

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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 26 January 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:20] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:46] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:51] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:07] Thank you.
21 The Prosecution is unchanged with regard to yesterday.
22 MR VANDERPUYE: [9:32:11] Yes, that's correct. Good morning, Mr President.
23 Good morning, everyone.
24 PRESIDING JUDGE SCHMITT: [9:32:14] Good morning.
25 I think Ms Massidda is not there.

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1 MR FALL: [9:32:18](Interpretation) Yes, exactly. Except for Madam Massidda,
2 the team is here.

3 PRESIDING JUDGE SCHMITT: [9:32:26] And Ms Lau.

4 MS LAU: [9:32:28] Good morning, Mr President, your Honours, everyone.

5 Today the former child soldiers continue to be represented by myself. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:32:35] Thank you.

7 With regard to the Defence of Mr Yekatom, it's more difficult, but I have
8 the impression it's highly likely it's the same composition.

9 MS DIMITRI: [9:32:45] Good morning, Mr President. Indeed, the composition is
10 the same.

11 PRESIDING JUDGE SCHMITT: [9:32:47] Thank you.

12 And the composition of the Defence of Mr Ngaïssona has changed. There are some
13 significant adds to it.

14 MR KNOOPS: [9:32:58] Yes, Mr President. I myself, I'm present today, in addition
15 to yesterday. And for the rest I think it's the same, Ms Proulx, Ms Chiara Giudici
16 and Ms Brianna Dyer. Thank you.

17 PRESIDING JUDGE SCHMITT: [9:33:11] Thank you very much.

18 And most importantly, of course, good morning, Mr Dawili. I hope you had a good
19 rest yesterday and you're feeling fresh and ready to continue with the examination.

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

21 (The witness speaks French)

22 (The witness gives evidence via video link)

23 PRESIDING JUDGE SCHMITT: [9:33:40] Well, that was not really a question.

24 So then we continue with the examination by the Defence of Mr Yekatom. You have
25 the floor.

- 1 MR SUZUKI: [9:33:49] Thank you, Mr President.
- 2 Good morning, your Honours.
- 3 QUESTIONED BY MR SUZUKI:
- 4 Q. [9:33:55] Good morning, Mr Dawili. Can you hear me?
- 5 A. [9:34:03] I can hear you.
- 6 Q. [9:34:14] Sorry, Mr Dawili.
- 7 We met last week, or early this week, rather. But I will introduce myself again.
- 8 My name is Gyo Suzuki and I'll be asking you some questions on behalf of
- 9 Mr Yekatom today. It might be a bit long, I suppose, but I will ask for your patience
- 10 in advance. Is that clear?
- 11 A. [9:34:50] Yes, that's all right with me.
- 12 Q. [9:34:52] Thank you, Mr Witness.
- 13 I'm going to start with some questions about -- about your experience as a FACA. I
- 14 know that you -- you have been a FACA, or you entered the -- the army in 2006.
- 15 And these questions might seem a little bit technical, but I'll -- but I -- I'll get started.
- 16 Are you familiar with a machine gun called the 14.5, in French?
- 17 A. [9:35:48] Yes, 14.5, that is -- that is a weapon.
- 18 Q. [9:35:53] And the 14.5 is a very large and very heavy weapon; is that correct?
- 19 A. [9:36:07] That is correct.
- 20 Q. [9:36:14] And the 14.5 is so large and so heavy that it would be impossible to put
- 21 that in a bag and attach it to a motorcycle and transport it; do you agree?
- 22 A. [9:36:40] Yes, the 14.5 is something that is transported in a vehicle, not on
- 23 a motorcycle.
- 24 Q. [9:36:50] And to your knowledge, the group of Mr Yekatom never had a 14.5; is
- 25 that correct?

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1 A. [9:37:04] That is indeed correct.

2 Q. [9:37:12] And combat weapons like AK-47s or DKMs, they need to be cleaned
3 regularly; is that correct?

4 A. [9:37:31] Yes.

5 Q. [9:37:34] And they need to be cleaned every week or every few weeks, otherwise
6 there's a risk of jamming or malfunctioning; is that correct?

7 A. [9:37:50] Yeah. It depends on the user.

8 Q. [9:38:04] Can you explain that, Mr Dawili, what you mean by that.

9 A. [9:38:16] Yes. To clean the weapons, it depends on the user. If they can clean
10 it in a week or in three days, it depends on the user of the weapon.

11 PRESIDING JUDGE SCHMITT: [9:38:30] May I ask a question, just out of interest.
12 Mr Dawili, and if -- let's assume such a weapon is not used at all for a certain period
13 of time, has it then also to be cleaned to be functionable? You see what I mean? For
14 example, simply it is in the treasury of a military camp and it's not used for a couple
15 of weeks, couple of months, so would it then be malfunctioning if you hadn't cleaned
16 it when you took it out?

17 THE WITNESS: [9:39:18](Interpretation) Yes.

18 PRESIDING JUDGE SCHMITT: [9:39:19] Thank you.

19 MR SUZUKI: [9:39:20] Thank you, Mr President.

20 Q. [9:39:23] And -- and, Mr Witness, this is -- this is basic knowledge for -- for
21 a FACA; is that correct? Any FACA would know that you need to clean weapons
22 before they need to be -- before they can be used; is that correct?

23 A. [9:39:50] That is correct.

24 Q. [9:39:53] Thank you, Mr Witness.

25 And new combat weapons, weapons that have never been used before, before they

1 can be used, they need to be disassembled, degreased and then reassembled before
2 they can be used; is that correct?

3 A. [9:40:22] That is correct.

4 Q. [9:40:26] And you -- you mentioned yesterday that -- that you would train
5 elements how to dissemble and reassemble combat weapons. So my question is:
6 This is a very complicated task; is that correct? There are many small pieces to keep
7 track of. Would you agree with that?

8 A. [9:41:09] Yes. We showed the elements how to assemble, disassemble weapons.
9 They have to know the weapons that they are using.

10 PRESIDING JUDGE SCHMITT: [9:41:26] I think, Mr Suzuki, you can leave it at that.
11 It's -- it's bordering common knowledge that it is quite a complex task and
12 sometimes -- okay, no, I won't -- I won't dwell further into that. If you have ever
13 done this before, you know that, yeah.

14 MR SUZUKI: [9:41:43] Thank you.

15 Q. [9:41:49] And, Mr Dawili, the Yamwara school, it had no lights, there was no
16 electricity; is that correct?

17 A. [9:42:16] Yes, at the Yamwara school there was no electricity.

18 Q. [9:42:21] And you never -- or you didn't teach elements how to dissemble or
19 reassemble combat weapons at night-time; is that correct?

20 PRESIDING JUDGE SCHMITT: [9:42:34] Mr Vanderpuye.

21 MR VANDERPUYE: [9:42:36] It's unclear when or for what period of time
22 the Yamwara school did not have electricity. I don't know if that was ever or there's
23 no electricity that actually goes to the school (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [9:42:50] Well, We can ask that, but -- but I don't
25 have any problem with the question at all, in principle.

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1 Mr Suzuki, if you could enquire to what period the witness is referring and then your
2 question is absolutely appropriate.

3 MR SUZUKI: [9:43:03] Thank you, your Honour.

4 Q. [9:43:07] Mr Dawili, could you tell us whether the Yamwara school had
5 electricity at any point while you were there, while you were based there.

6 A. [9:43:27] There was no electricity.

7 Q. [9:43:40] So I'll -- I'll ask my question again, Mr Dawili.

8 You never taught the elements how to disassemble or reassemble combat weapons at
9 night-time; is that correct?

10 A. [9:44:02] Indeed, that's correct.

11 Q. [9:44:09] And as someone responsible for -- for training, you agree that it -- that
12 you -- that one wouldn't do that, because of the nature of the task? Would you agree
13 with that?

14 A. [9:44:36] Can you repeat the question.

15 PRESIDING JUDGE SCHMITT: [9:44:39] Well, I think it's quite -- it's quite clear.
16 But nevertheless, why not.

17 Mr Dawili, so would anybody have the idea to -- to teach people, to teach
18 the combatants assembling -- disassembling, assembling a gun when there is no light in
19 the dark? Would anybody come to that idea, according to your recollection? Has
20 this ...

21 THE WITNESS: [9:45:22](Interpretation) At night?

22 PRESIDING JUDGE SCHMITT: [9:45:25] For example, yes.

23 THE WITNESS: [9:45:30](Interpretation) Yes, no one disassembled or reassembled
24 a weapon during the night.

25 PRESIDING JUDGE SCHMITT: [9:45:38] Thank you, Mr Dawili.

1 Mr Suzuki.

2 MR SUZUKI: [9:45:40] Thank you, Mr President.

3 Q. [9:45:42] Thank you, Mr Dawili. I'm going to move on to another topic. I'd
4 like to ask you some questions about the Seleka regime.

5 And in your witness statement you speak about how the FACA had to go into hiding
6 because of the Seleka, and that you said that it was a real witch-hunt. So my
7 question is: Is it correct that the Seleka were systematically looking for soldiers and
8 killing them, at the time?

9 A. [9:46:29] Yes, that's true. That's what they did.

10 Q. [9:46:39] And it was your understanding that the Seleka wanted to destroy
11 the FACA, destroy the army; is that correct?

12 A. [9:46:53] Indeed.

13 Q. [9:46:58] Thank you. And the Seleka would also torture the FACA that they
14 found; is that right?

15 A. [9:47:16] Yes, they would torture, kill. And -- and also civilians.

16 PRESIDING JUDGE SCHMITT: [9:47:27] Mr Dawili, do you have an example? Do
17 you know a FACA soldier that has been killed or tortured? Can you provide us with
18 some more information in that regard.

19 THE WITNESS: [9:47:46](Interpretation) Yes. There were many soldiers who were
20 killed. They were left near the -- near *Camp de Roux*. And there were former
21 soldiers and informations were -- information was shared by our brothers.

22 PRESIDING JUDGE SCHMITT: [9:48:15] Thank you, Mr Dawili.

23 And just to be clear, are we -- we are speaking about the year 2013; is my
24 understanding correct?

25 THE WITNESS: [9:48:30](Interpretation) In the year 2013 the Seleka came to loot and

1 to kill.

2 They came to my place and they took all my -- my things, my baggage, my military
3 supplies. And they did this to many people.

