

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing
9 Tuesday, 9 February 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT OFFICER: All rise.
12 THE COURT USHER: The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: Good morning.
15 Good morning to you, Mr Witness. Welcome back to the courtroom.
16 WITNESS: CIV-OTP-P-0547 (On former oath)
17 (The witness speaks Dioula)
18 THE WITNESS: (Interpretation) Good morning, Mr President.
19 PRESIDING JUDGE TARFUSSER: Hopefully this morning is the last day here in the
20 courtroom, and then you can go back home after. You will be questioned now by -- you will
21 be now questioned by the Defence of Mr Blé Goudé.
22 Mr Knoops, you have the floor.
23 MR KNOOPS: Thank you, Mr President. Good morning. Good morning.
24 PRESIDING JUDGE TARFUSSER: Excuse me, Mr Knoops, just for one second before we
25 start, I just want to remind you of the Prosecutor's application of yesterday afternoon for

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 witness -- which one? For Witness 536 and the exceptional measures, protective measures
2 requested. I would like you to take a position by the end of this morning's hearing so we can
3 rule in the afternoon, okay? Thank you very much.

4 If you have to say something. It's not needed always to. Okay. Thank you.

5 MR KNOOPS: If your Honours permit, I could inform you after the first break, if that's fine
6 with you.

7 PRESIDING JUDGE TARFUSSER: At any time, yes. At any time, just so we can rule at the
8 beginning --

9 MR KNOOPS: Of course.

10 THE COURT USHER: -- in the afternoon.

11 MR KNOOPS: I understand.

12 PRESIDING JUDGE TARFUSSER: Thank you.

13 MR KNOOPS: Thank you, Mr President.

14 Mr President, the first part of the examination by the non-calling party is conducted
15 by myself. I've prepared five subjects which I will consecutively deal with with the
16 witness, after which maybe I finish in the first session, after which Mr Serge
17 Gbougnon, my colleague from the Bar Abidjan will specify some details with the
18 witness, and we hope to finish before the lunch break.

19 We might have a small problem, Mr President, with the evidence. My colleague and
20 I, we're working already from 8.30 here on the evidence, so hopefully everything will
21 work. I will timely for Mr Prosecutor pause when we intend to introduce a piece of
22 evidence so he can make his objections.

23 There is one piece of evidence which I will probably deal with in private session, it
24 will be the last piece of evidence, but I will timely inform your Honours and the
25 Prosecutor and Madam Massidda about this document, Mr President.

1 My first element deals with the observation by the witness made during the
2 examination-in-chief.

3 QUESTIONED BY MR KNOOPS:

4 Q. Good morning, Mr Witness. My name is Mr Knoops. I'm one of the counsel of
5 Mr Blé Goudé. We thank you for your patience and we're grateful for your time you spent
6 with us in court.

7 Now I, for your Honours, go back to the transcript page of the 2nd -- 3 February, page
8 44, line 5. For the Prosecution and the LRV, that's again transcripts of 3 February,
9 page 44, French version, by the way, line 5 till 7. I will first read out what the
10 witness testified and then I'll ask my question to Mr Witness. The transcript reads as
11 follows:

12 "Mr Witness, this relates to the persons you saw when you were on the streets on 16
13 December. You said:

14 (Interpretation) "I knew that something was happening. He would not have been walking
15 around so easily in town."

16 In this -- this bit that's in this point of time you -- you've referred to the individuals you saw in
17 uniform.

18 My first question to you is what do you mean with this observation:

19 (Interpretation) "There was something going on"?

20 A. Please explain yourself. I have not quite understood. Could you please repeat your
21 question?

22 Q. I'm happy to do so, Mr Witness. You remember when you testified here on 3 February,
23 you were asked by the Prosecution some questions about the events on 16 December, and you
24 testified that you saw individuals wearing uniforms. At that point you testified:

25 (Interpretation) "We could see them in town, that means that there was something going

1 on."

2 And my question is: what do you exactly mean with when you saw them in town
3 (overlapping speakers)?

4 A. Well, what I was saying was that when we went in front of the Liberté cinema I heard
5 some noise. I went a little bit faster. I went up on to the pedestrian overpass. I looked
6 behind me and I could see that there was tear gas. I saw uniformed individuals. They were
7 wearing dark uniforms. Well, as to say that something was going on in town, no.

8 Q. The testimony of you also reads:

9 (Interpretation) "They wouldn't walk around quite so easily in town."

10 THE INTERPRETER: Message from the English interpreter: When counsel goes from one
11 language to another it is difficult because we have to wait for his words to be interpreted and
12 for the channel to be freed up. Thank you.

13 MR KNOOPS: I'm sorry, Ms Translator.

14 Q. I will repeat, in your evidence you gave on 3 February you also say to the Chamber:

15 (Interpretation) "They would not just walk around like that quite so easily in town." End of
16 quote.

17 My question to you is what is your --

18 A. I did not say that they couldn't just move around like that in town. I was on my way to
19 the march.

20 MR MACDONALD: Your Honours, if I may intervene. I think we have to be fair with the
21 witness. I think we have to situate the context of his testimony. We cannot just take one
22 sentence out of its context and then ask what does that mean. I think we need to be fair with
23 any witness and, therefore, I understand that my colleague is currently quoting from page 44,
24 very specific lines, but there is a beginning on page 43, and then there is a continuity.

25 Because right now with -- I submit respectfully, there may be issues of translations, which are

1 not being understood by the witness at the moment. So before -- yes, I'll say that.

2 PRESIDING JUDGE TARFUSSER: Yes, I do agree with this. I also think that these long and
3 extensive questions, which have a long premise, are difficult to understand as a whole to the
4 witness, so I would really suggest to make shorter questions and without a long premise to
5 the question itself because it -- well, you have to understand that the witness is not really a
6 high-educated person, so I really would suggest to focus very much and obviously to bring
7 the question in the right context. Thank you very much.

8 MR KNOOPS: Well, Mr President, may I ask the witness, and he can correct me if I am
9 wrong.

10 Q. Mr Witness, I did understand your evidence such that you only saw these individuals in
11 uniform when something was going on in town. That was my understanding of the
12 evidence. Is that a correct understanding?

13 A. No, that is not what I said. To say that people were walking around in uniform in
14 town, I didn't say that.

15 Q. You at that point in time referred to the les commando, the commando républicaine
16 gendarmerie. I understood your evidence to be such that you only saw them in town when
17 something was going on; is that a correct understanding of the evidence you gave?

18 MR MACDONALD: Your Honours, I'm objecting. The witness never said commando
19 républicaine gendarmerie. He never said that. He said "commando de gendarmerie" to
20 begin with.

21 So when he was referring to Républicain it was Garde Républicaine. I think it
22 is -- we have to be fair to the witness. And I, again, I think we should be starting by
23 the question by -- that was asked on page 43, line 23, the answers that were provided,
24 all the way down to line 9 if we are looking for a specific question in relation to that
25 because right now I think the witness does not understand the question.

1 PRESIDING JUDGE TARFUSSER: I think that the Prosecutor is absolutely right. I think we
2 should start by the same question posed by the Prosecutor and then tell him what he
3 answered to that question, and then continue the questioning, I would suggest.

4 MR KNOOPS: Well, Mr President, you're right but then I have to repeat the evidence which
5 is already given. This was just a question to clarify one specific sentence in the evidence the
6 witness gave which I quoted several times. But I understand. I move on with --

7 PRESIDING JUDGE TARFUSSER: No, but why don't you ask the question and see if he
8 gives the same answer. You ask a direct question instead of saying, well, you said, and why
9 did you not and things like this.

10 MR KNOOPS: May I put it then very straightforward to the witness.

11 Q. Mr Witness, the what you call commandos gendarmerie, they only came in town when
12 something was really going on; is that correct?

13 A. No. What I said and what you are saying, they are not one and the same thing. I said
14 that when I was entering Cocody, I saw a military vehicle arriving, arriving at the crossroads.
15 And it stopped at the crossroads. The military got out and they had the Republican Guard
16 uniforms on. To say that I saw commandos in town, well, that is not the same thing.

17 MR KNOOPS: Mr President, with due respect, it's not an answer to my question.

18 Q. My question is simply, Mr Witness, whether you could agree that in your view the
19 commandos gendarmerie, the words you used in your testimony, were only to be seen in
20 town when something was going on. Yes or no?

21 A. No, that is not what I said.

22 Q. It's still not an answer to my question, but I move on.

23 Mr Witness, in your testimony, and this is to be found on page 53 of the French
24 transcript of 5 February, line 21 till 25, you said the following to the Court, and we are
25 now dealing with the issue of treatment in the hospital.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 (Interpretation) "Even when they refused to treat me it was said, yes, you are not a soldier.
2 In fact, I have never taken part in any armed force" --

3 A. (No interpretation)

4 Q. -- "that it was the wounded soldiers who were receiving treatment. But I am not a
5 soldier."

6 THE INTERPRETER: Could counsel please be requested to repeat the last part. The
7 interpreter did not catch it.

8 THE WITNESS: (Interpretation) Yes, it was indeed the soldiers who were handling
9 weapons. You're talking about the HMA hospital. That is where soldiers receive treatment.
10 I went to that hospital and I had a fracture in my leg due to a bullet. I was told that if I went
11 there, I would receive treatment. I went to this military hospital, they looked at my leg and
12 they asked me what I did as a job. And they said -- I said I was a driver.
13 They asked me if I was a soldier or a policeman.

14 They said: If you are neither a policeman or a soldier then you cannot receive
15 treatment in this hospital. Civilians do not receive treatment here.

16 If civilians go there, they have to pay for their own medical expenses. I paid for my medical
17 visit, and I came back with my x-ray. They didn't accept it. They looked at it and said that I
18 had to be operated on again. But they only operate soldiers -- on soldiers for free. And if I
19 didn't have any money, I would not be able to be operated on. So --

20 MR KNOOPS:

21 Q. Mr Witness, I didn't even ask a question to you. I'm sorry. Let me start again.
22 When you were asked by the Prosecution about the treatment you received or not received in
23 the hospitals of Yopougon or Cocody, you testified that you didn't receive treatment in
24 Cocody, that's correct?

25 In this regard, you testified the following on 5 February: (Interpretation) "They

1 refused to treat me. It was said" --

2 THE INTERPRETER: Overlapping speakers.

3 THE WITNESS: (Interpretation) In Cocody they did not treat me. They refused to treat
4 me.

5 MR KNOOPS:

6 Q. Was it in Cocody that they told you that only military persons were to be treated?

7 A. Cocody is the CHU hospital for civilians. HMA is a military hospital on the road to
8 Abobo. That is called the HMA hospital. In Cocody, it's a CHU. So the other hospital is a
9 hospital -- CHU is for civilians, but the other hospital is for soldiers. People from Abidjan
10 are there. They can confirm this fact.

11 MR KNOOPS: Mr President, I would ask the Court to instruct the witness to just answer my
12 questions, please.

13 PRESIDING JUDGE TARFUSSER: Well, I've understood the answer.

14 Mr Witness, Mr Witness, please answer the question of the counsel and limit yourself to
15 answer the question of the counsel. Wait until he has formulated the question and then you
16 answer the question slowly so also the interpreters can work much better.

17 MR KNOOPS: Thank you very much, Mr President.

18 Q. Mr Witness, now, let me go back to the transcript. It reads (Interpretation): "It was
19 said to me, I was told that soldiers, injured soldiers were to receive treatment."
20 (Speaks English) My first question to you is where was this said to you?

21 A. That's what they said to me at HMA. Not at the beginning when I was injured. That
22 was after the arrest of Gbagbo I went to HMA. Gbagbo was no longer in power. Gbagbo
23 was no longer in power. I went to HMA, and that was well after the time I was injured. It
24 wasn't at the beginning when I was first injured. I didn't go to HMA when I was first
25 injured.

1 Q. So you're telling the Chamber that you went to a military hospital after Mr Gbagbo was
2 arrested?

3 A. That's right, indeed. It was after Gbagbo's arrest. That was when I went back to
4 Abidjan and I went to the military hospital then.

