

Trial Hearing
WITNESS: CIV-OTP-P-0579

(Private Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I - Courtroom 3
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 Monday, 16 May 2016
10 (The hearing starts in private session at 9.40 a.m.)
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14 (Open session at 9.59 a.m.)

15 THE COURT OFFICER: We are now in open session, Mr President.

16 PRESIDING JUDGE TARFUSSER: Thank you.

17 Now, Mr Witness, we are in open session, and this means that what we are saying can
18 be seen and heard also outside of this courtroom, but the Chamber, the Judges have
19 granted you protective measures, protective measures which will apply during your
20 whole testimony here in front of this Court. And now I will explain you what these
21 protective measures are.

22 First of all, your identity is not disclosed to anybody except to people in here. You,
23 always when we are in open session, but throughout the whole testimony, you are
24 addressed by everybody in here as "Mr Witness" or with a number, never with your
25 name. You are Witness 579 for the Court.

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1 The people sitting in the public gallery above you does not know your name and can't
2 see you. Also outside here nobody can see you because your voice is distorted and
3 your face is distorted. So they can't hear your real voice and see your face.
4 But also you have to collaborate with the Court when answering questions or when
5 answering the questions the parties are putting to you, so you have to refrain of
6 making names or saying things which could lead to your identification. So if you
7 have a doubt, just don't say it and tell me that you have a doubt so we can go also
8 again in private session. So you have to collaborate with us in order to protect your
9 identity.

10 So anything you need, just tell me and we will try to accommodate it and deal with it.
11 Have you understood?

12 THE WITNESS: (Interpretation) I understand.

13 PRESIDING JUDGE TARFUSSER: The last thing I have to tell you is the following:
14 You speak in French. The working languages of this Court are English and French.
15 So what you are saying is also translated and reported in writing in English. So the
16 people up here they have to translate and to read and to write down what you are
17 saying correctly. So please, like I am doing, speak slowly, speak slowly and after
18 you have -- one of the parties have put you a question, wait until the question is
19 finished and then start to respond slowly.

20 So this -- I hope you have understood all these information which is very important
21 for you.

22 THE WITNESS: (Interpretation) I've understood.

23 PRESIDING JUDGE TARFUSSER: So now we come to your testimony. You know
24 that this is a proceedings, a trial. This Chamber has been established to try the case
25 of the Prosecutor against Mr Gbagbo and Mr Blé Goudé. And you are a witness to

1 this case and you as a witness you are called here to help the Chamber through your
2 piece of knowledge to establish the truth. You will be asked questions first by the
3 Prosecutor, then by the Legal Representative of Victims, and then by the Defence
4 teams of Mr Gbagbo and Mr Blé Goudé and then maybe also by the Judges you will
5 be asked questions.

6 You will have to answer these questions in a truthful manner, you must say the truth.
7 This is an obligation you have here to say the truth. And therefore, and this is the
8 law, you have to take a solemn undertaking and, therefore, I ask you to repeat the
9 following words I will say: I solemnly declare that I will speak the truth --

10 THE WITNESS: (Interpretation) I solemnly swear that I will tell the truth --

11 PRESIDING JUDGE TARFUSSER: -- the whole truth and nothing but the truth.

12 THE WITNESS: (Interpretation) -- the whole truth and nothing but the truth.

13 PRESIDING JUDGE TARFUSSER: I must also inform you that to giving false
14 testimony is an offence before the Court and can be punished, okay? You have
15 understood that?

16 THE WITNESS: (Interpretation) Yes, I have understood.

17 PRESIDING JUDGE TARFUSSER: Okay. So now I think we can start the
18 questioning. You feel okay? You feel at ease?

19 THE WITNESS: (Interpretation) Yes, I feel fine, I am at ease.

20 PRESIDING JUDGE TARFUSSER: Okay. So I will now give the floor first to the
21 representative of the Prosecutor to put the questions to you. And just remember
22 to -- that your protection depends also on yourself.

23 Ms Prosecutor, yours the floor.

24 MS BERDENNIKOVA: Thank you, Mr President, your Honours. Good morning.

25 My name is Maria Berdennikova and I will be questioning the witness on behalf of

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1 the Prosecution today.