4 PRESIDING JUDGE SCHMITT: [9:48:55] Thank you.

5 Mr Suzuki.

6 THE INTERPRETER: [9:49:01] Correction by the interpreter: And a lot of money.

7 They took a lot of money.

8 MR SUZUKI: [9:49:12]

9 Q. [9:49:16] Now, these -- I may refer you to your witness statement,

10 Mr -- Mr Witness, you say you -- you name some soldiers who were -- who were
11 killed by the Seleka, and that might refresh your memory a little bit.

12 PRESIDING JUDGE SCHMITT: [9:49:33] It's a Rule 68(3) witness, so I think it's
13 different to the last witness. You simply -- we can simply assume that the witness
14 has recalled them already, so to speak, to bring it to the point. I think you can move
15 on.

16 But perhaps you tell us which paragraph.

17 MR SUZUKI: [9:49:53] Thank you, Mr President.

18 Paragraph 17 of the witness statement.

19 PRESIDING JUDGE SCHMITT: [9:49:56] Thank you.

20 Please move on.

21 MR SUZUKI: [9:50:08]

22 Q. [9:50:09] Mr Dawili, and these FACA who were tortured and killed by
23 the Seleka, it was simply because they were FACA that they were tortured and killed;
24 is that correct?

25 A. [9:50:28] Yes, they were FACA.

1 Q. [9:50:46] Sorry, my question wasn't clear enough, Mr Dawili. The reason these
2 FACA were tortured and killed was simply because they were FACA; is that correct?
3 There was no other reason.

4 A. [9:51:13] You see, when the Seleka arrived, they were confronted by the FACA
5 and they were considered as enemies. They considered us as members of the armies,
6 as the Central African army. They considered us enemies.

7 Q. [9:51:39] Thank you, Mr Dawili.

8 And this -- the risk or the threat of being found or killed by the Seleka was hanging
9 over the head of all of the FACA at the time; is that correct?

10 A. [9:52:06] Yes, even myself.

11 Q. [9:52:20] Now, in your witness statement, Mr Dawili, you speak about how
12 the -- the Seleka raided your house and they -- they came to kill you.

13 Now, a number of witnesses have spoken about the -- the existence of spies for
14 the Seleka, or informants, nicknamed B2, B2s. Do you know if it was a B2, an
15 informant, who reported you to the Seleka?

16 A. [9:53:08] Yes. At that time I was in my room, I was sitting at my computer,
17 I was listening to music, and it was my wife who called me asking me, "What are you
18 doing here? The Seleka have arrived to loot everywhere."

19 And that's when I saw one of the Selekas at my door. And he saw me. At the time
20 I was still young and he thought that I was the younger, younger brother, and so he
21 let me alone. The Seleka were wearing uniforms, but then there were other ones
22 dressed as civilians, and those were the B2s. And it was the informers who would
23 show them who the FACA were.

24 Q. [9:54:12] Thank you, Mr Dawili. And you explain in your -- in your witness
25 statement that the Seleka came to your house but they didn't recognise you because

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1 you looked very young. Now, my question is: The minimum age to be a FACA is
2 18; is that correct?

3 A. [9:54:38] Yes.

4 MR SUZUKI: [9:54:47] Madam Court Officer, if you could take us to the document
5 at Defence tab 3. That's CAR-D29-0010-0017.

6 PRESIDING JUDGE SCHMITT: [9:54:57] We have no doubt that Mr Dawili was
7 already 18 at the time. He was simply looking very young, I understand. I think he
8 was born, or is born, Mr Dawili, 1987, so there is -- so no problem there. But lucky
9 for you that you look very young, so to speak.

10 So tab 3, I understand.

11 MR SUZUKI: [9:55:30] Yes, Mr President.

12 Q. [9:55:48] Mr Witness, this photograph was posted -- well, actually, this a photo
13 of you, would you -- would you agree with me? Would you agree with me?

14 A. [9:56:05] Yes.

15 Q. [9:56:08] And we see that it was posted on 24 May 2016. Was it taken around
16 this time, this photograph?

17 A. [9:56:31] This is a former image that I posted.

18 PRESIDING JUDGE SCHMITT: [9:56:38] And do you recall -- and I am really
19 interested, because you're really looking very young on that photograph. Do you
20 recall when it was made, at what point in time?

21 THE WITNESS: [9:56:55](Interpretation) This is years ago. I don't remember
22 the date on which I posted this. If I'm not mistaken, it was in 2016 or 2017,
23 something like that. If I'm not mistaken.

24 PRESIDING JUDGE SCHMITT: [9:57:09] Thank you.

25 Move on, Mr Suzuki.

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1 So there are some -- I assume there are -- well, it's no problem, but I'm simply
2 commenting. There seem to be some steps which would not have, let's say,
3 necessarily be directly related to the witness why you ask that and why you show this
4 picture.

5 I know I'm speaking in riddles a little bit, but I think you understand.

6 MR SUZUKI: [9:57:46] Indeed, your Honour. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:57:48] So we take it that the picture was -- was
8 taken at some point in time around when it was posted.

9 MR SUZUKI: [9:58:03] I'm going to take you to just one more photograph,
10 Mr Dawili.

11 Madam Court Officer, if you could take us to Defence tab 4, CAR-D29-0016-0100,
12 please.

13 Q. [9:58:26] Mr Witness, same question. That's a photograph of you; is that
14 correct?

15 A. [9:58:36] Yes.

16 Q. [9:58:39] And it was posted on 30 December 2015. Again, was it taken around
17 that time?

18 A. [9:58:52] Yes.

19 Q. [9:58:55] Thank you, Mr Witness.

20 That can be taken off the screen, Madam Court Officer. Thank you.

21 And in your witness statement, Mr Dawili, you speak about Seleka reprisals on
22 5 December and you mention that the Seleka entered hospitals. My question is:
23 Are you referring to the attack on the *Hôpital de l'amitié*, where the Seleka entered and
24 killed civilians on 5 December?

25 A. [9:59:40] Yes. Because they would go into hospitals and they'd shoot

1 the people who had gun wounds. They considered them to be Anti-Balaka and they
2 would kill them.

3 Q. [10:00:04] Thank you. And the killings continued after the 5th; is that correct?
4 The Seleka continued to kill civilians after 5 December; is that right?

5 A. [10:00:25] That is right.

6 Q. [10:00:29] And, Witness, at paragraph 28 of your statement you -- you say that
7 you decided to save your country and to protect your family and to participate in
8 the movement.

9 And my question is: When you say save your country, you mean save the people
10 from the Seleka, foreign mercenaries who were committing crimes and atrocities in
11 your country; is that right?

12 A. [10:01:16] That is right, indeed.

13 Q. [10:01:21] Thank you. And as a FACA, you had taken an oath to serve
14 the nation and to defend the flag of the Central African Republic; is that right?

15 A. [10:01:45] Yes.

16 Q. [10:01:47] And in that oath you -- you swear to defend the flag until the ultimate
17 sacrifice of your life; is that correct?

18 A. [10:02:07] That is right, indeed.

19 Q. [10:02:15] And -- and FACA also have a duty to protect one another; is that
20 correct? To protect each other.

21 A. [10:02:31] Yes. They are our brothers in arms and fellow Central Africans.

22 Q. [10:02:53] Thank you, Mr Witness.

23 Madam Court Officer, if you could take us to - or, rather, I think we'll be playing it
24 from here - the video at Defence tab 21, and transcript -- sorry, Defence tab 21.

25 That's CAR-OTP-2065-00 -- 0806, rather, sorry. And the transcript at tab 22,

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1 CAR-OTP-2065-0818. And that's lines 4 to 6 for the interpreters.
2 PRESIDING JUDGE SCHMITT: [10:03:47] For the interpreters, please let us know
3 with thumbs when you're ready.
4 Very quick, so we can already play it.
5 So I think we can play it now. It's --
6 (Viewing of the video excerpt)
7 THE INTERPRETER: [10:04:24](Interpretation of the video excerpt) "We want
8 Djotodia to leave because the people of the Central African Republic are suffering
9 a lot. We are here to defend our country. The country's flag, okay. Right."
10 MR SUZUKI: [10:04:50]
11 Q. [10:04:53] Mr Witness, the -- the individual you saw on the screen, that's
12 Salvador Manoumana; is that right?
13 A. [10:05:03] Yes.
14 Q. [10:05:09] And he was a FACA, *caporal* in the FACA; is that right?
15 A. [10:05:20] Yes, at that time.
16 Q. [10:05:23] Thank you. And when he says *défendre le drapeau*, defend the flag,
17 he's referring to his duty as a FACA; is that right?
18 A. [10:05:48] At that point of time he was *going to join Yekatom's group. And
19 that's when he said what he said. *To defend, whatever the case.
20 Q. [10:06:05] Thank you, Mr Dawili.
21 Now, in your witness statement you say -- or you speak about the fact that Freddy
22 Ouandjio took your mobile phone when you entered the group.
23 And I'm going to play you another video. That's at Defence tab 19,
24 CAR-OTP-2065-3977. And the transcript is at Defence tab 20, CAR-OTP-2127-3686.
25 And that's lines 6 to 28, for the interpreters.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [10:07:14](Interpretation of the video excerpt)

3 "Journalist: What are all these SIM cards?

4 INI: It's for the soldiers. For whom -- for people who come to work, we recover
5 their phones, and because we cannot keep our phones in order to avoid people from
6 calling wrong numbers. And this is why I'm -- I'm matching their SIMs with their
7 phones. And they would then recover it later.

8 INI: Can you identify the owners of the SIM cards that you've confiscated?

9 INI: I can't recognise them, chief, I just need to match the numbers with
10 the phone -- match the numbers.

11 INI: There's the beginning and the end.

12 JOURNALIST: And for the moment, is this a sensitive moment?

13 INI: I beg your pardon?

14 JOURNALIST: Is it a sensitive moment?

15 INI: This is when we can't trust anybody.

16 JOURNALIST: Why?

17 INI: Because the country is under a kind of serum. I can see you like that. I can
18 trust you and I don't know. People can come on a mission to kill me. I do not trust
19 people here."

20 MR SUZUKI: [10:09:06]

21 Q. [10:09:07] Mr Witness, the reason that phones were confiscated was because of
22 the risk of spies and infiltrators; is that right?

23 A. [10:09:35] That's right, indeed.

24 Q. [10:09:38] And -- and we spoke earlier about the persecution of the FACA.

25 Now, it was particularly important for the group at Yamwara to be vigilant about

1 spies because there were many FACA based in Yamwara; is that correct?

2 A. [10:10:13] Yes. I just told you at that point of time, after I joined them, this is
3 where I found Captain Ouandjio. You have videos, and he spoke. And this was
4 actually a protective measure.