5 Q. And could you by any estimation give us a time where you went to this hospital?

6 A. It was well after the arrest of Gbagbo. My leg was hurting and someone said to me if
7 you go to the military hospital, if you were hit by a bullet, they will take care of you there.
8 That's what I was told. And I thought, well, I was hit by a bullet. Maybe I can get some
9 free treatment there. But to tell you the exact date, no. The papers that were given to me
10 are in the documents. If you want, maybe you can get the date that way. You can find the
11 date from those papers from the military hospital.

12 Q. Thank you, Mr Witness, for this suggestion.

13 Mr Witness, you testified that you -- after the hospital in Cocody, you went to a
14 private clinic; is that correct?

15 A. That's right, that is right. That is correct, that is what I said.

16 Q. Was it before or after your treatment in this clinic that you went to the military hospital?

17 A. No. The military hospital and the CHU, I didn't go to those places at the same time. I
18 went to the CHU on 16 December 2010. As for the military hospital, I went there well after.
19 And by then Gbagbo had been arrested. So these are entirely different times. And maybe if
20 you -- well, the question about the military hospital, it was well after, but when you asked the
21 question about the two places, the two healthcare places, that confuses me. Tell me what
22 information you want for which healthcare facility, and then I can give you an answer.

23 Q. Thank you, Mr Witness. First you went to Yopougon hospital, after which you went to
24 Cocody. And your next --

25 A. (No interpretation)

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 Q. Wait. And your next move, was it to the private clinic or to the military hospital?

2 A. First of all I went when the Red Cross picked me up, I was taken to the Yopougon
3 hospital on the 16th. I spent the night there. On the 17th I was transferred to the Cocody
4 hospital. I received no care there. On the 18th I left that hospital and I went to the private
5 clinic in Yopougon. And there I paid for my operation. So there you have it.

6 Q. And can you point for us whether you went to the military hospital after the clinic or
7 before? Can you remember this?

8 A. Which hospital? Which hospital are you talking about, because there's two. There's
9 the CHU and then there is the clinic as well.

10 Q. Yes. I understand. You explained that very well.

11 No, my question is you just told the Chamber that you also went to a military hospital to
12 receive treatment, and you were told there that it was only for soldiers. Now, my question is,
13 when did you go to that hospital? Before or after this private clinic where you had to pay
14 yourself?

15 A. Now I understand. After the clinic I went back home and then I went to (Redacted)
16 the arrest of Gbagbo. I came back to Abidjan and then I went to the military hospital. So it
17 wasn't at the same time.

18 Q. Can you tell the Chamber whether it was weeks or months after going to the private
19 clinic that you went to the military hospital?

20 MR MACDONALD: Okay. I'll object. I'll object. We're turning, we're turning around
21 the pot right now, your Honour, with this.

22 THE WITNESS: (No interpretation)

23 MR MACDONALD: Just an instant, Monsieur le témoin.

24 The witness -- that has been asked and answered. The witness said, "I don't know." After
25 the arrest of Mr Gbagbo, he cannot give a date. Now, my colleague has receipts. He can

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 use them. I will use them in re-examination for sure now if the Court allows me to re-exam
2 on the topic.

3 PRESIDING JUDGE TARFUSSER: Mr Knoops?

4 MR KNOOPS: Thank you.

5 PRESIDING JUDGE TARFUSSER: No, I mean, have you something to say to what the
6 Prosecutor objects?

7 MR KNOOPS: It's just a question whether the witness can specify, because he said after the
8 arrest of Mr Gbagbo. My question is, is it weeks? Was it months? Just a question whether
9 he can recall.

10 PRESIDING JUDGE TARFUSSER: Yes, but I do understand what the Prosecutor said. If
11 there are the dates there, I don't know why -- he said "well after."

12 MR KNOOPS: Okay.

13 PRESIDING JUDGE TARFUSSER: Well after. What that means, I don't know exactly, but
14 still it's a point in time afterwards. And then we have the documents, so I would say that
15 this should be enough.

16 MR KNOOPS: Okay. Thank you, Mr President. I'll move on.

17 Q. Mr Witness, I'm still with the topic of your stay, pardon, your stay in the hospital in
18 Cocody. Can you recall whether you saw in Cocody any military personnel who was
19 brought in wounded?

20 A. Cocody, that's the CHU. It's for civilians, civilians are treated there. It's different
21 from HMA. So it's not a military hospital, unless you went there in a private capacity. The
22 military hospital is HMA. I did not see any soldiers at the Cocody hospital.

23 Q. Did you hear from anyone whether at your time in Cocody hospital military personnel
24 was treated there?

25 A. When I went to HMA, I saw many soldiers. And myself, I was seated, and the various

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 soldiers came in, and they had their cards. So they had priority. That's the case in that
2 hospital.

3 But at a civilian hospital such as the CHU, I did not see any soldiers.

4 Q. Did you hear, by any chance, whether soldiers of the FDS were wounded during the
5 march of 16 December 2010?

6 A. No, I did not hear anything about that. I was wounded. I was taking care of myself.
7 I didn't hear anyone say that soldiers -- and even when I was on the street, I didn't see any
8 soldiers who were shooting. I did see civilians who were shooting, but I was not a witness to
9 any such a scene in Abidjan.

10 Q. When you're speaking about civilians who were shooting, you're referring to the
11 shooting on 16 December 2010?

12 A. That is what must be confirmed. There were armed civilians who were shooting. So I
13 could tell you if there were civilians, if you wish.

14 Q. You are telling this Chamber that on 16 December 2010, there were civilians shooting; is
15 that correct?

16 A. No, no. You've misunderstood. That's not what I said.

17 THE INTERPRETER: Well, actually, it's a translation mistake says the interpreter. That is
18 not what the witness said.

19 MR MACDONALD: I just want to note for the record.

20 PRESIDING JUDGE TARFUSSER: Now I don't know who said what, if the translation says
21 something or if the witness -- if the translator says something what the witness has said.

22 MR MACDONALD: Your Honour, I think we need to go on record here because -- and the
23 witness -- I heard in the booth, I think everybody heard either in French or in English that
24 there was a translation mistake being acknowledged by the booth.

25 PRESIDING JUDGE TARFUSSER: That's right.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: So when --

2 PRESIDING JUDGE TARFUSSER: That's why I say -- that's why I say that we have to put
3 this straight in any case --

4 MR MACDONALD: Exactly, so --

5 PRESIDING JUDGE TARFUSSER: -- in both languages.

6 MR MACDONALD: -- I think we have no choice but to ask the questions again --

7 PRESIDING JUDGE TARFUSSER: Yes.

8 MR MACDONALD: -- to clarify.

9 PRESIDING JUDGE TARFUSSER: Yes. Please proceed, Mr Knoops --

10 MR KNOOPS: Thank you.

11 PRESIDING JUDGE TARFUSSER: -- in asking again the question because there was some
12 mistake ongoing somewhere.

13 MR KNOOPS: Thank you, Mr President. I have to --

14 PRESIDING JUDGE TARFUSSER: The question is you are telling this Chamber that on the
15 16 December 2010 there were civilians shooting; is that correct?

16 MR KNOOPS: Well, I think that was my deduction from the previous question because that
17 could be leading.

18 Q. My general question was whether, Mr Witness, did you notice civilians?

19 A. That is not what I said. What I saw is what I stated. If I had seen it, I would have said
20 it. I did not see any civilian shoot at anyone.

21 Q. And it's also your evidence that you didn't see that FDS soldiers were shot at; is that
22 correct?

23 A. I did not see any injured FDS person. If I had seen that, I would have said so. But if
24 two parties were in con -- if I had seen it, I would have seen something about it, but I didn't
25 see that. And when there was fighting in Abidjan, I had already left Abidjan. In actual fact,

1 we saw these -- this fighting on the television. I was no longer in Abidjan, but I did not see
2 any civilians shooting at soldiers or other civilians. What I saw was the gendarmes shooting,
3 and I was hit in the leg. I saw the commandos as well. That is what I saw, and that is what
4 I said.

5 Q. Mr Witness, my second question, which I will repeat again just for clarity, you testified
6 you didn't see. My second question, did you hear from anyone before you left Abidjan that
7 FDS soldiers were wounded during the march?

8 A. In our neighbourhood, the neighbourhood where I live, we could not sleep. The BAE
9 came and shot. Their camp is not far from there. Before, when it was nighttime, they
10 would come to shoot at about 10 to 11 in the evening and then they would even come at 6 in
11 the evening. They came and they killed a woman.

12 The BAE, you see, there is the BAE on their clothes. That's how you can tell it's them.
13 They are close to the northern motorway. They are the ones who came and shot at
14 Port-Bouët II. I can confirm that. Because of the problems created by the BAE, that
15 is why I went to (Redacted)

16 MR KNOOPS: Mr President, at this point in time we would like to introduce an exhibit,
17 piece of evidence. I will pause for Mr MacDonald's objection. It's a video we would like to
18 display, CIV-OTP-0061-0549. And it's two portions of a few minutes we would like to
19 display to the witness. And I beg the Court's indulgence when any objection is being raised
20 and discussed that it will be discussed outside the presence of the witness.

21 MR MACDONALD: Can I quickly request a very quick private session of one minute?
22 And if I can get guarantees that we are, indeed, in private session and that we monitor the
23 sound.

24 PRESIDING JUDGE TARFUSSER: Can we go in private session, and please, Mr Witness, can
25 you take off your headphones for this time.

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

- 1 (Private session at 10.19 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 10.24 a.m.)

24 THE COURT OFFICER: (Interpretation) We are in open session.

25 PRESIDING JUDGE TARFUSSER: Thank you, court officer.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 Mr Knoops, please proceed with your questioning of the video.

2 MR KNOOPS: Mr President, I understand from the Chamber that the Court is going to
3 allow the showing of the video.

4 PRESIDING JUDGE TARFUSSER: Yes, of course.

5 MR KNOOPS: Thank you. Then it will be displayed at this very moment.

6 (Playing of the video excerpt)

7 PRESIDING JUDGE TARFUSSER: Before you start the questioning on this, I would just
8 remind all the parties that the parties should provide the material that all the parties are
9 showing to us also with a corresponding translation, so in due course. Thank you.

10 MR MACDONALD: Your Honour, I'm standing up. Can the Defence confirm that they
11 applied redactions proprio motu to the faces on this video because we're verifying, but I think
12 the original does not have redactions, so I'm just verifying this.

13 MR KNOOPS: I think we don't -- we didn't make the redactions ourselves.

14 Can we check this?

15 No. We didn't do so. I think this is the material we received from Prosecution, but
16 we might be wrong. But we didn't change anything in the video, Mr MacDonald.

17 PRESIDING JUDGE TARFUSSER: Mr Knoops, please.

18 MR MACDONALD: Indeed, I can confirm that the original has the faces redacted.

19 MR KNOOPS: Mr President, we intend to show a second portion, but I can ask the first
20 question on the first portion of the clip.

21 PRESIDING JUDGE TARFUSSER: Please do so.

22 MR KNOOPS:

23 Q. Mr Witness, you just watched this video clip, and I noticed that you were laughing
24 during you watching this clip. What is the reason for you to laugh?

25 PRESIDING JUDGE TARFUSSER: Smiling, I would say.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 MR KNOOPS: Smiling, yes.

2 THE WITNESS: (Interpretation) I'm not from Abobo. Ever since I've been here did I ever
3 tell you that I was from Abobo? What happened in Abobo, ask someone from there. I'm
4 from (Redacted). I didn't go to Abobo. I don't know what happened there. What do you
5 expect me to know about what happened there? Ask me a question about -- I did not go to
6 Abobo. I am from (Redacted).

7 What you showed me about Abobo, well, you have to ask someone from Abobo to
8 tell you about that, not me.

9 MR KNOOPS:

10 Q. Mr Witness, did you ever see this clip before?

11 A. I have never seen this video clip before today. This is the very first time that I've seen it.
12 I was not in Abobo, nor did I go to Abobo. As I said to you, the images that I saw are quite
13 different from these.

14 Q. Did you hear, Mr Witness, at the time of the march 2010, December 2010, about the
15 presence of the Forces Nouvelles?

