUZUKI: [10:25:21]

15 Q. [10:25:22] Mr Dawili, thank you very much for your patience and for your help.

16 And those are all my questions for you.

17 PRESIDING JUDGE SCHMITT: [10:25:30] Thank you.

18 Mr Vanderpuye, do you have any further questions?

19 MR VANDERPUYE: [10:25:34] I have just a few. But not two, I think.

20 PRESIDING JUDGE SCHMITT: [10:25:39] Okay.

21 MR VANDERPUYE: [10:25:41] If I may just --

22 PRESIDING JUDGE SCHMITT: [10:25:43] Of course, of course. Yes.

23 MR VANDERPUYE: [10:25:45] Thank you.

24 PRESIDING JUDGE SCHMITT: [10:25:46] Please be seated.

25 QUESTIONED BY MR VANDERPUYE:

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WITNESS: CAR-OTP-P-1647

1 Q. [10:25:51] I have just a few questions for Mr Dawili, and then I think we can let
2 you go. You were asked a number of questions about Boda, and you indicated - I
3 don't have the transcript reference but I'm sure my colleagues will correct me - that
4 Mr Yekatom's men, his group did not control Boda. But I wanted to ask you about
5 the road between Boda and Mbaiki and whether the group controlled that road. Are
6 you able to -- do you know?

7 PRESIDING JUDGE SCHMITT: [10:26:23] Ms Dimitri.

8 MS DIMITRI: [10:26:23] Mr President, you will recall that the control of the
9 PK9-Mbaiki axis was part of the questions put by Mr Vanderpuye. He
10 specifically -- he named the villages and the control and he named them all the way to
11 Boda, which is the reason why in the examination of Mr Suzuki we specified the Boda
12 aspect. So it's just a second attempt to what was already done and anticipated by
13 Mr Vanderpuye.

14 PRESIDING JUDGE SCHMITT: [10:26:56] Mr Vanderpuye.

15 MR VANDERPUYE: [10:26:58] The statement that the witness gave lists a certain
16 number of towns and says Mr Yekatom controlled these towns. My question is not
17 related to the town but to the road.

18 PRESIDING JUDGE SCHMITT: [10:27:13] Well, I --

19 MR VANDERPUYE: [10:27:14] The axis.

20 PRESIDING JUDGE SCHMITT: [10:27:16] Well, I agree with you.

21 Do you have any information if Mr Yekatom's group, his men controlled the road to
22 Boda?

23 THE WITNESS: [10:27:35](Interpretation) No. You know, at the time, there were
24 Anti-Balaka, Anti-Balaka who had named themselves as different leaders, but
25 Boda-Mbaiki was not under Yekatom's control. It's from Mbaiki to -- or from PK9 to

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1 Mbaiki.

2 PRESIDING JUDGE SCHMITT: [10:28:02] Okay.

3 Mr Vanderpuye.

4 MR VANDERPUYE: [10:28:04]

5 Q. [10:28:05] You talked about your trip to Boda together with Davy. Do you
6 recall stopping to get authorisation through these other Anti-Balaka groups on your
7 way to Boda? Did you stop and talk to other Anti-Balaka so that you could pass?

8 A. [10:28:38] Yes. When we were leaving, we met Anti-Balaka, but they were not
9 those who were under Alfred Yekatom's command.

10 Q. [10:28:53] Whose command were they under?

11 A. [10:29:01] I don't know. I don't know the name of their leader.

12 Q. [10:29:08] How is it that you were able to pass?

13 A. [10:29:21] There was a conversation between the leaders, between Ouandjio and
14 their leader.

15 Q. [10:29:27] You mentioned that Mr Yekatom was not in favour of Coeur de Lion
16 going to Boda and you heard that over a telephone, a speakerphone, I guess. Do you
17 recall what the conversation was, what was said?

18 PRESIDING JUDGE SCHMITT: [10:29:54] No, Ms Dimitri, that is really important
19 and it was brought up and it was also that he put the speaker on, I think it was on my
20 question (Overlapping speakers)

21 MS DIMITRI: [10:30:04] I understand, but I just want to point out that it's a 68(3)
22 witness and it's in the statement. The fact that it's -- that there's a telephone
23 conversation, it's already in the statement.

24 PRESIDING JUDGE SCHMITT: [10:30:15] That is -- no dispute about that, but if we
25 can elicit more information, I think we should give it a try.

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1 So do you recall -- it's a long time ago, but do recall what has been said by

2 Coeur de Lion and perhaps also by Mr Yekatom?

3 THE WITNESS: [10:30:40](Interpretation) Before the trip through Mbaiki and Boda,
4 on the road Yekatom said not to go to Boda, but he was the one -- it was his own
5 decision, it was not Mr Yekatom's decision.

6 PRESIDING JUDGE SCHMITT: [10:31:05] My apologies, my question was unclear.
7 Mr Dawili, you spoke about a telephone call and that the speaker was on and that
8 therefore the people standing around, including you, could hear what has been said.
9 So do you recall what has been said?

10 THE WITNESS: [10:31:31](Interpretation) Yes. It was on speaker mode. Yekatom
11 wanted to go -- no, Ouandjio wanted to go to the Boda and Yekatom refused, didn't
12 want him to do that. That was the conversation they had.