5 Q. [10:10:47] Thank you, Mr Dawili.

6 And you say in your witness statement that Mr Yekatom was not involved in your
7 registration. So my question is: Generally he was not involved in the registration
8 of elements; is that correct?

9 A. [10:11:13] Yes, he did not participate.

10 Q. [10:11:19] And it was relatively rare that Mr Yekatom was at Yamwara?

11 PRESIDING JUDGE SCHMITT: [10:11:31] Well, could you rephrase that, please.

12 Relatively rare is -- well, it's so unclear.

13 Mr Dawili, when you stayed at Yamwara, first of all, did you stay there every day for
14 this period until you left? You know, for a longer period consecutively, every day?

15 THE WITNESS: [10:11:58](Interpretation) Yes.

16 PRESIDING JUDGE SCHMITT: [10:12:00] And to your knowledge, how often did

17 Mr Yekatom come to the Yamwara school, did you see him there? You may not
18 have counted it, but, you know, every day, once a week? You see, something like
19 that. If you can provide us with an approximation.

20 THE WITNESS: [10:12:29](Interpretation) Thank you. At that point of time it was
21 Chef Ouandjio who was there, and Yekatom would come once a week sometimes.

22 THE INTERPRETER: [10:12:49] Correction: Chef Ouandjio was there all the time.

23 PRESIDING JUDGE SCHMITT: [10:12:55] Okay. Yeah.

24 Indeed, yes.

25 Mr Suzuki.

1 MS DIMITRI: [10:13:05] Just one correction, Mr President. The witness also said in
2 French, "*Yekatom, pour le voir, il est rare*".

3 PRESIDING JUDGE SCHMITT: [10:13:13](Microphone not activated)
4 We would have to -- it's not in the transcript. I don't see it in the transcript, "*il est*
5 *parfois là-bas dans une semaine*".

6 I think, Mr Vanderpuye, we can leave it like that. So we don't have to ask again, I
7 think.

8 MR VANDERPUYE: [10:13:38] I tend to agree, Mr President. The only issue I have
9 with respect to both the question and the answer is whether he's talking in general
10 terms or he's talking about himself personally. Because there were 1500 or a
11 thousand elements on that base, so it's unclear to me on what basis he's making this
12 statement, but otherwise the answer stands (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [10:14:00] No, well, I think -- I think it's clear. And,
14 also, my question was in that regard, if he did see him, how often he did see him. I
15 think we can understand it this way easily. And it also seems to me clear that this
16 can be the only basis of his knowledge.

17 Mr Suzuki.

18 MR SUZUKI: [10:14:18] Thank you, Mr President.

19 Q. [10:14:24] And thank you, Mr Dawili.

20 Now, the Yamwara school, the Yamwara school was a large space with no fences, at
21 the time you were there; is that correct?

22 A. [10:14:46] Yes, it wasn't fenced.

23 Q. [10:14:50] And you mentioned pathways yesterday around the school. So
24 you'll agree that there were pathways around and through the school grounds; is
25 that -- is that right?

1 A. [10:15:15] Yes.

2 Q. [10:15:22] Thank you. And at paragraph 31 of your statement you -- you
3 mention that some elements lived in the houses surrounding the school. My
4 question is: These elements, they lived in the neighbourhood, so they slept in their
5 homes in the surrounding neighbourhood at night and they would come to Yamwara
6 school during the day; is that correct?

7 A. [10:16:02] Yes, this is what I said.

8 Q. [10:16:07] Thank you. And Mr Yekatom himself, he -- he slept at a house
9 30 minutes away from Yamwara, about; is that correct? A 30-minute walk.

10 A. [10:16:30] Yes. He was at -- it was about 2 and a half kilometres, 30 minutes
11 away, if I'm not mistaken.

12 Q. [10:16:47] And he didn't sleep in the same house as Coeur de Lion; do you
13 agree?

14 A. [10:16:59] Yes.

15 PRESIDING JUDGE SCHMITT: [10:17:02] And just then, Mr Witness, where did
16 Coeur de Lion sleep, if you know?

17 THE WITNESS: [10:17:19](Interpretation) If there is a video I can show you.

18 PRESIDING JUDGE SCHMITT: [10:17:25] Describe it. So, just for our
19 understanding, it seems obvious for you: Did he sleep in one of the buildings that
20 belonged to the Yamwara school?

21 THE WITNESS: [10:17:42](Interpretation) He -- the house -- he slept in the building
22 that was behind. It *belonged to the Yamwara school, but the building was near
23 the school.

24 PRESIDING JUDGE SCHMITT: [10:18:04] That's exactly what I want to
25 ask -- wanted to know. Thank you very much.

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1 Mr Suzuki.

2 MR SUZUKI: [10:18:10] Thank you, Mr President.

3 Q. [10:18:17] Mr Dawili, Mr Yekatom didn't sleep at the Kette Goussa airport base
4 with Sébastien Wenezoui; is that correct?

5 A. [10:18:39] Yes.

6 Q. [10:18:47] I understand these questions might sound strange, Mr Dawili, but
7 Mr Yekatom didn't sleep at the M'Poko airport refugee site either?

8 PRESIDING JUDGE SCHMITT: [10:19:02] Mr Vanderpuye.

9 MR VANDERPUYE: [10:19:04] Thank you, Mr President. There is two things.
10 One is it's unclear --

11 THE WITNESS: [10:19:11](Interpretation) Yes.

12 MR VANDERPUYE: [10:19:12] -- what the basis of knowledge is.

13 The second thing is it's unclear what the period we're talking about is: Ever in his
14 life. During the time that he was in the group. That sort of thing.

15 PRESIDING JUDGE SCHMITT: [10:19:22] I think it's -- yeah, okay.

16 And, also, Mr Dawili might not know exactly each day where Mr Yekatom slept.
17 We all know -- we know that, of course.

18 So, Mr Dawili, what you're speaking of is the -- the time again when you were at the
19 Yamwara school. Do we understand that correctly?

20 THE WITNESS: [10:19:49](Interpretation) Yes.

21 PRESIDING JUDGE SCHMITT: [10:19:50] And I think it's obvious that -- that we
22 have to understand it in a way that he did not know that he slept somewhere else,
23 but -- so you were not always together with Mr Yekatom, to put it this way.

24 THE WITNESS: [10:20:11](Interpretation) Yes.

25 PRESIDING JUDGE SCHMITT: [10:20:12] Please continue, Mr Suzuki. I think this

1 is -- there are more difficult things to assess in this environment here.

2 MR SUZUKI: [10:20:24] Thank you, Mr President.

3 Q. [10:20:25] If we could go to - or, rather, we'll be showing it from -- from
4 the Defence bench - the video at Defence -- my apologies. The transcript is not clear,
5 Mr President, in relation to the question about where Mr Yekatom was sleeping,
6 whether he was sleeping in the same house as Coeur de Lion. So I'll have to ask that
7 question again, Mr President, with your --

8 PRESIDING JUDGE SCHMITT: [10:21:06] But I think the answer was no, to
9 the knowledge of the witness.

10 Haven't we -- haven't we had that? I think we have it on the record.

11 MR SUZUKI: [10:21:16] Apologies, Mr President. It's a mix-up.

12 PRESIDING JUDGE SCHMITT: [10:21:18] No, no, he said no.

13 It could also be followed from -- from the former answer that, according to the
14 knowledge of the witness, Mr Yekatom slept in a house 2 and a half kilometres away.
15 So I think we -- I think we have enough information on that. Please continue.

16 MR SUZUKI: [10:21:41] Thank you.

17 Q. [10:21:39] My apologies, Mr Dawili.

18 We will show a video, a freeze frame of a video from the Defence bench at Defence
19 tab number 45. That's CAR-OTP-2065-3865.

20 And for the record, that will be showing the freeze frame at 23 seconds.

21 Mr Dawili, you'll agree that that's not Mr Yekatom's house that we see?

22 A. [10:22:24] Yes. If I'm not mistaken, I think this is Gara-Ngbako. This is
23 Gara-Ngbako, I think, if I'm not mistaken. In fact, we were not there with him and
24 we weren't walking with him. This house here resembles the one in Gara-Ngbako, if
25 I'm not mistaken.

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1 Q. [10:23:31] If we could go to the document at Defence tab 50,

2 CAR-OTP-2119-0193.

3 Thank you, Madam Court Officer. If you could zoom a little bit on the -- on

4 the stone there. Thank you.

5 Mr Dawili, now, this is the foundation stone of Yamwara school; is that correct?

6 A. [10:24:40] I haven't seen that. I don't know.

7 Q. [10:24:48] No problem, Mr Dawili. Thank you. I'll move on.

8 Madam Court Officer, that can be taken off the screen. Thank you.

9 I'm going to talk about training at Yamwara, Mr Witness. You spoke about training
10 yesterday. Can you confirm that elements were made to do push-ups, or to -- to run
11 around the grounds as a form of training, but they were not beaten or whipped while
12 they were being trained, correct?

13 A. [10:25:41] That is indeed right.

14 Q. [10:25:48] And we'll play the video at Defence tab 24. CAR-OTP-2065-1015.

15 And the transcript is at Defence tab 25, CAR-D29-0006-1325, lines 4 to 16, for
16 the interpreters.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:26:55](Interpretation of the video excerpt)

19 "Camille Courcy: What is that?

20 INI: This is where we -- we can introduce ourselves to the engaged, how to seek
21 refuge, how to protect, these trees here, in fact are for protection. But we cannot
22 show them how to fire a weapon, because we can't fire a weapon here because of
23 the population, the adjoining population, because when you shoot they're going
24 to -- you're going to scare them and they'll flee the village. And it's to avoid that
25 we -- we have to do it -- we have to do it without showing them and we cannot show

1 the children to fire three shots and if we do that the -- if we fire the shots the village
2 population will be scared. So it's thanks to the population that we have something
3 to eat. Here, we're here, we're calm, we look for information everywhere and we put
4 out our antenna and we try to get to know how the Seleka can come to attack us.
5 And this is what I can say with respect to this place here."

6 MR SUZUKI: [10:28:31]

7 Q. [10:28:31] Mr Witness, you heard Freddy Ouandjio say that they didn't train
8 with live ammunition. This was the case in Yamwara, correct?

9 A. [10:28:47] Yes, not with live ammunition.

10 Q. [10:29:15] And -- and you heard Mr Yamwara say that they wanted to avoid
11 scaring the local population, but another reason not to use live ammunition was
12 because there was a shortage of ammunition, correct?