16 A. The Forces Nouvelles? Well, as I said to you, there weren't any soldiers at our march.
17 We were marching with empty hands, and there were no members of the Forces Nouvelles in
18 our midst. I did not see any, and I cannot confirm that fact. The Forces Nouvelles were to
19 be found in their area.

20 MR KNOOPS: We'd like to show now the second portion of this first clip, Mr President.

21 PRESIDING JUDGE TARFUSSER: Yes, Mr Knoops. But I would ask also you to put the
22 time stamps on the excerpts of the records because that would help us later to find it, so on all
23 what you are going to show.

24 MR KNOOPS: Thank you, Mr President.

25 PRESIDING JUDGE TARFUSSER: Thank you.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 MR KNOOPS: Apologies for the inconvenience.

2 Q. So, Mr Witness, we're showing now second portion of the first clip.

3 (Playing of the video excerpt)

4 MR KNOOPS: Thank you, Mr President.

5 Q. Mr Witness, you have just seen the statement of Colonel General Hilaire on this video
6 clip indicating that the FDS was attacked by the Forces Nouvelles on 16 December 2010. Do
7 you have anything to respond to it?

8 MR MACDONALD: Just a second. I think this is wholly inappropriate that the witness has
9 to first -- there is missing -- there are missing questions right now. We're presuming that the
10 witness -- certain things in the question, so I think we need to go back and follow the process
11 with the other video first, and then we can move onto that question.

12 So in other words, there is a lack of foundation at this very moment now, amongst
13 other things.

14 PRESIDING JUDGE TARFUSSER: I have even a problem with a witness, we know who he is,
15 and to respond to a colonel general. I mean, what should -- what should he respond to what
16 a colonel general said in 2010 at the television? Respond in which sense? I can accept
17 questions like: Have you seen this? do you agree on this? have you followed it? or
18 something like this. But to respond saying what?

19 MR KNOOPS: Mr President, can the witness please take off his earphone?

20 PRESIDING JUDGE TARFUSSER: Please, Mr Witness, can you take off your earphone, your
21 headphones. Yes, please.

22 Please, Mr Knoops.

23 MR KNOOPS: Thank you, Mr President. The question is simply whether the witness who
24 just testified that he didn't see any Forces Nouvelles in town can respond to a comment of a
25 general who says there were Forces Nouvelles in town. What is his response to it? I can

1 also rephrase it: Did you see the video before? Do you agree with it? But, in essence, it's
2 the same question.

3 PRESIDING JUDGE TARFUSSER: Excuse me, counsel. You are right, but, I mean, the
4 witness was at a certain point in town. Maybe what was said happened somewhere else.
5 It's not -- I don't think that the witness can say more than what he has seen. Then right or
6 wrong, lie or not a lie, that's our problem to interpret if it's true or not, reliable or not. But
7 what he sees is what is happening around him and not what happens maybe -- Abidjan I
8 think is quite a big place, I would say, so I don't know if he can -- if he can state from his point
9 of view what happened somewhere in town.

10 And also, I mean, it doesn't -- it doesn't impact his credibility or non-credibility the
11 fact that some -- that the general, the colonel general said that somewhere in town
12 something happened; what, he does not know. This is what I think.

13 MR KNOOPS: Mr President, it's just a matter of fairness, I think, to put this video to the
14 witness because it will play a role in Defence case. And I will step over this point.

15 Q. My question then to this witness is simply, Mr Witness, you've just seen this video clip.

16 PRESIDING JUDGE TARFUSSER: Can you put your earphone --

17 MR KNOOPS: Oh. Sorry.

18 PRESIDING JUDGE TARFUSSER: Okay. Sorry for this, but I can't talk with you without
19 your earphones, so --

20 Yours the floor again.

21 MR KNOOPS: Thank you, Mr President. Thank you for the suggestions.

22 Q. Mr Witness, you didn't see this clip before or you did see the clip before?

23 A. Yes. I never saw this video clip before. The material to do with soldiers only concerns
24 them. And if soldiers are fighting, well, that concerns them. I'm here to talk about civilians,
25 whether soldiers killed each other, that's their business. One group came out victorious, but

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 that's their business. Do not put questions to me about soldiers. I'm not a soldier, and I
2 can't tell you anything about it. As to what happened amongst them, well, they might have
3 killed each other, but I can't tell you anything about that.

4 PRESIDING JUDGE TARFUSSER: Mr Witness, you have been asked the following questions:
5 Have you seen before in television or somewhere else this video clip, yes or no? That's the
6 question.

7 THE WITNESS: (Interpretation) No, I have never seen this clip. This is the first time that
8 I am seeing this clip and hearing this statement.

9 PRESIDING JUDGE TARFUSSER: Okay. Mr Knoops.

10 MR KNOOPS: Thank you. Mr President, next very simple question to the witness, I will
11 try to keep it simple with this witness, relates to the clip we were shown yesterday by the
12 team of Mr Gbagbo. So I give Mr MacDonald an opportunity to object if he wishes. It's just
13 a few seconds of that video in which we will display a person and we will ask the witness
14 simply whether he recognizes that person, yes or no.

15 MR MACDONALD: But yesterday he did recognize someone ultimately. So do we need to
16 go back to that?

17 MR KNOOPS: No.

18 MR MACDONALD: It's another person?

19 MR KNOOPS: It's another person, yes.

20 MR MACDONALD: Okay.

21 MR KNOOPS: Should we, for the record, say the number?

22 PRESIDING JUDGE TARFUSSER: Yes, please. It would be helpful.

23 MR KNOOPS: CIV-OTP-0064-0101. And it's minutes 33 seconds 'til 33.27. It's now being
24 displayed.

25 (Playing of the video excerpt)

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 MR KNOOPS:

2 Q. Mr Witness, our case manager just paused here with this picture. My question to you
3 is do you recognize this person?

4 A. I do not know these people. I do not recognize anybody there.

5 PRESIDING JUDGE TARFUSSER: But it's not about anybody. It's about this person. Do
6 you recognize this person with the green beret and in a military uniform? Do you recognize
7 him, yes or no?

8 THE WITNESS: (Interpretation) I said that I do not know this individual. I do not know
9 him.

10 PRESIDING JUDGE TARFUSSER: Yes. But one thing is knowing him and one thing is
11 recognising him, meaning one is knowing him personally and one is knowing who he is. Do
12 you know who he is?

13 THE WITNESS: (Interpretation) I do not know who it is. I do not know who it is.

14 PRESIDING JUDGE TARFUSSER: Okay.

15 MR KNOOPS: Thank you, Mr President, for your assistance.

16 Q. Mr Witness, does the name (Redacted) say anything to you? I hope I
17 pronounced it well.

18 A. Yes. We were told that there was a soldier by the name of (Redacted). I did hear that
19 name, but I do not know him, I did not have any relations with him, and I have never seen
20 him. I do not know who it is, but I did hear his name, (Redacted)

21 Q. Do you know anything about his position?

22 A. No. I am not a soldier. I cannot tell you what position he occupied. I only heard his
23 name. That is all.

24 Q. Were you told, Mr Witness, that this person was in Abidjan during or around the march
25 of 2010?

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 A. Well, I heard his name in Abidjan, that's all. I heard his name in Abidjan. I was told
2 in town that he is an Ivorian. He's an Ivorian, is he not? He is a soldier from Côte d'Ivoire
3 according to what you're saying. I did hear his name. I heard that he is an Ivorian in
4 Abidjan.

5 MR MACDONALD: I think we have to situate the witness in time because of the different
6 roles.

7 The witness has his headphones on, so I will not say any more, but I think we have to
8 be very specific in terms of time.

9 MR KNOOPS: Thank you, Mr MacDonald. That was, indeed, my next question. Yes,
10 thank you.

11 Q. Mr Witness, can you indicate, by any chance, the moment when you heard that this
12 person was in town?

13 A. I heard that this person was in Abidjan well before the vote, well before the vote.

14 Q. Thank you very much. Now I move onto my next subject. Mr Witness, I would like
15 to take you to a moment on which you already gave evidence, namely the moment you were
16 taken by the Red Cross in an ambulance. It is your testimony that you were brought by the
17 Red Cross in an ambulance to the first hospital in Yopougon CHU. Could you first of all,
18 Mr Witness, give a description of the ambulance?

19 A. I noted that there were red lines along the ambulance. As I cannot read, then I cannot
20 say what was written there. But there were people inside the ambulance, and they were
21 African.

22 Q. Can you say something, Mr Witness, about your condition when you were brought in
23 the ambulance? Physically and mentally how did you feel when you were brought in the
24 ambulance?

25 A. I was in a great deal of pain really.

1 Q. I'm sorry to hear this, Mr Witness. I'm sorry to have to ask you these questions, but
2 could you please give a description on the way you were transported? Were you brought on
3 a stretcher? Can you say anything about the details you can remember?

4 A. I don't really recall what I said, but it was a stretcher, and they cut the bottom of my
5 trouser leg away, after which they loaded me into the ambulance and they attached a
6 tourniquet in order to stop the bleeding. They cut off the bottom of my trouser leg, and I
7 was put in the ambulance.

8 Q. Mr Witness, can you remember how you were brought into the ambulance? Was there
9 a specific door you had to go through?

10 A. There were two individuals who put me on the stretcher and loaded me into the vehicle,
11 so each person was holding a side of the stretcher. They opened the rear door of the vehicle.

12 Q. Can you recall whether there were other doors in the ambulance apart from the rear
13 door?

14 A. I didn't pay any attention to this detail. I remember the rear door. The driver was
15 seated in the driver's seat, and I did not pay attention to the existence of any other doors
16 because I was suffering, and I wasn't in a position to note these details.

17 Q. Were you at that time with somebody else in the ambulance?

18 A. When we arrived, they brought another wounded individual who was also bleeding,
19 but he was not in such a serious state as I was, so they brought him into the ambulance in a
20 seated position.

21 Q. So to resume, you were lying on a stretcher in the ambulance and the other person was
22 seated?

23 A. We were two wounded individuals, and we were evacuated at the same time. The
24 other person was able to walk, but I was not, so I had to be transported on a stretcher. And
25 then the two Red Cross employees got into the vehicle and the driver drove away.

1 Q. Mr Witness, when you were inside the ambulance and the ambulance drove away, were
2 you still on the stretcher?

3 A. Yes, I was, until we got to the civilian roadblock, and that is where we stopped.

4 Q. Were you able to move from the stretcher because of your leg?

5 PRESIDING JUDGE TARFUSSER: And to run away, you mean?

6 THE WITNESS: (Interpretation) I was in pain. I was pulling -- you know, the bone had
7 come out. It was an open fracture, and my leg was virtually cut in two.

8 MR KNOOPS:

9 Q. So you were not able to stand up and move away; is that correct?

10 A. No, I was not in a position to do so. I couldn't go anywhere. And in order to move
11 about, I had to pick up my leg and move it backwards.

12 Q. Were you able to speak?

13 A. Yes, I could talk without any difficulty. I could talk, because when we got to the
14 civilian roadblock, they asked us to get out so that we could be killed, and I asked them not to
15 take me out of the ambulance and have me killed. So I could talk, yes, I could talk and I
16 could see what was going on.

17 Q. Can you please tell the Chamber whether there was a point in time before you arrived at
18 the hospital in Yopougon, whether you left the stretcher or did you stay the full road to
19 Yopougon on the stretcher in the ambulance?

20 A. Yes, by virtue of the position of the stretcher in the ambulance, I remained on the
21 stretcher throughout the entire journey, and it was when we got to the hospital that I was
22 taken off it. I was put on the stretcher, and I remained on the stretcher until we got to the
23 hospital, and then I was offloaded once we were at the hospital, I was offloaded on the
24 stretcher.

25 Q. Thank you, Mr Witness. Can you please tell the Chamber whether you were able to

1 see any individual at the barrage you described before in your evidence?

2 A. No, I did not know anybody at the roadblock. But they opened the vehicle and they
3 were threatening us, and they said that they were transporting wounded people. They said
4 that they would -- wanted to kill Dioula people and that they should get us out so that they
5 could kill us. I said that, well, that my bone was already fractured and that I should be
6 handed over to them to be killed, and the Red Cross said, no, it was their job and that I should
7 stay quiet. And I stayed quiet, and that is what happened. Nothing else was said.