13 PRESIDING JUDGE SCHMITT: [10:31:51] Mr Vanderpuye, we don't get more,
14 I think.

15 MR VANDERPUYE: [10:31:55] I have just two --

16 PRESIDING JUDGE SCHMITT: [10:31:58] Yeah, yeah, absolutely.

17 MR VANDERPUYE: [10:31:59] -- follow-ups on this.

18 Q. [10:32:01] Did you hear Mr Yekatom give a reason as to why Ouandjio should
19 not go to Boda?

20 A. [10:32:19] The reason? He wanted to go to Boda and Yekatom said "Don't go to
21 Boda."

22 Q. [10:32:30] How long was the conversation that you overheard?

23 A. [10:32:43] He withdrew, went off to the side before they -- Ouandjio went off to
24 the side, they started to talk, argue, and unless I'm mistaken -- how should I put this?
25 I can't find the words. Precipitation, it was our precipitation that we put our ears to

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1 listen, but the time that he was in the conversation, I don't know.

2 Q. [10:33:43] Let me try a different way. How long did the conversation last?

3 One minute? Two minutes? Five minutes?

4 A. [10:33:59] It was a long time ago, years ago, years ago, years ago. What's

5 important from my side, I heard "Don't go to Boda." That's what I heard. As for the

6 other conversation, I don't know.

7 Q. [10:34:26] You don't know why he said don't go?

8 MS DIMITRI: [10:34:32] Again, Mr President --

9 PRESIDING JUDGE SCHMITT: [10:34:34] The witness has answered that,

10 Mr Vanderpuye, this -- indeed, he has answered that.

11 MS DIMITRI: [10:34:38] Mr President, just for clarity and in fairness to the witness,

12 the reason why is in paragraph 50, it's already addressed in the examination.

13 PRESIDING JUDGE SCHMITT: [10:34:48] Please continue, Mr Vanderpuye.

14 MR VANDERPUYE: [10:34:51]

15 Q. [10:34:52] You mentioned somebody -- you were asked about somebody named

16 Aime Dobo, I think, Kich-man as a member of the Boda group, I believe. Do you

17 know somebody by the name of Habib Soussou?

18 A. [10:35:16] Yes, Habib Soussou, I know that person.

19 Q. [10:35:19] How do you know Habib Soussou?

20 A. [10:35:26] Him, after -- after -- after the death of -- after the death of Kila (phon),

21 Coeur de Lion came to Bangui and he too was a soldier to introduce himself, Yekatom,

22 he said, "I'm -- I'm of the nationality" -- conversation between them, that was after

23 Ouandjio died. That's when they met with the -- well, there you have it.

24 Q. [10:36:17] That's helpful. Thank you for that clarification.

25 PRESIDING JUDGE SCHMITT: [10:36:20] And indeed there is sort of an explanation

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1 in paragraph 50, you are right.

2 MR VANDERPUYE: [10:36:30]

3 Q. [10:36:30] You indicated that a number of elements left Mr Yekatom's group
4 after the death of Coeur de Lion, that they were loyal to him and that they left after
5 his death. Do you know why they left?

6 A. [10:36:54] Yes. After the death of Coeur de Lion, Yekatom was all worked up,
7 and he said maybe it was their fault that *their deputy had died. *He was looking
8 for them in order to punish them, and that is when they disappeared into thin air.

9 PRESIDING JUDGE SCHMITT: [10:37:32] "*Dans la nature*" I have here.

10 THE WITNESS: [10:37:38](Interpretation) Yes.

11 PRESIDING JUDGE SCHMITT: [10:37:40] Okay.

12 MR VANDERPUYE: [10:37:41]

13 Q. [10:37:41] You said that Yekatom thought that it was their fault that
14 Coeur de Lion was killed? I just want to make sure that I understand that correctly.

15 PRESIDING JUDGE SCHMITT: [10:37:51] (Microphone not activated) Indeed, to
16 clarify.

17 MR VANDERPUYE: [10:37:53]

18 Q. [10:37:54] Well, what did he say? What gave you that impression?

19 A. [10:38:07] He got all worked up and angry.

20 Q. [10:38:14] With anybody in particular or just the whole group that went to Boda,
21 which would include you?

22 A. [10:38:25] Yes, with their loyal team, Ouandjio's team.

23 Q. [10:38:40] Did you ever talk to the members of that group that was faithful to
24 Ouandjio about why they were leaving or wanted to leave?

25 A. [10:38:55] No.

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1 Q. [10:39:01] So is your information about why they left coming from Mr Yekatom?

2 A. [10:39:13] Yes. After the death of Master Corporal Ouandjio, Yekatom was all
3 worked up and he said it was because it was the fault of them and he would go after
4 them until their death. And I don't know what happened after that.

5 MR VANDERPUYE: [10:39:54] Just bear with me one second, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:40:00] Yes, yes.

7 MR VANDERPUYE: [10:40:01] I have a couple of notes I'm just looking at.

8 Okay, Mr Dawili, I don't have any further questions for you.

9 Mr President, that concludes my redirect examination. Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: [10:40:30] Thank you very much. Thank you,
11 Mr Vanderpuye.

12 And thank you very much, Mr Witness. This concludes your testimony, Mr Dawili.

13 On behalf of the Chamber, I would like to tell you that we appreciate it that you made
14 yourself available as a witness in these proceedings to help us determine the truth
15 and also that you testified openly, we thank you for that, and we wish you a safe trip
16 back home.

17 (The witness is excused)

18 PRESIDING JUDGE SCHMITT: [10:41:11] So this concludes also the hearing for
19 today. We continue on Tuesday with P-1786. Thank you.

20 THE COURT USHER: [10:41:24] All rise.

21 (The hearing ends in open session at 10.41 a.m.)