13 A. [10:29:42] It's not that. You just -- what *Caporal* Chef Ouandjio just said.

14 Q. [10:30:03] Thank you, Mr Witness. And you didn't use blanks when you were
15 training; is that correct?

16 A. [10:30:19] Yes, we did not use blanks -- or we did not have blanks.

17 Q. [10:30:37] And some FACA in the group would -- would source their own
18 ammunition, so they would go out and buy their own ammunition; is that correct?

19 A. [10:30:56] Indeed.

20 Q. [10:30:59] And some FACA in the group, they -- they had their own weapon
21 when they joined the group; is that correct?

22 A. [10:31:14] Yes, indeed.

23 Q. [10:31:22] And other civilian elements, they had their own machetes or artisanal
24 weapons when they joined the group as well; is that correct?

25 A. [10:31:46] Indeed.

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1 Q. [10:31:49] Thank you, Mr Dawili.

2 You -- you spoke about international humanitarian law training and -- and
3 distinguishing between combatants and civilians yesterday. And I'm going to play
4 you a video at Defence tab 13, CAR-OTP-2065-0951. And the transcript at Defence
5 tab 14, CAR-OTP-2122-2297. And that's at lines 13 to 24.

6 And the timestamp is 01:08 to 2 minutes.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [10:32:58](Interpretation of the video excerpt)

9 "Journalist: So what's the use of this base?

10 AYR: Yes, it's -- it's where we're doing -- or how can I put this?

11 INI: Sleep.

12 AYR: Sleep, and this is where we do our training and everything.

13 Journalist: You train here?

14 AYR: Yes, well you know we're soldiers, we can't just stay like so. Right? And
15 when I say training, it doesn't mean weapons training, it's also words, talking about
16 military words, military stuff. Sometimes we're informed about different things that
17 our training's about.

18 Journalist: You train new recruits?

19 AYR: Among us there are people who prepare us, there's young people. We're
20 training them. Most of them are soldiers."

21 MR SUZUKI: [10:33:58]

22 Q. [10:34:01] Mr Witness, when you hear -- when you heard Mr Yekatom say, in
23 French, (Interpretation) "we're trained about what we have been trained",
24 (Speaks English) he's referring to the training that he received as a FACA; is that
25 correct?

1 A. [10:34:34] You've just heard him say himself, Mr -- Ms Dimitri.

2 Q. [10:34:52] Thank you, Mr Witness.

3 Do you recall, while you were at Yamwara, collaboration between Mr Yekatom's
4 group and the French Sangaris forces?

5 A. [10:35:19] Yes.

6 Q. [10:35:30] I'm going to play you the video at Defence tab 26.

7 That's CAR-OTP-2065-4085. Timestamp 00 to 01:05. And the transcript is at
8 Defence tab 27, CAR-D29-0006-1326, lines 4 to 12, for the interpreters.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:36:27](Interpretation of the video excerpt) "We don't know
11 what happened in the town. What's happening in town? The Seleka are carrying
12 out movements."

13 PRESIDING JUDGE SCHMITT: [10:36:54] Well, the footage, footage has stopped.
14 At least I don't see it anymore.

15 MR SUZUKI: [10:37:03] My apologies, Mr President, it was -- it wasn't the right
16 video, but we've -- this is the one on the screen.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:37:16](Interpretation of the video excerpt) "The Seleka are
19 carrying out movements towards our base. Excuse me? Yes, yes, yes, yes, yes,
20 they've come to attack. No, they've come to attack. No, they haven't fired yet.
21 Yes, they're moving towards our positions.

22 Yes, they've entered into the Boeing district, in the market. Yes, they're wearing
23 civilian clothing and they're well armed. Two vehicles.

24 Okay. Okay."

25 MR SUZUKI: [10:38:30]

1 Q. [10:38:32] Mr Witness, that was Rodrigue Momokama reporting to the French
2 that heavily armed Seleka -- I see my friend is on his feet.

3 PRESIDING JUDGE SCHMITT: [10:38:54] Yeah.

4 MR VANDERPUYE: [10:38:55] Maybe I missed it, and I apologise if I did, but
5 I didn't see anything in the transcript reflecting that he was reporting to the French.
6 And I don't see anything on the transcript reflecting that that's Rodrigue Momokama,
7 although obviously it is. But in terms of the evidence that's on the record, it doesn't
8 appear -- it doesn't appear --

9 PRESIDING JUDGE SCHMITT: [10:39:13] No, but the Defence in their role
10 questioning the witness of the Prosecution can put to the witness this was a certain
11 person and reported to the French.

12 MR VANDERPUYE: [10:39:22] I would agree, except for there's no foundation. If
13 the witness is in the video, or the witness was present, or the witness overheard
14 the conversation, or they discussed it, that might be a basis to put it to him, but in
15 the abstract I don't (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [10:39:35] We can ask him if he recognises
17 the person.

18 Who was speaking, if you recognise the person, Mr Dawili?

19 THE WITNESS: [10:39:56](Interpretation) It was Rodrigue Momokama who was
20 speaking in the video.

21 PRESIDING JUDGE SCHMITT: [10:40:04] Do you have an idea with whom he
22 spoke? Do you have any information with whom he spoke?

23 THE WITNESS: [10:40:15](Interpretation) No.

24 PRESIDING JUDGE SCHMITT: [10:40:17] Okay.

25 Mr Suzuki.

1 MR SUZUKI: [10:40:28] Thank you, Mr President.

2 Q. [10:40:29] Mr Dawili, if -- if Momokama is speaking in French on the phone, it's
3 safe to say that he's speaking with Sangaris forces, would you agree?

4 PRESIDING JUDGE SCHMITT: [10:40:44] Well, yes, that that is speculative. He
5 has said he doesn't know with whom he was speaking. Yeah. That goes a bit
6 too -- that stretches it a bit far, Mr Suzuki.

7 MR SUZUKI: [10:41:01] Thank you, Mr President. I'll -- I'll try it a different --

8 PRESIDING JUDGE SCHMITT: [10:41:05] Could have been another commander,
9 whatsoever, of -- whatsoever. It -- it sounded official, but that could have been for
10 different reasons.

11 Mr Suzuki.

12 MR SUZUKI: [10:41:19]

13 Q. [10:41:20] Mr Dawili, the elements and the -- and people in -- in Mr Yekatom's
14 group, they wouldn't speak to each other in French when they spoke to each other;
15 would you agree with that?

16 A. [10:41:44] Yes.

17 Q. [10:41:47] And when -- when people in Mr Yekatom's group spoke with other
18 Anti-Balaka groups, they wouldn't speak in French; is that correct?

19 A. [10:42:14] What I know -- and what I don't know I can't invent - is that he's
20 speaking on the phone to someone.

21 PRESIDING JUDGE SCHMITT: [10:42:25] Okay, I think we leave it there. And we
22 make a correction to the transcript so that the Defence does not have to send an email.
23 Obviously, the correct ERN of tab 25 was CAR-OTP-D21-0006-1325, lines 4 to 16.
24 Please move on.

25 MR SUZUKI: [10:42:52] Thank you for that, Mr President.

1 Q. [10:42:55] Mr Dawili, you heard Momokama reporting on the phone about
2 heavily armed Seleka in civilian clothing in Boeing and approaching the base. Now,
3 is it correct that the Seleka were a real danger while the group was positioned at
4 Yamwara?

5 A. [10:43:43] At the time we're talking about, I don't know. I was not present
6 there. I hadn't joined the group yet.

7 PRESIDING JUDGE SCHMITT: [10:43:57] And, Mr Dawili, when -- during the time
8 when you joined the group, 19 December 2013, if I recall it correctly, onwards, was
9 the Seleka still perceived as a dangerous enemy? Were they still operating then
10 during that time, after 19 December, in your recollection?

11 THE WITNESS: [10:44:30](Interpretation) Yes. At the time I joined the group on
12 19 December, they were active. But as for attacking our positions, this is information
13 I do not have. This -- I did not hear the conversation that Momokama had.

14 PRESIDING JUDGE SCHMITT: [10:44:51] Yeah.
15 Mr Suzuki.

16 MR SUZUKI: [10:44:59]

17 Q. [10:45:07] We'll play you one more video on this topic, Mr -- Mr Dawili.
18 At Defence tab 17, CAR-OTP-2065-4617, timestamp 01:03. And the transcript is at
19 Defence tab 18, CAR-OTP-2130-1146.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [10:46:06](Interpretation of the video excerpt)

22 "INI: He doesn't know what's happened in the city.

23 AY: What's -- what's in the city?

24 INI: There's formations that have been attacked.

25 AY: They attacked the FOMAC? ... In the city, there?

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- 1 INI: Yes, in the city, near PK10.
- 2 AY: Near where?
- 3 INI: PK10.
- 4 AY: PK10, yes?
- 5 INI: Yes, PK10, the police school.
- 6 AY: The police school?
- 7 INI: PK11.
- 8 INI: PK11.
- 9 INI: PK11?
- 10 AY: Yes.
- 11 INI: Do you know the groups that are there?
- 12 AY: Yes, as we were dealing with events here, I didn't have time to get into contact
- 13 with people there. When I finish with you I'll call them.
- 14 INI: Yes, but what I'm interested in right now is the situation. Are there -- are there
- 15 more important things that are being prepared, because we weren't expecting this.
- 16 AY: Okay. But I'd like to know if we could meet today or tomorrow?
- 17 INI: Okay. When?
- 18 AY: Well, okay. I'd like us to meet this afternoon.
- 19 INI: Yes.
- 20 AY: Yes, I've many things to tell you.
- 21 INI: Even straight away.
- 22 INI: Well, listen, I'm in a --
- 23 AY: Sorry?
- 24 INI: Maybe tomorrow? ... Can you -- can you meet tomorrow?
- 25 AY: No, I'd prefer today."

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1 MR SUZUKI: [10:47:51]

2 Q. [10:47:57] Mr Dawili, can you confirm that, from the accent of the person on
3 the phone with Mr Yekatom --

4 PRESIDING JUDGE SCHMITT: [10:48:17] Mr Vanderpuye.

5 MR VANDERPUYE: [10:48:20] Mr President, I would submit that that is going to
6 elicit speculative answer.

7 The other thing is, just for the record, 02:46 was the time that the video was stopped.

8 PRESIDING JUDGE SCHMITT: [10:48:30] Yeah.

9 But, Mr Witness -- Mr Witness, did you recognise the -- which dialect the person on
10 the phone spoke? Or which language he spoke? To put it this way.