8 Q. Thank you, Mr Witness. My question is to you which, which door was opened. You
9 referred to which door of the ambulance was opened at the moment you arrived at the
10 barrage?

11 A. The rear door of the ambulance. It was the rear door of the ambulance by which I had
12 gained access to the ambulance. That is the door that was opened.

13 Q. And can you please tell the Chamber what you saw when this rear door opened?

14 A. When the door was opened, well, I saw the individuals who had opened the door, and
15 they said to the Red Cross people what I told you, they said: Who are -- who is in the
16 ambulance? And the Red Cross people said: Wounded.

17 And they said: Well, they were looking for Dioula people to kill them, that they
18 should be, that they should get out so they could finish them off.

19 And I said: Well, okay. Then just hand me over so that I can be killed.
20 I didn't say anything else.

21 Q. Mr Witness, please, I will ask my questions very simple, and with all due respect, try to
22 answer them as concise as possible. Thank you.

23 My question is: How many people did you see when the rear door was opened?

24 A. When the door was opened, I saw the individual who opened the door and there was
25 somebody standing behind him. And there were other people standing to one side. But

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 you should not forget that I was lying down, I was supine. But what I saw immediately was
2 one individual and one standing behind him. But as to the people standing to one side, I
3 could not see them because I was supine. And I opened my eyes and I saw the individual
4 who had opened the door and there was somebody standing behind him. That is all. That
5 is what I was in a position to see. I could hear voices, but I didn't see anybody else because I
6 couldn't see what was going on on each side.

7 Q. Thank you, Mr Witness. So it's your testimony that you saw one person and one
8 person behind that person?

9 PRESIDING JUDGE TARFUSSER: That's not his testimony.

10 MR KNOOPS: Okay.

11 PRESIDING JUDGE TARFUSSER: His testimony was what it was and that's it.

12 MR KNOOPS: Right.

13 Q. Can you give a description of the person who you saw at the rear door?

14 A. They had pasted something on their face, on their faces. They had put some black
15 substance on their faces, and it was impossible to ascertain what it was.

16 Q. Were you able to recognize a face?

17 A. No, I did not recognize these individuals. They were not individuals that I knew.

18 PRESIDING JUDGE TARFUSSER: I think I must interrupt.

19 MR KNOOPS: Yes.

20 PRESIDING JUDGE TARFUSSER: Because we are over time, well, in one minute we have
21 reached one and a half hours.

22 MR KNOOPS: Maybe president I need maybe two, three minutes to conclude this part
23 because it is very --

24 PRESIDING JUDGE TARFUSSER: Yes, until 06 we can go.

25 MR KNOOPS: Thank you very much, Mr President, thank you.

1 Q. Can you recall anything else you did see when the rear doors were opened except for
2 the persons you saw?

3 A. There was some noise. People were speaking. The Red Cross people had got out of
4 the ambulance in order to talk to them for quite some time. And then the people allowed us
5 through. I did not hear anything further. I was lying down. And if I told you that I knew
6 or saw what was going on outside, I would be lying.

7 What I could see from my supine position on the stretcher is what I told you. We
8 could hear some noise outside, but I couldn't tell you precisely what was being said.

9 Q. Thank you. My last question before the break is the following: Mr Witness, in your
10 statement you gave to the Office of the Prosecution in paragraph 88, you say the following:
11 (Interpretation) "The people from the Red Cross stopped the vehicle. And one of the
12 young people at the roadblock opened the driver's door to one side and asked us where we
13 were going." End of quote.

14 So in this statement you gave to the Office of the Prosecution, you say that the door of
15 the driver was opened by a person while your testimony today is that you're telling
16 the Court that the rear doors were opened. What is your response to this?

17 A. Yes, I told you that they opened the rear door of the ambulance. They also opened the
18 side door, the driver's door. There was a roadblock, so they opened the driver's door to the
19 side, and those who opened the rear door to the ambulance wanted to ascertain what was
20 inside.

21 To say that I saw a young person or an adult, no. I said that the people who opened
22 the door, I saw them. That is what I remember having said only too well when I
23 made my first statement.

24 MR KNOOPS: Thank you, Mr President. I ask the Court to continue with a few questions
25 after the break I need probably after the break, I think maximum 35, 40 minutes, 45 maximum

1 to conclude my part, and then Mr Gbournon will take over for the last subject which wasn't
2 touched upon from the perspective we have in mind, Mr President.

3 PRESIDING JUDGE TARFUSSER: Thank you. And I can assure you that with a broken leg
4 you don't go very far, because I've broken it six times, so I do know what happens. So you
5 don't -- one doesn't run away. This was just a joke. Thank you.

6 11.45. The hearing is adjourned.

7 THE COURT USHER: All rise.

8 (Recess taken at 11.08 a.m.)

9 (Upon resuming in open session at 11.43 a.m.)

10 THE COURT USHER: All rise.

11 Please be seated.

12 PRESIDING JUDGE TARFUSSER: Good morning again.

13 I give immediately the floor again to the Defence of Mr Blé Goudé. And I really, as we said
14 yesterday, I hope that we finish in the morning hours, please.

15 MR KNOOPS: Thank you, Mr President.

16 Q. Mr Witness, good morning. Let me just briefly take you back.

17 A. (No interpretation)

18 Q. Let me just briefly take you back to the issue with the ambulance.

19 Just before the break you testified the following, it's on page 36, yeah, line 12 till 15:

20 (Interpretation) "I was lying down. If I tell you that I saw what happened outside it would
21 be a lie. I am saying what I heard. I heard noise from outside, but I am not in a position to
22 tell you precisely what the people were saying."

23 Mr Witness, you recall saying this before the break?

24 A. I did say that, but I heard what the person, who opened the rear door, said, but on the
25 other hand I didn't hear what the others were saying.

1 Q. In your statement in paragraph 87 - your Honours, I'll read out the paragraph - you
2 have told the Prosecution the following:

3 (Interpretation) "On the road to the CHU of Yopougon, we were stopped at a roadblock
4 manned by civilians. The road was blocked using large logs of wood, and there were young
5 people in civilian clothing or in camouflage dress who were in control of those crossing that
6 roadblock."

7 So actually, Mr Witness, you were not able to see the barrage you described to the
8 Prosecution; is that correct?

9 A. The ambulance took us to the roadblock. I asked and I was told that we were at a
10 civilian roadblock. They came and opened the door. There was someone wearing a T-shirt
11 and a camouflage pair of trousers. I was not able to see those who were by the roadside. I
12 was inside the vehicle and I was informed that we were at a roadblock.

13 Q. So, Mr Witness, is your testimony today to this Chamber that you did not see the
14 roadblock yourself, but you heard about the roadblock; is that correct?

15 A. As you know, I had a fractured leg. I was inside the ambulance. And when the door
16 was opened I saw the person. But I did not need to know where the others were. I was
17 simply told that it was a roadblock. That is the truth.

18 Q. So my question to you is, and please answer with yes or no, you did not see the
19 roadblock yourself; is that correct?

20 A. I was at the back of the ambulance. I did not see the roadblock, but the vehicle stopped
21 at a roadblock.

22 Q. So when you told the Prosecution in your statement that:

23 (Interpretation) "Blocked by big logs of wood and young people in civilian dress"

24 (Overlapping speakers) --

25 This was told by you and was not seen by you; is that correct?

1 A. That is quite normal because the members of the Red Cross told me that we were at a
2 roadblock and there were tree branches there which had to be moved aside to allow us to go
3 through.

4 Q. Thank you very much, Mr Witness.

5 I move on to my next topic, Mr President.

6 Mr Witness, I now take you, Mr Witness, to the hospital in Cocody. When you were
7 in that hospital it is your evidence that the treatment was refused; is that correct?

8 A. Yes, indeed, because when the doctors were called they took time to come. And
9 sometimes they didn't even come.

10 Q. At any point in time did you speak to one of the doctors asking for treatment?

11 A. The doctors were passing by. I called one of them and asked him about my situation.
12 And someone told me that the person supposed to consult us was not yet there. And I asked
13 another person, and I was told that the surgery was dirty and it had to be cleaned. So we
14 spent the night there, and they didn't come. And the next day, they never came either.
15 Another doctor talked to me and I realised that what had been said at the CHU in Yopougon
16 was exactly the same thing that I heard at the Cocody CHU, and that is why I had to go
17 elsewhere to avoid my injury getting worse.

18 Q. Mr Witness, just for my understanding, when you were in the hospital in Cocody,
19 somebody told you that the surgery had to be cleaned; is that a correct understanding of your
20 evidence?

21 A. The tables in the surgery room were dirty and they had to be cleaned. But it was not
22 true, because nothing happened subsequently.

23 Q. And who told you as you can remember it, of course, who told you that the surgery
24 room had to be cleaned?

25 A. I do not know that person, but he was wearing a doctor's dress.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 Q. You say that this wasn't true. How did you know that it wasn't true in your view?

2 A. If they had treated me, I would have believed them. But I arrived in the afternoon, I
3 spent the whole night there up till the next morning. The doctors that I talked to, all of them
4 gave me their various versions. So that confirmed what I had heard in the Yopougon CHU.
5 They did not give me any injection or even drips. There was no longer any, so I removed the
6 needle. So I understood that they did not want to treat me.

7 Q. Mr Witness, for your own benefit, we're speaking about Cocody, not about Yopougon.
8 You testified that you were well treated in Yopougon. I'm asking you now about
9 Cocody, all right? Or is it your evidence --

10 A. I'm talking about Cocody. I was not treated at the Cocody CHU. Someone said that
11 the operating room was dirty. And someone else told me when I asked about consultation
12 that the person supposed to consult us was not there. And someone else came and told me
13 that they had received instructions asking them not to treat the injured persons.

14 Q. Before I continue, Mr Witness, do I understand your evidence today that in Yopougon
15 needles were extracted from your body?

16 A. No, I'm not talking about Yopougon. You asked me questions about Cocody CHU. I
17 told you that the drip was finished, and there was a needle, I removed the needle. And then
18 I asked to be discharged.

19 I am no longer talking about Yopougon. I was talking about the Cocody CHU. And it is
20 from there that I went to the clinic. They did what they could do at Yopougon.

21 Q. Thank you, Mr President -- Mr Witness, sorry.

22 Mr Witness, did the day -- the morning after your arrival at Cocody, you say "there
23 was a problem with the surgery, but I didn't believe this." I am now speaking about
24 the morning after your arrival in Cocody hospital. Did --

25 A. (No interpretation)

1 Q. Did anyone say to you of the Cocody hospital that the surgery room was cleaned and
2 that you were -- that they were willing to treat you?

3 A. I believe that you have not understood me correctly. I told you that I arrived at
4 Cocody CHU in the evening. I spent the night there during which I received no treatment,
5 because in Yopougon, we were told that we would receive no treatment. And whenever I
6 saw somebody medical walking by, I asked for treatment. And I called certain individuals
7 and was told that those people who were due to take care of us were not present. And
8 somebody said that the surgery room and the operating table were dirty.
9 So I didn't lose courage. And whenever I saw somebody from the medical facility, I
10 called them. The drip was finished, and I took the needle out. I remained in such a
11 state until the morning and nobody took care of me throughout the entire night.
12 And somebody said to me that if I didn't go somewhere else, I would die. And then
13 a young gentleman came with a car. We asked for some paperwork, and this caused
14 a bit of disturbance. And then we left.
15 I hope you have understood me correctly on this occasion.

16 Q. Thank you very much for the clarification. I understand your evidence more accurate.
17 Mr Witness, just one question. We're speaking of this very morning before you left
18 Cocody hospital. Can you remember if anyone told you that the surgery room was
19 cleaned and that one was willing to treat you?

20 A. Nobody told me something like that. In fact, I didn't believe anything was going to
21 happen anymore. I spent the entire night without being given any injections. I was
22 exhausted. And somebody told me that if I stayed there, I would die. Nobody told me
23 anything like that. And even if they had told me something like that, I wouldn't have
24 believed them. Had they taken care of me during the night by giving me even an injection,
25 then I would have understood that they were going to treat me in some way.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 Q. Can you remember whether it was one of the doctors who told you that when you
2 would stay you would die there?