11 THE WITNESS: [10:48:57](Interpretation) On the phone, if you're there, it's in
12 French. But I don't know if it's French people or other people that are speaking to
13 him.

14 PRESIDING JUDGE SCHMITT: [10:49:11] Yeah, I think that's -- so we have sort of
15 an answer. And I think that that's appropriate to ask it this way, I think.

16 Please continue.

17 (Counsel confers)

18 PRESIDING JUDGE SCHMITT: [10:49:31] Mr Suzuki, it's still a bit time until
19 11 o'clock, but if you reach a point where you think you want to dwell into different
20 matters, you can let us know and we'll have the coffee break then.

21 MR SUZUKI: [10:49:46] Thank you, Mr President. I have a couple of more
22 questions on this topic, but, yeah, thank you.

23 Madam Court Officer, if you could take us to the document at Defence tab 36,
24 CAR-D29-0004-2592, please. And that's not for public display, please.

25 PRESIDING JUDGE SCHMITT: [10:50:38] If -- if I may, that appears to be

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1 a document that may support what you want to tell us. I'm not sure how we can
2 discuss this with the witness. It's -- it's -- the value is, if any, is the document. I
3 would be very surprised -- if you -- if you say the witness is one of the speakers here,
4 then it's okay, but otherwise I think you can simply submit this as a document and
5 move on.

6 MR SUZUKI: [10:51:10] Thank you, your Honour.

7 PRESIDING JUDGE SCHMITT: [10:51:14] To save -- to save time a little bit and any
8 objections by Mr Vanderpuye.

9 MR SUZUKI: [10:51:20] Absolutely, Mr President. If I could just ask one general
10 question.

11 PRESIDING JUDGE SCHMITT: [10:51:23] Well, yes, yes, but you understand my
12 point.

13 MR SUZUKI: [10:51:26] Absolutely.

14 PRESIDING JUDGE SCHMITT: [10:51:27] It's -- it's quite often here in -- in -- let's
15 say, this environment, a legal environment, that the value is indeed more in
16 the document and not what -- what a witness -- if the witness has not produced
17 a document or is not part -- mentioned in it or so, and so on and so forth.

18 Yeah, please continue.

19 MR SUZUKI: [10:51:48] Thank you, Mr President.

20 Q. [10:51:52] Mr Dawili, while you were at Yamwara school, and afterwards, were
21 you aware of contact between Mr Momokama and French Sangaris forces?

22 A. [10:52:17] No.

23 PRESIDING JUDGE SCHMITT: [10:52:19] That's -- that's of course, appropriate.
24 That's a general question, yes. Please continue.

25 MR SUZUKI: [10:52:24] Thank you, Mr President. I'll move on.

1 Q. [10:52:38] Mr Witness, you spoke about outposts at the Yamwara school in your
2 witness statement. It's correct, isn't it, that these outposts were -- were outside
3 the school to -- to look for Seleka and to look for spies; is that right?

4 A. [10:53:14] What I've just told you is that around the Yamwara school there were
5 checkpoints that would allow the elements to identify. And there were checkpoints.
6 That's what I just said.

7 Q. [10:53:35] Thank you, Mr Dawili. And the purpose of those outposts was to
8 look for Seleka and to look for spies; correct?

9 A. [10:53:52] My answer is to -- they were there to avoid surprises from the enemy
10 and to be able to carry out controls.

11 Q. [10:54:09] Thank you, Mr Dawili.

12 I have a question about discipline at the Yamwara school. And you mentioned
13 yesterday that -- that section chiefs were responsible for their own disciplinary
14 matters. Now, section chiefs, they decided the punishments themselves; is that
15 correct?

16 A. [10:54:51] Yes. If one of their elements committed a mistake, it's themselves.
17 If the mistake was not a serious one, they would take care of discipline. If it was
18 more serious they would ask their superiors.

19 Q. [10:55:12] Thank you, Mr Witness.

20 Mr Dawili, do you recall an incident while you were at Yamwara, or whether you
21 heard about this incident, where an individual was killed by the Seleka and his body
22 was brought back to Yamwara school for burial? Do you recall hearing about an
23 incident, such an incident?

24 A. [10:55:57] I don't know.

25 MR SUZUKI: [10:56:11] Your Honour, I'm moving on to another topic, so if we

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1 could --

2 PRESIDING JUDGE SCHMITT: [10:56:16] Then let's have the coffee -- coffee break,

3 of course, until 11.30.

4 THE COURT USHER: [10:56:25] All rise.

5 (Recess taken at 10.56 a.m.)

6 (Upon resuming in open session at 11.32 a.m.)

7 THE COURT USHER: [11:32:06] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:32:23] Ms Dimitri.

10 MS DIMITRI: [11:32:25] Thank you, Mr President.

11 I just spoke with my colleague, Mr Vanderpuye, and if, with your Honours'

12 permission, we would like to leave two or three subjects for tomorrow, because one of

13 them was not in the summary and we still need to discuss as a team and have

14 a -- have a look as to whether or not we go there or we drop the questions. So if it's

15 okay with you, Mr Suzuki will continue, and at some point, with your Honours' leave,

16 he would ask for an adjournment. But we can guarantee you that -- I'm almost

17 certain we'll finish before lunch tomorrow, if that's okay.

18 PRESIDING JUDGE SCHMITT: [11:33:03] Thank you. And obviously you have

19 already spoken with Mr Vanderpuye. So I think we would also be -- also be fine

20 with that. Yeah.

21 MS DIMITRI: [11:33:11] Thank you, Mr President. Thank you.

22 PRESIDING JUDGE SCHMITT: [11:33:11] Mr Suzuki, let us know in the course of

23 the next one and a half hours when you would ask for an adjournment. Yeah.

24 Thank you.

25 You have the floor.

1 MR SUZUKI: [11:33:20] Thank you, Mr President. I'm grateful.

2 Q. [11:33:37] Hello again, Mr Dawili. I'm going to continue to ask a few
3 questions -- I'm going to continue to ask a few questions about the Yamwara school.
4 And I'd just like to reassure you, Mr Witness, I know that you only joined the group
5 on 19 December, and some of these questions might -- might seem a little bit strange
6 to you, but what you know is very important for us. And if you don't know
7 something, then it's absolutely not a problem at all, you can just tell us, and I'll move
8 on. Is that clear, Mr Witness?

9 A. [11:34:31] Yes.

10 Q. [11:34:37] Thank you, Mr Dawili.
11 Do you know an individual named Said Agoto?

12 A. [11:34:53] Saieka (phon) Agoto, no.

13 Q. [11:35:05] Sorry, Mr Witness, I think my pronunciation wasn't great, the name is
14 Said Agoto.

15 A. [11:35:18] No, I do not know him.

16 Q. [11:35:22] No problem.

17 If we could go to the document at Defence tab 28, please. That's
18 CAR-D29-0010-0050.

19 Thank you, Madam Court Officer.

20 Mr Dawili, the individual that you see on the screen, his name is Espoir Feibonazoui.
21 Is that someone that you recognise? Also known as Satan.

22 A. [11:36:16] No. Satan. No.

23 Q. [11:36:27] No problem, Mr Witness. Do you know an individual named Satan
24 Rodrigue?

25 A. [11:36:41] Rodrigue, he was a -- is he --

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1 Q. And just to be clear, this individual --

2 THE INTERPRETER: [11:36:52] I'm sorry, could you ask the witness to repeat
3 the answer, please.

4 PRESIDING JUDGE SCHMITT: [11:37:04] Mr Witness, please be so kind and repeat
5 the answer.

6 THE WITNESS: [11:37:15](Interpretation) No, I do not know him.

7 PRESIDING JUDGE SCHMITT: [11:37:17] Thank you.

8 MR SUZUKI: [11:37:28]

9 Q. [11:37:29] Mr Dawili, the transcript is not entirely clear, so I'll ask just for you to
10 clarify. The individual on the photo is not Satan Rodrigue; is that correct?

11 A. [11:37:51] The person -- the Satan Rodrigue I know is a peer, he's from -- he is
12 a batchmate. The other one I do not know.

13 Q. [11:38:03] Thank you, Mr Dawili.

14 Madam Court Officer, if you could take us to the photograph at tab 29 of the Defence
15 binder. CAR-D29-0010-0051.

16 And, Mr Witness, the individual that you see in the photograph, same question, that's
17 not Satan Rodrigue; is that right?

18 A. [11:38:46] I've heard of Satan Rodrigue. He is from -- he's my peer. I do not
19 know the gentleman. I do not know him.

20 Q. [11:38:57] Thank you. Mr Witness, to your knowledge, nobody in the group of
21 Mr Yekatom was forced to join the group; is that correct?

22 A. [11:39:26] Could you please rephrase your question.

23 Q. [11:39:30] Of course. My apologies.

24 None of the elements who were in Mr Yekatom's group were there because they were
25 forced to join, correct?

1 A. [11:39:56] Myself, I've never been forced to join the group.

2 Q. [11:40:06] No you, Mr Dawili. Anybody else in the group, you never heard of
3 someone in the group having been forced to join the group; it was voluntary?

4 A. [11:40:23] Yes, it was voluntary.

5 Q. [11:40:26] Thank you. And it's not correct that drugs were put in the food that
6 were -- that was distributed to elements, correct?

7 A. (No interpretation)

8 PRESIDING JUDGE SCHMITT: [11:41:09] We didn't --

9 THE INTERPRETER: [11:41:12] Well, the -- I'm terribly sorry, but the interpreter did
10 not catch what he said and neither did the transcript.

11 MS DIMITRI: [11:41:20] He said: (Interpretation) "I don't know what you're saying."

12 PRESIDING JUDGE SCHMITT: [11:41:25] I don't know is an answer.

13 Mr Vanderpuye, did you -- yeah.

14 MR VANDERPUYE: [11:41:33] Indeed, I heard the same thing.

15 But there was another answer that he gave, I think just before the break, where he
16 said the same, he said "*j'ignore*", but it appeared in the French -- in the English
17 transcript as "*évidemment*". Or in the French transcript it appeared as "*évidemment*"
18 and in the English transcript it appeared as "I don't know."

19 PRESIDING JUDGE SCHMITT: [11:41:50] Well, that happened before the break, so
20 we have to now -- this is one of the case -- I know this is -- is not nice, this means
21 additional work, but this has -- of course, of course, to be corrected then, if it was like
22 that.

23 MR VANDERPUYE: [11:42:00] Indeed the correction has been submitted, I just want
24 to --

25 PRESIDING JUDGE SCHMITT: [11:42:03] Yeah. Okay, good, good. Thank you.

1 Thank you.

2 Mr Suzuki, indeed I also heard something like that, but yeah.

3 MR SUZUKI: [11:42:17] Thank you.

4 Q. [11:42:22] This -- this next question, Mr Witness, is going to sound especially
5 strange. First, you know the -- you know the individual named Dolowaye in
6 the group of Mr Yekatom, correct?

7 A. [11:42:45] Yes, Dolowaye, he is an element that I know.

8 Q. [11:42:52] And you never saw Dolowaye with a necklace of human ears, correct?

9 A. [11:43:09] No.

10 Q. [11:43:19] Thank you, Mr Dawili.

11 And at the Yamwara school, the group didn't have a white Toyota, a vehicle, correct?

12 A. [11:43:41] At Yamwara, no.

13 Q. [11:43:54] And in the group, *gris-gris* were not mandatory, correct? You didn't
14 have to wear *gris-gris* to be part of the group?

15 A. [11:44:14] Yes, it wasn't compulsory.

16 Q. [11:44:20] Thank you. And Mr Yekatom was not a smoker, he doesn't smoke;
17 do you agree?

18 A. [11:44:37] Yes, he was not a smoker.

19 Q. [11:44:49] Thank you, Mr -- Mr Dawili.

20 I'm going to show you a video next that was filmed at Yamwara. And it was filmed
21 before you were there, so if you don't know the answers to my questions, it's not
22 a problem again. But I'm just going to ask you some questions, if you can help us to
23 understand what's being discussed in the video. Is that clear, Mr Dawili?

24 A. [11:45:21] Yes.

25 Q. [11:45:23] Thank you.

1 The video at Prosecution tab 18, CAR-OTP-2065-4849. And the transcript is at
2 CAR-OTP-2118-5865. I'll ask for it to be played to 50 seconds for the first extract.
3 And that's to line 26, for the interpreters.

4 The Prosecution tab 18, for the record.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [11:46:21](Interpretation of the video excerpt)

7 "So we've been here together. Can see people who are here. We're in great
8 numbers and we can organise ourselves. You can see that he came with seven
9 people who were fully armed. And I am calling him so that he can send me people
10 who are based there for backup."

11 MR SUZUKI: [11:47:03] My apologies, it was the -- it was the wrong extract. I gave
12 the wrong reference.

13 From 0 seconds to 50 seconds, for the record. My apologies again.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [11:47:17](Interpretation of the video excerpt)

16 "But the story of coming, us, and taking weapons and running away, we do not have
17 this weapon. If I meet him tomorrow I will kill him. And I do not want to
18 collaborate with this person. I want nothing to do with him. We are organising
19 ourselves. People who are armed must be put elsewhere and the people who are not
20 armed should organise themselves at our level. We are going to see what's going to
21 happen in two days. Already this -- this person has a weapon, A52 and that could be
22 of use to us."

23 MR SUZUKI: [11:48:21]

24 Q. [11:48:21] Mr Dawili, now here Mr Yekatom is referring to an incident where
25 Habib Beina had been threatened at gunpoint by Anti-Balaka elements from

1 a different group and his combat weapon was stolen.

2 So my question is: Is this an incident that you heard of?

3 A. [11:49:04] You just heard from Mr Yekatom himself. You've heard him speak
4 about this incident.

5 Q. [11:49:17] Sorry, Mr Dawili, my question wasn't entirely clear. Did you hear
6 about this -- this incident where Habib Beina had his weapon taken from him? If not,
7 it's okay.

8 A. [11:49:41] When I joined on 19 December I did learn about this. But I don't
9 know where the incident took place.

10 Q. [11:49:58] Thank you, Mr Dawili.

11 And I'll ask for the next segment to be played until -- till 03:23, please. And that's
12 until line 102, for the interpreters.

13 For the -- for the record, that's until 03:23.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [11:51:20](Interpretation of the video excerpt) "Is he going to
16 send people? I don't know.

17 Did he say he's going to send people today? He said he's going to actually finish off
18 with this person. I'm calling him so that he can send our soldiers. These are
19 the weapons we need for our force. Yes, we do not have enough resources here.

20 They do not have weapons either. Now, if they have to attack a sector and we have
21 to do the same, then it would be very difficult. They have to come and be with us
22 and that way we can organise ourselves and launch an attack.

23 If we're 10,000, a 100,000 and we join our forces towards a single path, we can achieve
24 good results.

25 How can they leave their base to fight?

1 They're going to go via here. They have to leave. If they leave via the *rond-point*,
2 they have to fight. How are they going to fight? We really shouldn't split.

3 Where -- we should stay together where we are. If we could have soldiers, then we
4 can organise ourselves. And it's really important to have a plan, to spread out
5 the groups. We leave the soldiers in-between. There's going to be a backup team.
6 There are going to be checkpoints. And this is how we can fight. If we leave them
7 without professional support, it's going to be very difficult."

8 THE INTERPRETER: [11:53:51] The Sango booth interpreter is saying that everyone
9 is speaking at the same time and hence he cannot interpret.

10 MR SUZUKI: [11:54:16]

11 Q. [11:54:16] Mr Witness, just one question: You agree that this -- this extract that
12 we just saw, we see FACA such as Goliatha, Wenessere, discussing how to best
13 structure the group, how to organise patrols, how to organise guards; is that correct?

14 A. [11:54:51] Yes. My response, I'm not there. At that point of time I wasn't there.
15 If I were there you would have seen me. I don't know how to go about this.

16 Q. [11:55:13] Of course, Mr Witness. It's not a problem at all. Not a problem at
17 all, Mr Dawili. I'm going to move on.

18 At paragraph 15 of your witness statement, Mr Dawili, you say that the movement
19 wasn't that well structured and that it was a mixture of militaries and civilians. And
20 I'm going to play you another video. Again, I appreciate that you weren't there, but
21 given your role in the group, any information that you have will be very useful for us,
22 so I'll ask you to -- to help us.

23 The video is at Defence tab 1. That's CAR-OTP-2065-3220. And the extract is from
24 46 seconds to 03:20. And the document is at Defence tab 2 -- rather, the transcript is
25 at Defence tab 2, CAR-OTP-2127-3668, lines 12 to 43.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [11:57:00](Interpretation of the video excerpt)

3 "INI: We should not be killing people anyhow. You can kill an armed person when
4 he's pointing his weapon on you. Have you heard me?

5 INIS: Yes, chief.

6 INI: Have you heard me?

7 INIS: Yes, chief.

8 INI: These are my latest instructions. These are instructions that I received and I'm
9 giving it to all sides. Pillage the others, doing this and that, no. Destroying houses,
10 pillaging boutiques, all this is forbidden. We shouldn't add suffering to suffering
11 and our families have experienced all this and people have experienced all this.
12 Have you understood me?

13 INIS: Yes, chief.

14 INI: So this, what I wanted to say, but we're going to asked Bodibo and some
15 elements to come and set up their base here in order to be in touch with us and
16 coordinate operations in normal agreement; we're going to give the green signal for
17 operations *demain*. Again, just to come back to pillaging, killings, no. AY: Well,
18 it's enough; we really have to disperse quickly, there's no point in making a long
19 speech.

20 INI: This is what we have to say.

21 AY: So what we should do here is to search the telephones; we'll see the rest later.
22 During the launch of operations, there's going to be decisions that we have to take.
23 You are soldiers and if you're given orders you really cannot let civilians dominate
24 you. This is the truth. Do you agree?

25 INI: Yes, I do agree.

1 AY: I would really like to make you aware because I do not want a shit-stirrer
2 amongst me. So this is what I'm telling you, we should give these instructions at the
3 start. This is the way I am. I cannot say -- there are certain things I cannot say in
4 front of everybody because we do not know what people are thinking. You have to
5 be brief and confiscate all mobile phones; who want to stay, stay; who do not want to
6 stay, let them go away, that's it.

7 This is as behaviour we have duties to perform, and let us do those duties; if it's at
8 your level, you can do it. You are not giving the orders here, calling the shots here.
9 Just listen to what I have to say. Ask the elements to get back to their stations and
10 what you want to say we'll tell to the chief. Certain people who are here do not have
11 the intention to be with us, they're going to go to the different districts this night."

12 MR SUZUKI: [11:59:47]

13 Q. [11:59:48] Mr Dawili, now, in that video you saw Mr Yagouzou. Or, first of all,
14 do you recognise the individual who you saw at the start of the video?

15 A. [12:00:11] Yes, I see him and I recognise him. I know him.

16 Q. [12:00:15] And in that video Mr Yagouzou is explaining operations to new
17 recruits about establishing a base, and Mr Yekatom intervenes; is that correct?

18 A. [12:00:38] It's what you've seen and it's correct.

19 Q. [12:00:47] And Mr Yekatom was -- is concerned that there's a civilian who's
20 giving orders to these recruits, as opposed to a FACA; is that right?

21 A. [12:01:09] This is clear, Counsel. It's in the video.

22 Q. [12:01:14] Thank you, Mr Dawili.

23 And as a FACA, do you agree that it's concerning, or it's not -- I'll rephrase.

24 As a FACA, did you have a concern about information about operations being leaked
25 by telephone -- by telephone?

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1 A. [12:02:03] The question, I haven't understood it properly.

2 Q. [12:02:09] That's my fault, Mr Witness, it was -- it was quite poorly phrased.

3 As a FACA, do you agree that information about operations shouldn't be discussed
4 like this in front of new recruits? Do you agree?

5 PRESIDING JUDGE SCHMITT: [12:02:34] Mr Vanderpuye.

6 MR VANDERPUYE: [12:02:39] It has no probative value. It doesn't matter whether
7 he agrees or he doesn't agree. If it's a practice, it may -- it may very well be, but
8 that's not the question ...

9 PRESIDING JUDGE SCHMITT: [12:02:54] Well, I'm not so -- not so severe here. So
10 if -- if you were, let's say, the one responsible for the new recruits, would you address
11 them like that?

12 THE WITNESS: [12:03:16](Interpretation) If I was the person responsible?

13 PRESIDING JUDGE SCHMITT: Indeed.

14 THE WITNESS: [12:03:26](Interpretation) By giving orders not to loot, not to steal
15 and not do this sort of thing, not to do bad things; is that the question?

16 PRESIDING JUDGE SCHMITT: [12:03:43] No, to provide -- to provide new recruits
17 with certain sensible information, would you do that? Or have you done that when
18 you were responsible for new recruits in the past?