3 A. Yes, he was wearing a medical coat, and I said, "Please examine me" and he said, "No.
4 The operating table is dirty."

5 But somebody told me that he wasn't going to treat me or they weren't going to treat
6 me. So I believed what I was told and that is what happened.

7 When a patient arrived, somebody from the medical facility should examine them. Even if
8 they are not going to treat you, they should examine you, but that did not occur.

9 MR KNOOPS: Mr President, I will read out paragraph 112 of the witness statement to the
10 Office of the Prosecution. That's CIV-OTP-0073-1043, paragraph 112.

11 Q. Mr Witness, I read out a portion of your statement you gave to the Office of the
12 Prosecution?

13 PRESIDING JUDGE TARFUSSER: Last year.

14 MR KNOOPS: Yes, yes.

15 PRESIDING JUDGE TARFUSSER: Yes, but just to tell him.

16 MR KNOOPS: Yes.

17 PRESIDING JUDGE TARFUSSER: Otherwise it --

18 MR KNOOPS: Last year.

19 PRESIDING JUDGE TARFUSSER: -- could be last week.

20 MR KNOOPS: Yes, you're right.

21 Q. I ask you to listen carefully to it and I'll come back with a question. (Interpretation)

22 Quote, "At the time that I left the Cocody CHU, I insisted, asking to be provided with a
23 discharge form, but the personnel or staff refused. They said that they could not discharge
24 me in such a state and that they would provide me with treatment." End of quote.

25 (Speaks English) So, Mr Witness, in the statement you gave last year to the Office of

1 the Prosecution, you did say that the people in the Cocody hospital were willing to
2 treat you when you indicated to leave the hospital. Can you recall giving this
3 statement to the Office of the Prosecution?

4 A. Yes. What I can tell you is that that is not what I said. Look at the statement carefully.
5 You wrote this down. And I was reread my statement when I came here, and what you've
6 just said is not -- does not refer to the contents of said statement.

7 Q. So, Mr Witness, you're now telling the Chamber that you did not say to the Prosecution
8 that the hospital in Cocody was willing to treat you when you indicated to leave?

9 A. No, that is not what I said. That is not what is contained in the statement. My
10 statement was reread to me when I arrived here, and what you are saying does not
11 correspond to the contents of the statement.

12 Q. Mr Witness, you just told the Chamber about a problem within the Cocody hospital that
13 the surgery room had to be cleaned. Can you recall that you ever said this before in your
14 statement?

15 A. You should not forget that I had gone there to receive treatment, and those who were
16 supposed to provide me with treatment did not do so.

17 As to whether any of that had anything to do with the operating table, well,
18 somebody from the medical facility said that they would not treat me and that they
19 had received instructions at Cocody CHU not to treat me and that if I remained there,
20 I would die. But, of course, when you're told that, then you start to think, do you not?
21 There were five of us. One of them who had received a wound on his hand left.
22 However, three people died when I was there. They died in front of me. One of
23 them died and I was given his bed and the two others died in the same room. That's
24 what I said. I didn't say anything different.

25 Q. Mr Witness, if I would say to you that your evidence today as to the cleaning of the

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 surgery room is the first time you mentioned this, you didn't mention this in your statement
2 to the Office of the Prosecution, what is your response to this observation?

3 A. I believe I did say it. Maybe they did not write it down, but I did say it. I said that
4 what I saw is what I said and what happened to me is what I reported. This is maybe a time
5 back and it may be that the person who noted down didn't write it down, but I did say it.

6 Q. Mr Witness, did you discuss with anyone before coming to this Court the situation at
7 that time in the Cocody hospital?

8 MR MACDONALD: I'm sorry, situation? What's the situation at the Cocody hospital?

9 PRESIDING JUDGE TARFUSSER: Yes. First of all, I would ask before coming to this Court,
10 when, the last five years until the 2nd or the 3rd of February or in the immediacy, in the
11 immediacy of coming to the Court, I mean the days before? And then --

12 MR KNOOPS: Yes.

13 PRESIDING JUDGE TARFUSSER: -- the situation. Thank you.

14 MR KNOOPS: You're correct and also Mr MacDonald. Apologies. Yes.

15 Q. Mr Witness, you can recall you gave a statement to the Prosecution last year. After you
16 gave this statement to the Prosecution and coming to this Court, did you discuss the situation
17 we just described in the Cocody hospital where you now say there was a problem with the
18 cleaning of the surgery room, did you discuss this element with anyone?

19 A. I made the statement to the Office of The Prosecutor. I spoke, somebody wrote things
20 down, but it might have been that things were not written down as they had been said. But I
21 did talk about the fact that the surgery room was dirty. Maybe the person writing things
22 down made a mistake. But to say that I did not say it, well, I did say that the surgery room
23 was dirty. I said so.

24 PRESIDING JUDGE TARFUSSER: Mr Witness, this was not the question.

25 If I may, Mr Knoops.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 This was not the question. The question was: Did you speak about this, about the
2 situation you found at the Cocody hospital with somebody else in the time between
3 the statement you gave to the Prosecutor and coming here to the Court in this more or
4 less one year?

5 THE WITNESS: (Interpretation) No. When people came to visit me at home, I talked to
6 them and said that I had not been treated there, that even when the RDR people came, I told
7 them that I had not received treatment there.

8 I spoke to a lot of people. I said that I had gone to the CHU in Cocody and that they
9 had refused to treat me, and that is why I went to the private treatment facility and
10 spent my own money. So I told all those people who came to see me what I had
11 done, except the Office of The Prosecutor, that is.

12 PRESIDING JUDGE TARFUSSER: Okay.

13 MR KNOOPS: Thank you, Mr President, for your assistance.

14 PRESIDING JUDGE TARFUSSER: Thank you.

15 MR KNOOPS: Thank you very much. My last question deals with an exhibit we intend to
16 show. And I already informed Mr MacDonald that I will give him, of course, the floor to
17 make objections. And I think in light of what happened Friday, maybe it would be fair to
18 show this picture in private session, just for the sake of the person I would like to display on
19 this photo. I would have no problem with showing this picture in public because it's to be
20 found on a website. But in light of what happened Friday, I think it is fair to that person to
21 show that picture in private or, well, closed session -- well, maybe also closed session, because
22 a name will be mentioned as well.

23 PRESIDING JUDGE TARFUSSER: Of course, in this case closed session, of course, but in the
24 private, I would say, if we go in private.

25 But the other parties?

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1 MR MACDONALD: Sorry. In private session would be fine. And I prefer to address the
2 issue in private session.

3 PRESIDING JUDGE TARFUSSER: Yes. But private session means that everybody can hear
4 but not see. So if we show something --

5 MR MACDONALD: The other way around then.

6 PRESIDING JUDGE TARFUSSER: Okay, okay. Yes. Well, we shouldn't make the mistake
7 again.

8 MR MACDONALD: It all depends. No. Theoretically people can see, they cannot hear.

9 PRESIDING JUDGE TARFUSSER: Yes.

10 MR MACDONALD: And I think the picture and looking at the gallery, I don't think if we
11 put our computer screens sideways and the distance it should be -- and the light of the picture,
12 it should be fine.

13 PRESIDING JUDGE TARFUSSER: Okay. Then private session, please.

14 MR KNOOPS: I will first mention the document number, Mr President. It's
15 CIV-D25-0003-0005.

16 PRESIDING JUDGE TARFUSSER: Mr MacDonald, do you want it make some observations
17 on this? Sorry.

18 (Private session at 12.19 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0547

(Private Session)

ICC-02/11-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Open session at 12.34 p.m.)
- 24 THE COURT OFFICER: (Interpretation) We are in open session, your Honour.
- 25 PRESIDING JUDGE TARFUSSER: Thank you very much.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 The floor is to the Defence of Mr Blé Goudé.

2 MR GBOUGNON: (Interpretation) Thank you, Mr President.

3 EXAMINED BY MR GBOUGNON: (Interpretation)

4 Q. Good morning, Mr Witness.

5 A. Good morning.

6 Q. I think that the witness knows me quite well.

7 A. Yes. I saw you in Abidjan. But we are not very familiar with each other.

8 Q. Thank you. Before moving on to the crux of the matter, I have a question that I have
9 had in mind. And in paragraph 91 of his statement, that is page 71, CIV-OTP-0073-1041, and
10 he states as follows: "I do not know where precisely the roadblock was located, but I know
11 that we were still in Cocody."

12 And I suppose the Prosecutor had asked him where the location was, but I would like
13 the witness to tell us now how he knew precisely that he was still in Cocody?

14 A. I was injured in Cocody. The vehicle took off very fast, and we arrived at the
15 roadblock. I asked what was happening, and they told me that it was a roadblock. And the
16 door was opened. This means we were still in Cocody. I remember very well having said
17 that.

18 Q. Mr Witness, let me repeat my question. How was it possible for you to know that you
19 were precisely still in Cocody? You have told us that you do not know Cocody, and you
20 were injured. So how were you certain that you were still in Cocody at that time?

21 A. I have told you that the car -- the vehicle started and stopped without going very far.
22 And I asked what was happening, and I was told it was a civilian roadblock. After that they
23 opened the door. So it is possible to know that we had not gone very far.
24 I asked them what was happening, and they told me that it was a civilian roadblock.
25 They opened the door for us to disembark and be killed.

1 If the vehicle had covered a certain distance, a long distance, we would have
2 understood that we were far away. So this is the reason why I said we were still in
3 Cocody. We need to be able to observe.

4 Q. Did anyone in the ambulance tell you that you were still in Cocody?

5 A. I have told you that I asked the Red Cross people who were with me, and they told us
6 that we were at a civilian roadblock, and at the same time they opened the door. That is
7 what happened. But I knew that we were still in Cocody, even if no one told me about it. I
8 was certain of that because we had not gone very far.

9 Q. Thank you, Mr Witness. We are going to come back to your trip, the distance you
10 covered on that morning of the 16th. When you left the house at 7, 8 o'clock in the morning,
11 what was your destination? Where did you believe you were going to?

12 A. When I left my home, I went to the (Redacted) for my breakfast,
13 and we were going to show Laurent Gbagbo that we had not voted him. That was my
14 purpose going to Adjamé.

15 Q. You did not answer my question. When you left your home, where precisely were you
16 going?

17 I'm sorry, wait for me to complete my question. When you left Port-Bouët II, what
18 was your destination? Where were you going to?

19 A. Very well. You are an Ivorian, so you know Port-Bouët II. I (Redacted)
20 (Redacted). Then there is another (Redacted). I sat down there
21 near the coffee shop at around 9 a.m., and then I boarded a gbaka at 9 a.m.

22 Q. Mr Witness, let us understand each other. According to you you were going to an RDR
23 march. When you left your house in the morning, were you going to Cocody? What was
24 your purpose? What was your final destination?

25 A. The purpose was to reach RTI. We left Port-Bouët II with the intention of going to the

1 RDR. It was not a march for the RDR only. There was the RHDP also. That was the
2 situation.

3 Q. Very well. When you left the house in Port-Bouët II, you were heading for the RTI, is
4 that correct?

5 A. I did not leave with the intention of going to the headquarters of the RDR in Cocody. I
6 took a road that was actually passing through that headquarters where I met many people.
7 But my intention was not to go to the RDR headquarters.

8 Q. Let me repeat. You have said that your intention was to go to the RTI. So when you
9 left your house, your initial intention was to go to the RTI building in Cocody; is that correct?

10 A. I left Port-Bouët II with the intention of going to the RTI; and I went to an intersection
11 taking me to the RDR headquarters. But that had not been my intention. I found other
12 militants there, and we assembled there. And when you see a crowd, you simply have to
13 join that crowd, that is all.

14 Q. So to summarise, when you left Port-Bouët II, you were heading for the RTI, but you
15 ended up at the RDR headquarters; is that correct?

16 A. Yes, indeed. I took a road and I found myself at the RDR headquarters. When I
17 reached Cocody, I took the paved road and I arrived directly at the RDR headquarters. That
18 is what happened.