19 THE WITNESS: [12:04:01](Interpretation) Yes.

20 PRESIDING JUDGE SCHMITT: [12:04:05] Ms Dimitri.

21 I don't think it's of the highest relevance, but still we are discussing it. So I don't
22 have -- so if you want to add something.

23 MS DIMITRI: [12:04:18] No. I just want to add that you used the word sensitive,
24 which I completely understand, but it was translated in French by *raisonnable*, which
25 is not the same meaning, so the answer hasn't the same meaning.

1 PRESIDING JUDGE SCHMITT: [12:04:33] No, that's true, of course.

2 Then what would be the right French word for that?

3 MS DIMITRI: [12:04:44] *Sensibles*.

4 PRESIDING JUDGE SCHMITT: [12:04:45] So perhaps we can give it a try again.

5 When you -- I think in your career as a FACA officer, you talked to new recruits and
6 instructed them, would you provide them with sensitive information, like that?

7 THE WITNESS: [12:05:19](Interpretation) As an officer, sub-officer, as a leader, yes.

8 Information such as not to go and kill, that is an order, an order that can be specified
9 by a leader either before an attack is carried out, an order not to shoot at civilians.

10 These are instructions. It's not information, it's an instruction in order to get an
11 expected result. And if I were in their place, that is what I should do.

12 PRESIDING JUDGE SCHMITT: [12:06:10] Can we move on?

13 Please, Mr Suzuki.

14 MR SUZUKI: [12:06:14] Thank you, Mr President.

15 Q. [12:06:18] Thank you, Mr Dawili.

16 In the group at Yamwara, the head of -- of each section was a FACA, correct?

17 A. [12:06:36] Yes.

18 Q. [12:06:42] Thank you. I'm going to move on, Mr Dawili, to the topic of your
19 departure from Yamwara.

20 Now, the reason for your advance down the axis, the PK9-Mbaïki axis, was to secure
21 the area and to push the Seleka out of that area; is that correct?

22 A. [12:07:42] Indeed.

23 Q. [12:07:47] And you also said in your witness statement, you said that life was
24 quite difficult in Yamwara because many elements were joining. So my question is:
25 Another reason for the departure was the fact that it was difficult to -- to get enough

1 food for the elements; is that correct?

2 A. [12:08:20] That is correct.

3 Q. [12:08:25] And do you recall a meeting that was held at Yamwara where
4 Captain Kamezolaï suggested that the group should leave Yamwara because there
5 was not enough food? Do you remember this meeting?

6 A. [12:08:50] Yes.

7 Q. [12:08:55] Thank you, Mr Dawili.

8 And in your witness statement you say that you left the school and you attacked PK9,
9 Sekia and Ndangala.

10 That's at paragraph 37.

11 Just to be clear, Mr Witness, apart from the clash at PK9, there was no fighting at
12 Sekia or Ndangala; is that correct?

13 A. [12:09:36] Yes. I have just told you that we left Yamwara, towards Sekia, then
14 we went towards PK9. There was no resistance there and there was a bit of
15 resistance at PK9. And after that we took the Ndangala, Kapou, et cetera, road.

16 MR SUZUKI: [12:10:31] Sorry, Mr President, I have a bit of a transcript problem here.
17 It seems to be frozen. If I could just check.

18 PRESIDING JUDGE SCHMITT: [12:10:43] I think -- I think now it's completed. It
19 works again.

20 MR SUZUKI: [12:10:48] Thank you, Mr President.

21 Q. [12:10:52] Mr Witness, sorry, just to be -- just to be very clear, there was no
22 fighting at Sekia and there was no fighting at Ndangala, correct?

23 A. [12:11:07] That is correct.

24 Q. [12:11:35] And a number of witnesses have said that the majority of the elements
25 were -- were billeted - in French, *cantonné* - at Sekia. Can you confirm that?

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1 A. [12:12:04] Yes.

2 Q. [12:12:12] And another witness has said that once the group was based at Sekia,
3 that many chiefs essentially abandoned the group, they just went to live in their own
4 homes, and the elements dispersed; is that correct? Do you agree with that?

5 A. [12:12:43] At the time I was at Pissa and I don't know what was happening.
6 I don't know everything that happened at other places.

7 MR SUZUKI: [12:12:57] If we could go to the document at Defence tab 47. We'll
8 play that from the Defence bench. That's CAR-OTP-2055-2610. And the transcript
9 is at CAR-OTP-2122-2271. Timestamp is 02:51 to 03:17.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [12:14:01](Interpretation of the video excerpt)

12 "Their goal is a guard post held by Seleka fighters, the former majority made up of
13 many Muslims. The president has just left his power and there's chaos in Bangui."

14 MR SUZUKI: [12:14:39]

15 Q. [12:14:39] Mr Witness, first, did you -- do you know the individual on the screen
16 that you -- the Seleka captain that was in that extract?

17 A. [12:14:58] I didn't know him, but I'd heard people speak about him.

18 Q. [12:15:09] If I say the name Souleymane Daouda, does that refresh your
19 memory?

20 A. [12:15:23] Yes. Like I said, I know the name, but physically I do not know
21 them.

22 MR SUZUKI: [12:15:33] If we could play the extract from 06:42 to 07:05.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [12:16:01](Interpretation of the video excerpt)

25 "We take the road again. Souleymane takes us to meet one of his old acquaintances.

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1 Surprise, it's Corporal Rombhot who is freshly shaven. These men who shot at each
2 other a few weeks ago meet in hospital. They've known each other for weeks.
3 Rombhot's wife is sick and so he is trying to find medicine for her."

4 MR SUZUKI: [12:16:42]

5 Q. [12:16:43] Mr Witness, were you aware of the reconciliation between
6 Mr Yekatom and the Seleka captain, Souleymane Daouda?

7 A. [12:16:57] Yes. I had been informed of this.

8 Q. [12:17:15] Mr Witness, I'm going to show you a document, and that's at
9 Defence tab 49.

10 Madam Court Officer, if you could put that on the screen, please.

11 CAR-OTP-2094-7703. And that's not for public viewing, please.

12 Thank you, Madam Court Officer. If you could zoom up to the first line, please, or
13 the first row.

14 Mr Witness, this is a list of phone numbers. And you'll see at the top there it says
15 "Soulemane Daouda", and his phone number there.

16 I'm going to show you another document and then I'm going to ask you a question.
17 And that's at Defence tab 37, CAR-D29-0004-2593. And again that's not for public
18 display, Madam Court Officer.

19 Mr Witness, these are all of the phone calls between Rodrigue Momokama and
20 Souleymane Daouda in 2014. Starting in January 2014, you'll see the first row,
21 12 January 2014.

22 And my question to you, Mr Witness is: Were you aware that Momokama was in
23 contact with the Seleka captain based at PK9 in January 2014 and onwards?

24 A. [12:20:04] As far as the telephone calls go, I don't know about this. At the time
25 it was him, he was the leader, I was at Pissa. So I don't know what was going on

1 there.

2 Q. [12:20:32] No problem at all, Mr Dawili. Thank you.

3 That can be taken off the screen, Madam Court Officer.

4 PRESIDING JUDGE SCHMITT: [12:20:36] Still, the document will be submitted. So,
5 again, such documents have a -- whatever -- however high or low probative value in
6 themselves.

7 MR SUZUKI: [12:20:52] Thank you, Mr President.

8 Q. [12:20:57] I just have one more question about PK9, Mr Dawili.

9 You said at paragraph 44 of your witness statement that the PK9 checkpoint had no
10 gendarme presence. My question is: The PK9 checkpoint was just opposite
11 the Pissmiss compound; is that correct?

12 A. [12:21:36] Yes.

13 Q. [12:21:41] Thank you. I'm going to ask you a few questions about Pissa now,
14 Mr Dawili.

15 The FETA de Berengo, that was a military training centre in the Pissa area; is that
16 correct?

17 A. [12:22:11] Yes.

18 Q. [12:22:16] And when you were based in Pissa, do you recall that the locals in
19 that area were complaining about these FETA de Berengo trainees who were pillaging
20 and committing crimes in the area?

21 A. [12:22:45] Can you ask the question again, please.

22 Q. [12:22:59] Of course. When you were based in Pissa, do you remember that
23 the local inhabitants of Pissa were complaining about the fact that the -- the trainees at
24 FETA de Berengo were pillaging in the area of Pissa?

25 A. [12:23:26] Yes.

1 Q. [12:23:31] Thank you. And you were concerned at the time that the trainees
2 would put on their military uniforms and pretend to be part of the Anti-Balaka and
3 commit crimes; is that correct?

4 A. [12:23:59] At the time we were in Pissa, all the way up to Berengo, the Seleka
5 who were Christians stayed there. There were Muslims who had just fled and they
6 disguised themselves. They stayed there and other people joined them there.
7 The Muslims joined the Christian Seleka FETA people.

8 THE INTERPRETER: [12:24:40] Note from the interpreter: the answer was unclear.

9 MR SUZUKI:

10 Q. [12:24:45] And when you say "*ils sont déguisés*", you mean they -- they put on
11 their military uniforms?

12 PRESIDING JUDGE SCHMITT: [12:24:48] But there was overlapping now.
13 The interpreter said that the answer was unclear. I just wanted to tell you.
14 Whatever, you can try to clarify it or continue with your next question.

15 MR SUZUKI: [12:25:37] Apologies, Mr President. I'll move on. Apparently
16 the French is sufficiently clear, so ...

17 Q. [12:25:46] Mr Dawili, when you say "*ils sont déguisés*", you mean they put on
18 their military uniforms; is that correct?

19 A. [12:26:00] Yes.

20 Q. [12:26:06] And is it correct that they were pretending to be Anti-Balaka?

21 A. [12:26:21] They were pretending to be Seleka. At first they didn't want to show
22 that they were Seleka, and so they disguised themselves.

23 Q. [12:26:41] Sorry, Mr Dawili, can you clarify that. They were pretending to be
24 Anti-Balaka; is that right? They were Seleka, but then, when the Seleka left, they put
25 on uniforms and pretended to be Anti-Balaka; is that correct?

1 A. [12:27:03] Yes. They disguised themselves and then other members joined us
2 and were -- and were part of that group.

3 Q. [12:27:47] Thank you, Mr Dawili.

4 You -- in your witness statement you say that fake Anti-Balaka were erecting illegal
5 checkpoints on the axis when new areas were reached by the group.

6 Now, when you refer to "fake Anti-Balaka", you're referring to people who pretend to
7 be Anti-Balaka who establish or erect checkpoints to extort people who pass by; is
8 that correct?

9 A. [12:28:37] This question is very clear and I can give you some clarifications
10 about this. At the time when we reach an area there were fake Anti-Balaka, Selekas
11 who disguised themselves, and they would create these illegal checkpoints on
12 each -- at each post or on each road, just like the entrance of --

13 THE INTERPRETER: [12:29:05] Inaudible.

14 THE WITNESS: [12:29:08](Interpretation) And so there were fake Anti-Balaka who
15 would pretend to be Anti-Balaka.

16 MR SUZUKI: [12:29:19]

17 Q. [12:29:19] Thank you, Mr Dawili.

18 And in your witness statement you speak about an incident where you punished
19 a man who had erected an illegal checkpoint. This -- this occurred near the Boyali
20 village; is that correct?

21 A. [12:29:41] Yes.

22 Q. [12:29:45] And do you recall that this man was a -- was a local, older gentleman,
23 a former FACA? Do you remember this?

24 A. [12:30:03] No. Well, at the time he wasn't a former FACA. Like I said, at
25 every moment -- at every time we took control of a checkpoint there were fake

1 Anti-Balaka who would erect these illegal barriers. And it was at PK55 that I found
2 these illegal checkpoints and I dealt with the issue there. That's what I said. I beat
3 him.

4 Q. [12:30:37] Thank you. And just to be clear, when you say -- sorry, for
5 the purpose of the transcript, rather, it's Boyali and not Boali, correct?

6 A. [12:30:58] Yes, Boyali. It's before Pissa. At that point of time there were
7 several checkpoints.

8 Q. [12:31:05] Thank you. And in your witness statement, when you say that you
9 would punish the commanders of those responsible for erecting these illegal
10 checkpoints, you mean the leaders of these faux Anti-Balaka; is that correct?

11 A. [12:31:32] Exactly.

12 Q. [12:31:35] Thank you, Mr Witness.

13 Madam Court Officer, if you could take us to the document at Defence tab 7,
14 CAR-D29-0002-0086, please.

15 Mr Witness, I'm going to read you part of this. This is a -- a radio report on
16 Radio Ndeke Luka in April, 15 April 2014.

17 And I'll read in French: (Interpretation)

18 "The fake Anti-Balaka are a danger for the return of peace and safety in CAR.

19 This is the statement made by Alfred Rombhot who is the responsible of Anti-Balaka
20 in Ombella-M'Poko and Lobaye. He presented on Monday six men who claimed to
21 be Anti-Balaka, as well as five hunting weapons and some rudimentary weapons to
22 the residents of the prefect of Lobaye."

23 (Speaks English) My question to you, Mr Witness, is: Do you recall an incident
24 around this time where a group of Anti-Balaka led by Cyril Nzokpian was arrested by
25 Mr Yekatom's elements?

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1 A. [12:33:42] In Sekia?

2 PRESIDING JUDGE SCHMITT: [12:33:53] That seems not to be clear, frankly
3 speaking.

4 So do you recall any incident at all that would perhaps -- or does this ring a bell,
5 what -- what counsel told you?

6 THE WITNESS: [12:34:17](Interpretation) An incident that -- I'm actually asking you
7 a question, I haven't understood it properly. I'm asking if the incident you're
8 referring to took place in Sekia. Is that the incident you're talking about?

9 PRESIDING JUDGE SCHMITT: [12:34:32] I cannot tell you.

10 Mr Suzuki, if you think this is the incident, then tell the witness so.

11 MR SUZUKI: [12:34:39] Of course. Thank you, Mr President.

12 Q. [12:34:49] Mr Dawili, the incident took place around the area of Boda. Does
13 that -- does that refresh your memory at all?

14 A. [12:35:03] Yes, Boda. Yes.

15 Q. [12:35:10] Do you recall Mr Yekatom's men arresting Cyril Nzokpian and other
16 faux Anti-Balaka in the area of Boda? Do you remember this incident?

17 A. [12:35:28] Yes.

18 Q. [12:35:30] Thank you, Mr Witness.

19 And it's correct that during the Seleka regime, the police and the gendarmerie were
20 essentially destroyed by the Seleka in -- in -- in the Lobaye prefecture; is that correct?

21 A. [12:36:00] Yes.

22 Q. [12:36:04] And part of your duty in Mr Yekatom's group was to assist the work
23 of the gendarmerie and act as kind of *force d'ordre*; is that correct?

24 A. [12:36:24] Yes.

25 Q. [12:36:31] Thank you. I have a few questions about Kapou now.

1 In your -- in your witness statement you refer to the fact that you were sent to Kapou
2 by Mr Yekatom to protect the Peuhl there, because of the ethnic conflict between
3 Christians and Muslims. My question is: The Peuhl in Kapou, they had come to
4 Kapou from Boali and they're fleeing the violence in Boali; is that correct?

5 A. [12:37:19] Exactly.

6 Q. [12:37:25] And you say in your witness statement Yekatom sent you because
7 you were courageous.

8 Now my question is: This was a risky or dangerous job because the local population
9 had a lot of animosity towards the Peuhl; is that correct?

10 A. [12:37:54] Yes.

11 Q. [12:38:27] Mr Dawili, you were the ComZone of Kapou at a certain point. Can
12 you confirm that before the resignation of President Djotodia, Mr -- elements were not
13 based in Kapou, correct?

14 Sorry, I see that the question was unclear. I'll ask again.

15 PRESIDING JUDGE SCHMITT: [12:39:07] Yeah, please, please do so.

16 MR SUZUKI: [12:39:09] My apologies.

17 Q. [12:39:12] Before the resignation of President Djotodia, Mr -- Mr Yekatom had
18 no elements based in Kapou; is that correct?

19 A. [12:39:26] Exactly.

20 Q. [12:39:32] And there's no such base in Kapou with the name Copiada, correct?

21 A. [12:39:47] Yes.

22 Q. [12:39:54] And Habib Beina was -- was never in charge of an Anti-Balaka base in
23 Kapou; correct?

24 A. [12:40:08] Yes.

25 Q. [12:40:14] And there's no element named "Habib" or "Habib" who was in charge

1 of an Anti-Balaka base in Kapou, correct?

2 A. [12:40:35] Habib, after Ouandjio's death, *à Boda*, he became the deputy to
3 Yekatom. Previously there was no base. There was someone called Habib Beina.

4 Q. [12:40:54] Thank you, Mr Witness.

5 And even after the death of Mr Ouandjio, Habib Beina was not in charge of an
6 Anti-Balaka base in Kapou, correct?

7 A. [12:41:16] He is the deputy to the boss. He sent me to Kapou to protect
8 the Peuhl.

9 PRESIDING JUDGE SCHMITT: [12:41:31] I just mention it, I see here, interestingly
10 enough, as interpretation in the French transcript Mr Narantsetseg, which is -- since
11 we know Mr Narantsetseg very well as counsel for the victims, I'm surprised, and
12 I don't see him sitting there somewhere. But I just -- it's of no significance for
13 the case, I just mention it because it came to my attention.

14 MS DIMITRI: [12:42:06] Mr President.

15 PRESIDING JUDGE SCHMITT: [12:42:07] Yeah, it has now -- now changed, so ...
16 Yeah, Ms Dimitri.

17 MS DIMITRI: [12:42:11] The first part of the answer of the witness was not
18 interpreted in English. He said, when the question was put, even after the death of
19 Coeur de Lion, of Ouandjio, was Habib Beina based in Kapou, he said: "*Non, il n'était*
20 *pas cantonné ici.*" And then he went on and explained that he was the one in Kapou.

21 PRESIDING JUDGE SCHMITT: [12:42:35] Okay. Fine, fine.

22 Actually, I have understood it this way, so I think there is no -- no problem in the end.
23 Mr Suzuki.

24 MR SUZUKI: [12:42:59] Thank you, Mr President.

25 Q. [12:43:09] I'm going to move on. I've a few questions about Mbaïki,

1 Mr Witness. Can you just confirm that when the group reached Mbaïki, there was
2 no fighting there either?

3 A. [12:43:35] No.

4 Q. [12:43:35] And at paragraph 47 of your witness statement, you say that
5 the Seleka had fled or they joined the civilian population. My question is: When
6 you say they joined the civilian population, do you mean that they -- they returned
7 among the civilian population of Mbaïki?

8 A. [12:44:05] Yes. Yes, in our presence they joined the civilians.

9 Q. [12:44:21] And some of those Seleka who -- who returned to the civilian
10 population, they had been locals of Mbaïki; is that correct?

11 PRESIDING JUDGE SCHMITT: [12:44:35] Mr Vanderpuye.

12 MR VANDERPUYE: [12:44:35] I think we're getting a little into the land of
13 speculation and a bit far afield of what the witness could possibly know without
14 a foundation having been laid.

15 PRESIDING JUDGE SCHMITT: [12:44:45] Well, he can -- he can provide us with
16 the ...

17 So, when you say "yes" Mr -- Mr Dawili, where do you have this information from?
18 What is your source, so to speak, of information?

19 THE WITNESS: [12:45:08](Interpretation) While returning, the Seleka that were
20 billeted waited for us. They fled and the information was given to us by
21 the population. It's the population that informed us.

22 PRESIDING JUDGE SCHMITT: [12:45:28] Thank you.

23 Mr Suzuki.

24 MR SUZUKI: [12:45:47]

25 Q. [12:45:47] And at paragraph 44 of your witness statement you say that "in

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1 Mbaïki we worked with gendarmes." You -- you -- is it correct that you assisted
2 them in their attempts to maintain order in Mbaïki?

3 A. [12:46:12] Yes.

4 Q. [12:46:15] Thank you.

5 And generally, Mr Yekatom and his group would -- would contact the gendarme and
6 try to bring them back to their posts; is that correct? Not just in Mbaïki, in Pissa,
7 along the axis; is that right?

8 A. [12:46:40] Indeed, this is what they did.

9 Q. [12:46:44] Thank you, Mr Dawili.

10 MR SUZUKI: [12:46:55] Your Honour, I might ask, as Madam Dimitri --

11 PRESIDING JUDGE SCHMITT: [12:47:03] Yeah, I understand, and we have
12 discussed this before, there's no problem with that.

13 So, Mr Dawili, that concludes for today. Thank you very much for your efforts and
14 for your patience, and tomorrow we continue then at 9.30.

15 And that also applies, of course, to everyone else here in the courtroom.

16 THE COURT USHER: [12:47:21] All rise.

17 (The hearing ends in open session at 12.47 p.m.)