19 MR GBOUGNON: (Interpretation) Your Honour, I would like to show a map which was
20 drawn on the basis of the witness's statement.

21 PRESIDING JUDGE TARFUSSER: Mr MacDonald.

22 MR MACDONALD: Can we have the witness not see this map to begin with?

23 PRESIDING JUDGE TARFUSSER: Of course. That depends on the court officer. So just
24 switch the witness out of the screen.

25 MR MACDONALD: Maybe while we're at it he can remove the headphones.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: Remove the headphones, Mr Witness.

2 (Witness complying)

3 MR MACDONALD: Now, your Honour, we're about to use a map with the witness. We
4 don't know if he can use maps, if he can see maps, if he's able. We're putting also a trajet on
5 this map indicating roads or streets he would have taken. So we need to make sure that it
6 comes from him in terms of the information and not -- he should be making this drawing.
7 We can suggest certain things, but we need to ascertain first and foremost if he's able to
8 manipulate the documents that will be shown to him.

9 PRESIDING JUDGE TARFUSSER: From what I have witnessed now in the last days, I'm
10 quite sure he's not. So I think it's -- I no really understand the importance of this, because
11 obviously it should come from him, the indication from where to where he went. But if he's
12 not able to read, but that's what we will see, of course.

13 MR GBOUGNON: (Interpretation) Your Honour, this map was drawn on the basis of the
14 witness's statement. He mentioned main roads and locations that he mentioned. But there
15 are streets and buildings that he mentioned in the statement, and we believe that he is in a
16 position to recognize the locations that he mentioned.

17 PRESIDING JUDGE TARFUSSER: Well, I just said that we have to see if he is in this position.
18 I don't know. But show it to him and he will tell us.

19 MR GBOUGNON: (Interpretation) I'm sorry, your Honour, I did not quite catch what you
20 said.

21 PRESIDING JUDGE TARFUSSER: I just said you show the map to him, to the witness, and
22 then we'll see what the reaction will be.

23 MR GBOUGNON: (Interpretation) Your Honour, is it possible for me to begin by reading
24 his statement so as to refresh his memory on the locations?

25 PRESIDING JUDGE TARFUSSER: Yes, but I think the first thing is can you read, the first

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 question would be, can you -- what are you seeing and can you read it? And then go into the
2 details.

3 MR GBOUGNON: (Interpretation)

4 Q. Mr Witness, you have in front of you on the screen a map of Abidjan. Can you see
5 that?

6 A. I am not able to read what is written on that map.

7 Q. You are a driver, aren't you?

8 A. Yes, I am a driver by trade.

9 Q. But if I show you the streets and the buildings, can that refresh your memory?

10 A. I have told you that the only road that I knew going to Cocody and which made it
11 possible for me to go there, you pass by the school, then there is the Pizam intersection. But I
12 do not know the other parts. I didn't frequently go to Cocody. But after the pedestrian
13 bridge, I can show you the road that I used, but I cannot do it using this map because I cannot
14 read.

15 MR GBOUGNON: (Interpretation) Thank you, your Honour. I will continue with the
16 witness's statement to the OTP.

17 Q. In paragraph 47 of your statement to the Prosecutor, CIV-OTP-0073-1035, you state: "I
18 was walking towards Cocody, because that is where the RTI -- RTI is located. I took the road
19 of the 220 area, and that is where there was the paved road, not far away from the offices of
20 Fraternité Matin. That is when I entered Cocody," is that correct?

21 A. Yes. I took the pedestrian bridge to reach Cocody.

22 Q. There is no pedestrian bridge indicated there.

23 A. I mentioned a pedestrian bridge in my statement, and it is that bridge that I took.

24 Q. Do you mean that from the pedestrian bridge you are able to see the Fraternité Matin
25 building?

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 A. I did not talk of the Fraternité Matin building when I was on the bridge. I heard
2 gunfire and tear gas canisters being thrown. I was going towards Adjamé, and there was
3 smoke all over. I saw policemen wearing black uniforms. I did not say that I saw the
4 Fraternité Matin building while on the bridge.

5 MR MACDONALD: (Interpretation) Objection, Mr Witness, objection.

6 That's not what the witness said in his testimony.

7 MR N'DRY: (Interpretation) That is what the witness said in his statement.

8 Can the witness take off his headphones before Mr MacDonald makes his objection?

9 PRESIDING JUDGE TARFUSSER: I think the floor is to you and not to your colleague,
10 because we can't talk altogether. That's what I ask, is if we refer to something, we have to
11 quote it, to find the place, to state it and to quote it, otherwise we are talking about nothing.
12 So please just quote, make the quotation from where you are, make the quotation from where
13 so it goes to the record, and then we have no objection.

14 MR GBOUGNON: (Interpretation) Mr President, I believe I said it, I said page 11 of
15 CIV-OTP-0073-1036, paragraph 47.

16 Q. "Once I arrived Adjamé, I started walking towards Cocody, because that is where the
17 RTI is located. I took the 220 road. Then I crossed the road not far away from the Fraternité
18 Matin newspaper, and then I entered into Cocody."

19 Is that understood now, Mr MacDonald?

20 MR MACDONALD: You're not going to start this in this courtroom. I mean, we're being
21 respectful.

22 PRESIDING JUDGE TARFUSSER: No, no. But the problem is that you said that he has
23 seen the building of the Fraternité Matin. It was a matter of seeing it, not mentioning it, as
24 far as I understood.

25 MR GBOUGNON: (Interpretation) Mr President, my question was whether from the

1 pedestrian bridge he could see the Fraternité Matin building. He said he had never
2 mentioned Fraternité Matin, and that is why I read his statement.

3 MR MACDONALD: (Interpretation) And after that you asked him the question. You
4 said he had never told the OTP that he saw the Fraternité Matin building. That was the
5 question I simply wanted the clarification.

6 PRESIDING JUDGE TARFUSSER: Can we just interrupt this discussion. Put the question,
7 a clear question to the -- straightforward question to the witness.
8 No, please.

9 MR O'SHEA: I'm not joining in the discussion, your Honours.

10 PRESIDING JUDGE TARFUSSER: Okay.

11 MR O'SHEA: It's a procedural point. I just wanted to draw your Honour's attention to the
12 fact that this witness does understand French, and so removing the headphones does not cure
13 that particular problem. So if we can please be aware of that.

14 PRESIDING JUDGE TARFUSSER: Of course.

15 Counsel, I invite you to put a straightforward question, short, so he gives a short
16 answer so we don't have all these debates on what he has said and what he has not
17 said. Please go ahead.

18 MR GBOUGNON: (Interpretation) Much obliged, your Honour.

19 Q. I will read out a quote to the witness. The transcript of 3 February 2016, page 21, line 7,
20 lines 7 to 13: "When I arrived behind the Liberté cinema hall, I heard noises behind me.
21 And then I took the direction of Fraternité Matin. I heard noises behind me, and I hurried up
22 towards the pedestrian bridge. I looked behind me and I heard explosions of tear gas
23 canisters and the policemen dressed in black uniforms, that is the CRS."

24 Now I repeat my question: When you heard the noises, were you at the level of the
25 Fraternité Matin building or on the pedestrian bridge?

1 A. That was not what I said. I said that I arrived in front of the Liberté cinema hall. And
2 when you look towards Plateau, the reference point, the landmark there is Fraternité Matin.
3 I heard the noises and I took the pedestrian bridge. But I did not go to the Fraternité Matin
4 building. I did not go towards that direction. You have to say what I said. I cannot talk
5 about something that I did not see.

6 Q. Thank you, Mr Witness. Now, you were on the pedestrian bridge. When you left that
7 bridge, where did you go to?

8 A. When I was on the pedestrian bridge, I heard the explosions, and I observed that there
9 was smoke. I saw uniformed officers and then I went on my way.

10 Q. Mr Witness, that is why we are trying to determine exactly where you were. You
11 crossed the pedestrian bridge, but from that bridge, where did you go exactly? What were
12 you able to see around you in the immediate vicinity of that bridge?

13 A. I cannot say anything specific. I did not pay any attention to the environment. I took
14 the road that I wanted to use. I did not observe anything in particular. I was simply
15 looking for the road to go to the RTI.

16 Q. Yes. You wanted to go to the RTI. What is the road that you used to go to the RTI?

17 A. I was looking for a road to enter Cocody. There is no paved road there. But after the
18 pedestrian bridge, there is a pedestrian path. And there were young people there. And one
19 had to use that road to enter Cocody. So I cannot identify any landmark that I saw there.

20 Q. Thank you, Mr Witness.

21 You said that we live in Abidjan, the two of us, we will understand ourselves. You
22 have just said when you come down from the pedestrian bridge there is no paved
23 road; is that correct?

24 A. Yes. When you come down from the pedestrian bridge, there is no paved road. There
25 is no paved road that one can take directly. When you come down from the pedestrian

1 bridge, there are little pathways that you can take in order to go to Cocody. I did not say
2 that there was no paved roads in Cocody, no. I was talking just about the road or the path
3 that I took. I said quite simply that I went that way.

4 Q. Thank you very much, Mr Witness. I entirely agree with you, Mr Witness, except that
5 yesterday, and I'm going to read from the transcript of 8 February, page 43, line 9, quote, "I
6 told you that I went via the pedestrian way. And then I came across a paved road. I came
7 across a paved road that goes directly to the RDR headquarters." End of quote.

8 And this is why I said to you that we know each other well. And what were you
9 talking about precisely yesterday, because we both know that pathways and paved
10 roadways are different things.

11 A. Yes. I said to you -- well, did I say to you yesterday that when I came down from the
12 pedestrian bridge I found a paved road immediately? No, that's not what I said, and that is
13 not what is contained in the statement. It is not what I said. I did not say that immediately
14 coming down from that pedestrian bridge there was a paved road.

15 I said that when I came down from the bridge way, I came down and I walked a
16 while in order to get to a paved road. I walked straight ahead and managed to reach
17 a paved road. And I used that way and I saw the cargo. I did not say that
18 immediately after the pedestrian bridge there was a paved roadway. So you should
19 not put words in my mouth.

20 Q. Thank you. I was just reading to you the transcript.

21 Mr Witness, do you know about the Lycée Technique in Cocody, do you know it?

22 A. No, I do not know it. Maybe if going by in a vehicle I would be able to recognize it, but
23 as to saying that I went there, no. I said that I would offload diesel at the Pizam. You go
24 past the Italian embassy and then you reach the Pizam. Well, that's what I know in Cocody.
25 I don't really know any other locations.

1 Q. I thank you, Mr Witness. I did say that we were going to get on. I'm going to read a
2 little bit from your transcript yesterday where you did talk about the Pizam. On page 42 of
3 the transcript dated 8 February 2016, you said, quote, "I am not from Cocody. Well, yes, I do
4 know how to go, which way to go, because there is a road that goes past the Pizam, because
5 there is a road that goes past the Pizam." End of quote.

6 And my question is as follows: When you come down from the pedestrian bridge,
7 you said that there was no paved road. How do you go past the Pizam before
8 coming back to the road in front of the RDR?

9 A. Once one has come down from the pedestrian bridge, I told you that there was a
10 pathway, and I took one of those pathways in order to reach the paved roadway. And when
11 I reached the paved roadway, I followed it and it came to the RDR headquarters. This is one
12 and the same road that goes to the Pizam, and it's the same road that goes to the RDR
13 headquarters, but I was not aware of that fact.
14 So I took that road past the Pizam and then I noticed that that very same road went to
15 the RDR headquarters. This was the same road that I would use when going to the
16 Pizam with my heavy goods vehicle.

17 Q. Mr Witness, you have just said and you provided us with a description, and we both
18 know this, you said that when you go past the Italian embassy, you will agree with me that
19 this is located behind the RDR headquarters before we move on?

20 A. No, it is not behind it. The Italian embassy is located next or close to the Pizam. You
21 go past it and then you reach the Pizam. And before going down, before coming into the
22 Pizam, you also have the Moroccan embassy.

23 Q. Where is the Pizam in comparison to the RDR headquarters? Is it before or in front of
24 or behind the Pizam?

25 A. The RDR headquarters is here. You drive past the Pizam and it is a little further afield.

1 I had told you that I am not from Cocody. And it was on foot that I reached the RDR
2 headquarters. I cannot describe the location specifically. I have not been back there since I
3 was wounded. So do not put words in my mouth.

4 Q. And on that day you went past the Italian embassy, did you, on the day of the march of
5 16 December?

6 A. Wait. I showed to you that the location that I know in Cocody -- well, that's why I
7 talked to you about the Italian embassy. This is why I was talking about the Pizam. I did
8 not talk about the Italian embassy in my statement, however. I said that to you now.
9 But as you are asking me whether I know anything about Cocody, that's why I talked
10 to you about the Italian embassy. I was using it as a landmark. But I did not talk
11 about those locations in my statement.

12 Q. Did you go past the Italian embassy on your way to the RDR headquarters?

13 A. The paved road that I used to go to the RDR is the one that goes straight ahead. But
14 from the crossroads that you then go onto the Pizam to -- sorry, to the Italian embassy and the
15 RDR headquarters.

16 MR GBOUGNON: I thank you, Mr President. I have no further questions for this witness.

17 PRESIDING JUDGE TARFUSSER: Thank you very much.

18 Now we have the re-examination by the Office of The Prosecutor, and I first ask you
19 how long it will take you?

20 MR MACDONALD: I will need 2 minutes, your Honour.

21 PRESIDING JUDGE TARFUSSER: Okay. So that can be managed with.

22 MR MACDONALD: I hope 2 minutes.

23 PRESIDING JUDGE TARFUSSER: Yes.

24 RE-EXAMINATION BY MR MACDONALD:

25 Q. (Interpretation) Maître Knoops put a number of questions to you earlier this morning

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 on the subject of your visit to the HMA, the military hospital in Abidjan. And you made
2 mention of the fact that you received treatment in this location; is that correct?

3 A. I did not understand your question very well. Please repeat the question.

4 Q. In answer to Maître Knoops' questions this morning, you said that you went to the
5 military hospital in Abidjan in order to seek treatment after the arrest of Mr Gbagbo; is that
6 correct?

7 A. Yes, that is correct. That is what I stated. It was after the arrest of Mr Gbagbo.

8 Q. You said that you do not recall the date, but that it was after the arrest of Mr Gbagbo.

9 A. Yes, that is correct.

10 Q. So I would like to refer to annex 15 to the statement of the witness, CIV-OTP-0073-1064.

11 MR MACDONALD: (Interpretation) I do have a hard copy for the witness if need be. We
12 might be able to show this to Mr President and also my colleagues in passing because it
13 would seem that the document is not being brought up on the screen.

14 Show them, please.

15 PRESIDING JUDGE TARFUSSER: But this is a document which has been disclosed I
16 suppose, yes.

17 MR MACDONALD: It's disclosed. It's in your binders. It's annex 15.

18 Q. (Interpretation) Mr Witness, do you recognize this document, even though you are not
19 able to read?

20 A. Yes, I do recognize this document. It was issued to me by the HMA, the military
21 hospital.

22 Q. Very well. So I shall note the date down for the record. It's 16 April 2012.

23 MR MACDONALD: (Interpretation) And I have no further questions. I would like for
24 this exhibit to be tendered into evidence.

25 PRESIDING JUDGE TARFUSSER: It is submitted, of course.

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 MR MACDONALD: (Interpretation)

2 Q. And why was it that you sought treatment at the HMA briefly? Why was it that in
3 2012 you went back to the hospital?

4 A. My leg was painful, and the young people told me that if I went there, they were used to
5 bullet wounds, and they would be able to treat me. I went there and they told me the
6 conditions. I thought that they would give me free treatment. They told me that civilians
7 would not receive free treatment, and I left with my wound. And I even went back to the
8 CHU, because I was experiencing pain in my foot and my wound was oozing.

9 Q. I thank you, Mr Witness. I have no further questions.

10 PRESIDING JUDGE TARFUSSER: Thank you very much.

11 Mr Witness, thank you for your patience and for the answers you have given us.

12 Hopefully they will be part of the global assessment we are doing in the next, say,
13 days, weeks and months I think. You are released. You can leave the courtroom.

14 Please, court usher, could you bring the witness out.

15 I would take maybe zero minutes for the observations by the Defence on the
16 protective measures on Witness 536. And if I say zero minutes I suggest is a good
17 suggestion, the zero minutes, I would say.

18 Please, Mr Altit.

19 (The witness is excused)

20 MR ALTIT: (Interpretation) I thank you, Mr President.

21 I think that I've already exceeded my allocated time, but I shall try to make some
22 rapid observations. So for the second time in a few days, the Prosecution is
23 requesting exceptional familiarisation for one of its witnesses.

24 I can hear -- shall I continue? Shall I continue? I can hear a noise.

25 And in its request of 8 February 2016, the Office of Prosecution requests that P-536 be

1 shown two photographs. The first, which was provided by a photographer who was
2 allegedly on location at the time of the alleged events, and the second is a screenshot
3 of a video in which the Prosecution alleges that the son of the witness was allegedly
4 photographed.

5 The Defence is opposed to the request made by the Prosecution, firstly, because the
6 witness had a copy of the first photograph that the Prosecution wishes to show. The
7 witness has even shown this photograph or this copy of a photograph to the
8 investigators at the time. And this same photograph is annexed to the statement of
9 the witness and has just been shown to him once again in the normal familiarisation
10 process.

11 Under such conditions, to show him upfront something that he is already aware of
12 and that has already been shown to him is not justifiable. Why is that? Because
13 there should not be a risk of traumatising him once again, which is, after all, the
14 argument submitted by the Prosecution. In order to avoid this, we would have to be
15 showing him something that he is trying to avoid thinking about again, whereas this
16 is not the case.

17 In reality, the Prosecution also adds a detail saying that the quality of the photograph
18 is better, but that doesn't change anything to the issue. In reality, what we are up
19 against here is a request, a sort of roundabout prepping request.

20 With regard to the second photograph, the Prosecution is using the same argument
21 and in the same way, the second photograph does not seem to present any
22 traumatising element or not any more traumatising than the first because it is the
23 same scene that is depicted.

24 So the Defence does not see how showing the witness upfront or ahead of time a
25 photograph that he is already aware of would be in any way necessary before his

1 testimony.

2 What is more, if the question is the identity or identifying the child in question, it is
3 even more imperative for the witness not to be shown the photograph again so that at
4 the time in question the witness will be in a position to react spontaneously,
5 instinctively, and that he has not been provided with two days of preparation.

6 So the Defence is opposed to this request for exceptional familiarisation of 536.

7 If you will allow one word on the measures of familiarisation that we discussed
8 yesterday? You will recall that we were not opposed to the -- or exceptionally

9 opposed to the request submitted by the Prosecution for P-190, and at that time we
10 were not in a position to have access to all the elements. But what was said to us

11 yesterday during the hearing by the Prosecution, we were told that the Witness 190
12 would only be shown the first three minutes, and I quote -- can I quote here? I'm

13 quoting here: "Where we see the women at the beginning until we see the first bullet
14 shot so that the witness can at least recognize the location and the event," end of quote.

15 That is page 6, lines 11 to 28, and page 7, lines 1 to 2.

16 So in other terms, the Prosecution said to us yesterday that none of the traumatising
17 excerpts would be shown to the witness.

18 Now, this was the argument that the Prosecution had put forward, this possible

19 re-traumatising. And we had under -- with certain reservations accepted this

20 argument. In view of the fact that according to the Prosecution himself there are no
21 further traumatising images, there is therefore no reason to grant the Prosecution's

22 request, that is to say, to allow the witness to see these things upfront, the things that I
23 have just mentioned.

24 So that is the point I wanted to make. I am concerned that we find ourselves day

25 after day up against the same type of request that as we have just seen is not

Trial Hearing
Witness: CIV-OTP-P-0547

(Open Session)

ICC-02/11-01/15

1 justifiable in our opinion. And these requests, because they will be systematic in
2 nature and are already and because they are not based on any particularly solid
3 foundation, should be analysed for what they are, that is, roundabout preparation
4 requests.

5 Mr President, your Honours, I would request, therefore, that you pay very specific
6 attention to these requests put forward by the Prosecution when reviewing them and
7 that they be reviewed in a very specific manner. Thank you.

8 PRESIDING JUDGE TARFUSSER: We will, of course.

9 Mr Knoops.

10 MR KNOOPS: Mr President, thank you very much. We concur with the observations made
11 by Mr Altit on behalf of the Gbagbo Defence team. Just two additional observations, Mr
12 President. In the request of the Prosecution, paragraph 6, it's been said P-0536 has most
13 likely not seen the better quality photograph before.

14 So it's rather premature I believe to, based on such an assumption, seek for the
15 measures the Prosecution is seeking for.

16 More importantly is paragraph 7, paragraph 7 reads, "The Prosecution intends to
17 show this image to the witness in court and ask whether she can identify the child."

18 Well, this is clearly not a matter of familiarisation. It's a matter of identification.

19 And that is amounting to indirect preparation of the witness. Therefore, we think
20 this request should in this situation not be allowed by the Court, at the least not the
21 screenshot, the second image, because this goes directly to a matter of identification of
22 certain piece of evidence by a witness which should be done in court and not before
23 the hearing. Thank you.

24 PRESIDING JUDGE TARFUSSER: Legal Representatives?

25 MS MASSIDDA: We have no observation, your Honour. Thank you.

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

- 1 PRESIDING JUDGE TARFUSSER: Very good. So we adjourn, 3 o'clock, to 3 o'clock.
- 2 THE COURT USHER: All rise.
- 3 (Recess taken at 1.24 p.m.)
- 4 (Upon resuming in open session at 3.00 p.m.)
- 5 THE COURT USHER: All rise. Please be seated.
- 6 PRESIDING JUDGE TARFUSSER: Good afternoon.
- 7 MS PACK: Good afternoon, Mr President. I'm here for the Prosecution this afternoon as
- 8 you'll see, Ms Pack, with Ms Henderson next to me.
- 9 PRESIDING JUDGE TARFUSSER: I didn't hear a thing because your -- so now I can hear
- 10 better.
- 11 MS PACK: I'm slightly losing my voice as well. But I'm here this afternoon for the
- 12 Prosecution, Ms Pack, and Ms Henderson is next to me.
- 13 PRESIDING JUDGE TARFUSSER: Yes, good.
- 14 Good afternoon, Mr Witness. Bonjour.
- 15 WITNESS: CIV-OTP-P-442
- 16 (The witness speaks French)
- 17 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 18 PRESIDING JUDGE TARFUSSER: We are now going in closed session because to identify
- 19 you.
- 20 Please, Court officer.
- 21 (Closed session at 3.01 p.m.)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Closed session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
Witness: CIV-OTP-P-0442

(Closed Session)

ICC-02/11-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Open session at 3.30 p.m.)

13 THE COURT OFFICER: Mr President, we are in open session.

14 PRESIDING JUDGE TARFUSSER: Thank you, Court officer.

15 The floor is to the Prosecutor.

16 MS PACK:

17 Q. Mr Witness, we were talking about two districts in Abidjan in Yopougon, and I was
18 asking you about those two districts. So we'll start with one district, Doukouré, and I would
19 ask you if about you are able to help us with this. Were there any particular people who
20 lived in Doukouré district in Abidjan?

21 A. Yes. There were many people living there.

22 Q. You talked about another district in Abidjan, Yaho Sehi. Can you describe the people
23 who were living there?

24 A. Yes. There are many people living there also.

25 PRESIDING JUDGE TARFUSSER: But I have difficulty to understand how he can describe

Trial Hearing
Witness: CIV-OTP-P-0442

(Open Session)

ICC-02/11-01/15

1 the people living there. If I was there, I would ask you what you ask me to describe.

2 MS PACK: Yes. Thank you, your Honour.

3 Q. Mr Witness, you said earlier that the pro-Ouattara people live in Doukouré. What do
4 you mean by that?

5 A. I was referring to Ouattara's militants. They were the ones living there.

6 Q. And by "militants," what do you mean?

7 A. I mean Ouattara's supporters.

8 Q. Now I'm going to ask you about the period before the presidential elections in Côte
9 d'Ivoire in 2010. Can you describe the atmosphere in your district, specifically any activities
10 you recall in your district before the elections in Côte d'Ivoire?

11 MR KNOOPS: Mr President, I really wonder whether the witness can describe an
12 atmosphere in the whole district, with all due respect.

13 PRESIDING JUDGE TARFUSSER: Well, that's the same idea which came up to me because
14 to describe an atmosphere, I mean, the witness is here to talk about facts. But as the
15 Prosecutor then said to describe what happened, then I refrained from saying this, but one
16 thing are the facts, what happened, and one is the atmosphere. Could be also rain or sun.

17 MS PACK:

18 Q. Can you describe activities that you recall in your district in the period before the
19 elections in 2010, please.

20 A. What type of activities are you referring to?

21 PRESIDING JUDGE TARFUSSER: We're talking of political activities, I suppose. Is that
22 correct, Ms Prosecutor?

23 MS PACK: Yes.

24 Q. You talked earlier about the --

25 MR KNOOPS: Mr President, wouldn't that be leading? I'm sorry, but --

Trial Hearing
Witness: CIV-OTP-P-0442

(Open Session)

ICC-02/11-01/15

1 PRESIDING JUDGE TARFUSSER: No, but you are not allowed to talk about leading or not
2 leading, no. This is a joke. But I mean from this side coming with leading, not leading, I
3 would say would be a bit too much, so --

4 MS PACK:

5 Q. You spoke earlier -- I'll just be specific.

6 PRESIDING JUDGE TARFUSSER: Yeah.

7 MS PACK:

8 Q. You spoke earlier about the 16th arrondissement, so I'm asking you to speak specifically
9 about that area. Have you seen any activities around that area in the period before the
10 elections in 2010?

11 A. I didn't quite understand that question.

12 Q. You told us about the 16th arrondissement earlier. Can you tell us about any
13 buildings -- any locations in that area that you remember from the period around the
14 elections?

15 A. The 16th was there in front. There was a police station. It is a police station, actually.
16 That is what I can say.

17 Q. Now, think about that police station, and I'm going to ask you this: Do you recall any
18 activities around the police station in the period before the elections in 2010?

19 A. What I remember is that they burned some gbakas in front of the police station there.

20 Q. Well, let's start with that, please. Now, when did you see this happening, can you
21 remember?

22 A. I do remember. I don't remember the precise date, but I know that in front of that
23 station, they burned the gbakas.

24 Q. Now, was this before or after the elections, the burning of gbakas outside the police
25 station?

1 A. It was after the first round of the elections.

2 Q. Now, you told us earlier that you were injured at some time, and I'm going to ask you
3 about that later. What you said now about the gbakas and the burning of the gbakas, was
4 that around the time you were injured, or was it before then? Can you help us with that?

5 A. It was after the elections that I was injured. The answer or, rather, the results of the
6 second round had already been proclaimed or announced. Ouattara self-proclaimed himself
7 as president, and Gbagbo self-proclaimed himself as president also. That is what happened.

8 Q. Let's go to the day when you saw the gbakas burning outside the police station, please.
9 Just think back to that day. Now tell us, please, what did you see?

10 A. It was not just the gbakas. They burned many vehicles, including taxis around the 16th
11 arrondissement, yes.

12 Q. Now, who do you mean by "they"? Who are you talking about?

13 A. Laurent Gbagbo's supporters.

14 Q. How did you know these people were Laurent Gbagbo's supporters?

15 A. They were the ones who were saying that we had no right to anything. It was them.

16 Q. And when did you hear them say these things?

17 A. Say what?

18 Q. When you say that these were the ones who were saying you had no right to anything,
19 when did you hear them say these things?

20 A. These are people who are saying they would kill the Moussis, they would drive out the
21 Moussis. The majority of transporters were Dioulas, and that is why they burned those
22 vehicles.

23 Q. Let me just ask you about two terms you've used. You said "Moussi." Who did you
24 mean by that? Who did --

25 A. That is what they were saying. They were meaning or referring to foreigners. They

1 said that they would burn all their vehicles.

2 Q. And when you were saying we had no -- you said they said we had no right to anything,
3 what do you mean by that? Who are you referring to when you say that?

4 A. They were talking about us, that we did not have a right to anything and then that we
5 had to return to where we came from. And we did not know what they meant by that
6 because Côte d'Ivoire is our country.

7 Q. Let me go back, please, to this day that we're talking about when you saw the gbakas
8 burning and you say you saw many vehicles burning, including taxis, around the 16th
9 arrondissement. Can you tell us, please, what sort of time of day this was happening?

10 A. It was in the morning. In the morning.

11 Q. And do you know -- can you tell us, please, what happened, if anything, after that?

12 A. The gbakas were burned. They were setting people on fire also right in front of the
13 policemen. They were burning people.

14 Q. How do you know that this is what they were doing?

15 A. When they shot people, some of them fell down, and then they took others and put
16 them inside the gbakas and set them alight.

17 Q. Now, I'm going to ask you, please, to be more specific. So we start, please, with you
18 telling us about the vehicles burning. Do you remember anything happening around you
19 after that, after you saw the gbakas burning?

20 A. Around us? Well, they were training near the 16th arrondissement. They were
21 learning to fire, to fire the weapons.

22 Q. Let's just pause a bit with that, please, with training near the 16th arrondissement. Was
23 this at the same time that the gbakas were burning, was it before, or was it after? Can you
24 help us with that?

25 A. No, but that happened every day. They were training. That was before burning the

Trial Hearing
Witness: CIV-OTP-P-0442

(Open Session)

ICC-02/11-01/15

1 gbakas.

2 Q. Let's start with that then, shall we. When did you first see training going on? About
3 when did you first see that?

4 A. They were doing it every day. Every morning you would see them. They would
5 finish their running exercises, and then they would go and train behind the 16th.

6 Q. Who was being trained?

7 A. It was the BAE training them.

8 Q. Who were they training?

9 A. I'm saying that it was the BAE training the pro-Gbagbos.

10 Q. Why do you say it was the BAE?

11 A. Well, they are the ones. They had their armbands. They would run every morning,
12 and then they would go there.

13 Q. Who had armbands?

14 A. The BAE. It is the unit of the police known as the BAE. They had armbands around
15 their arms, and they would run with them.

16 Q. Did the armbands -- can you describe the armbands?

17 A. These were armbands, and the letters BAE were inscribed on those bands.

18 Q. Do you know what the BAE is?

19 A. What I'm saying is that it is a police unit, which was known as the BAE.

20 Q. You've talked about the pro-Gbagbo who they were training. Can you describe these
21 people, the pro-Gbagbo? Can you describe what they looked like?

22 A. Well, I do not know. All I know is that they were Gbagbo supporters. When they
23 were passing in front of us, it was in order to provoke us. "You are going to see something
24 here," that is what they said, and they would be training in the neighbourhood.

25 Q. And tell us, you've described the armbands that the BAE had on them. Can you

1 describe anything else about them, about what they were wearing?

2 A. They were wearing camouflage uniforms. You could have three of them in front and
3 then three behind, then the Gbagbo supporters would be in the middle, and they would run
4 together each morning.

5 Q. Now, apart from running, did you see any other sort of training?

6 A. That is what I said, that they were training behind the 16th arrondissement. They did
7 that every morning.

8 Q. Apart from running, did you see anything else?

9 A. Well, the training, what else is there? They were learning how to shoot.

10 Q. And tell us please the training that you're talking about, do you remember was it before
11 or after the votes in the presidential elections?

12 A. This was before the elections, perhaps two to three months before the elections.

13 Q. And when you tell us that they were training behind the 16th arrondissement,
14 how -- how do you know that?

15 A. We could see them. They were doing that in broad daylight. They were not hiding or
16 anything.

17 Q. You've told us also that they, the pro-Gbagbo, were provoking you. You used that
18 word. Can you remember anything that they said or did?

19 A. When they were running and they were passing through our neighbourhood, they
20 would say: "You, the Moussi, you will see something, you will see something. Please go
21 back to your homes." That is what they were saying. And we were there.

22 Q. Did you have any idea what they meant by that?

23 A. Well, that is what they were saying. They were saying: You foreigners, you are
24 coming here to grab power from us. That is what it meant to us.

25 Q. Now, you've told us about this training, and you've told us earlier about when you saw

1 gbakas being burnt, so I'm going to go back to what you were saying about the gbakas. Was
2 that -- and you said earlier, I think, that this was after the elections that you saw that; is that
3 right?

4 A. Yes. That was after the elections. After the first round, they started saying certain
5 things.

6 Q. Now, I want to take you to the day when you saw the gbakas burning and just think
7 about that day and the events of that day. So can you tell us, please, what happened from
8 the start of the day? You saw the gbakas, you told us, in the morning. Did anything
9 happen after that that you remember? And take it slowly.

10 A. I do remember 17 of February -- 25 February 2011. I remember precisely that day.

11 Q. Why do you remember precisely that day?

12 A. It was on that day that I was injured, that my leg was fractured.

13 Q. So tell us, please, what happened that day. Start with the time before you were injured.
14 What were you doing that day before you were injured?

15 A. I was at (Redacted). On 25 February, Blé Goudé was having a rally at Yopougon. And
16 after the rally, they started coming down. I saw the crowd arriving, and people were saying
17 you have to close (Redacted) and they came with stones and started shooting them at us.

18 Q. Pause a moment. Pause a moment. When talking about "they," who are you talking
19 about? "They came with stones," who are you talking about?

20 A. The Gbagbo supporters. I say that Blé Goudé was having a rally in Yopougon and
21 after that, people came to say: "Lockup (Redacted)

22 And we were asking: "What is happening?"

23 And they told us the pro-Gbagbos were coming. And they came, and they started
24 shooting stones at us. So we also called our own guys out of the neighbourhood,
25 and then we re-post them right back to the 16th arrondissement.

1 Q. So let's just pause a moment there. Did you see anyone else apart from the
2 pro-Gbagbos that you describe?

3 A. How to describe them?

4 Q. Did you see anyone else apart from the pro-Gbagbos?

5 A. Yes. You did not ask me that question yet. What I'm saying is that they went to the
6 16th arrondissement and when they came back, we saw that the policemen were in front and
7 the demonstrators were behind. So they stopped and then the policemen asked those of us
8 there to retreat, to turn back. In the meantime, those who were behind them were shooting
9 us -- shooting at us with stones, and the policemen were trying to push us back.
10 When I say that they were shooting stones at us, people were being injured. I was
11 even injured here. The stones were hurting people, and that is why they
12 were -- people were unable to resist.

13 We also started shooting stones at them. And when we started shooting the stones,
14 the policemen started shooting. They shot tear gas, they shot live bullets, they shot
15 grenades everywhere into the crowd. So you had people who were injured, there
16 were some who were killed on the pavement, on the road. There were people who
17 died. So they were shooting live bullets at us while others were behind them
18 shooting stones at us. But because we did not retreat and we started shooting stones
19 back at them, the policemen started shooting into the crowd.

20 MS PACK: Witness, I do have further questions for you.

21 And, your Honours, of course I do have further questions, but I'm aware of the time
22 and the particular needs of this witness, so perhaps now might be the convenient
23 time.

24 PRESIDING JUDGE TARFUSSER: Mr Witness, it is nearly 4 o'clock. We know that you
25 have to go to pray now; is that correct?

Trial Hearing
Witness: CIV-OTP-P-0442

(Open Session)

ICC-02/11-01/15

1 THE WITNESS: Yes.

2 PRESIDING JUDGE TARFUSSER: So now I think we should adjourn the hearing to
3 tomorrow because I think it's useless to wait here and then go further other 10 or 15 minutes.
4 I mean, we should take our time to do also other things. So I would suggest that we adjourn
5 to tomorrow morning at 9.30 to continue the questioning of this witness.

6 Mr Witness, I now suspend your questioning. You will come back tomorrow
7 morning at 9.30 and we continue with the questioning of the Prosecutor and then the
8 other parties in sequence, okay? And now you can leave and go to pray. The
9 hearing is adjourned to tomorrow morning.

10 THE COURT USHER: All rise.

11 (The hearing ends in open session at 3.59 p.m.)