2 PRESIDING JUDGE TARFUSSER: Okay. Thank you very much.

3 QUESTIONED BY MS BERDENNIKOVA:

4 Q. Good morning, Mr Witness. Thank you very much for your presence today.

5 Good morning.

6 A. Good morning.

7 Q. Mr Witness, as the Presiding Judge has already mentioned to you and as you
8 notice, I will be referring to you as "Mr Witness" this is because you have protective
9 measures and your identity will not be revealed to anybody outside of this
10 courtroom.

11 Now, French is not my native language even though I understand it quite well, so I
12 will be questioning you in English. And we all have to speak slowly as the Judge
13 has already pointed out to you because we have interpretation in this courtroom from
14 English to French and vice-versa, so to make the job of the interpreters easier we have
15 to speak slowly like I'm doing right now and pause, please pause after I've asked you
16 a question before giving your answer.

17 Mr Witness, I will ask you to listen to my questions very carefully and, please, if you
18 don't understand anything that I'm asking you, just let me know and I will repeat or
19 rephrase the question that I've asked. Is that okay?

20 A. Yes.

21 Q. Now, Mr Witness, during your testimony some of the questions that I will be
22 asking you may seem obvious to you, so I ask you to please be patient and to answer
23 as best as you can because this will give the opportunity to all of us to understand
24 better your story.

25 And lastly, if you need a break at any point, please also let the Judges know. Is that

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1 all right?

2 A. Yes.

3 MS BERDENNIKOVA: Mr President, I would like to request that we go into a very
4 brief private session to elicit some identifying information.

5 PRESIDING JUDGE TARFUSSER: Yes, please, can you call private session. Thank
6 you.

7 (Private session at 10.09 a.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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12 (Open session at 10.27 a.m.)

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

14 PRESIDING JUDGE TARFUSSER: Thank you.

15 Yours the floor.

16 MS BERDENNIKOVA: Thank you.

17 Q. Mr Witness, could you tell us where you were living during the post-election
18 crisis, so at the end of 2010 and beginning of 2011?

19 A. In Abobo.

20 Q. And how long had you lived in Abobo?

21 A. During the crisis?

22 Q. During and before the crisis?

23 A. I've lived in Abobo for 45 years.

24 Q. So can you describe a little bit the commune of Abobo for us; for example, its
25 location, its population?

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1 A. I don't know how many people live there, but I'm in a sub-neighbourhood of
2 Abobo.

3 Q. Thank you, Mr Witness. Could you tell us if Abobo was a safe place to live
4 before the elections?

5 A. Yes.

6 Q. And had the situation changed after the elections at the end of 2010?

7 A. Quite a bit.

8 Q. By "Quite a bit", do you mean -- what do you mean? Did it become less safe,
9 more safe?

10 MR KNOOPS: Mr Witness, I don't think the witness can speak for the whole district
11 of Abobo.

12 PRESIDING JUDGE TARFUSSER: But he can speak about what he -- about how he
13 perceives his safety.

14 Please go ahead.

15 THE WITNESS: (Interpretation) There was a great deal of change in terms of
16 security.

17 MS BERDENNIKOVA:

18 Q. How did it change in terms of security? Did it become more safe or less safe?

19 A. It became more safe.

20 Q. Could you describe how Abobo became more safe after the elections?

21 A. Well, the elections had brought about a great deal of problems, but after the
22 elections tension was lessened. There was less tension.

23 Q. When you're referring to after the elections, which period exactly are you
24 talking about in terms of dates?

25 A. Well, there were two rounds. There was the first and the second round and at

1 that moment in time there was a great deal of tension.

2 Q. Can you describe the situation in Abobo at the beginning of 2011?

3 A. Well, as I said, the situation had to do at the beginning with the elections.

4 There was a great deal of tension. And right up until the end of the elections there
5 was a great deal of tension.

6 Q. Mr Witness, I'm going to ask the same question again: How was the situation
7 in Abobo in the beginning of 2011, not immediately after the elections?

8 PRESIDING JUDGE TARFUSSER: I have hard time to understand what was the
9 situation. It's a very general -- what do you mean by what was the situation? I
10 understand that the witness does not understand because I don't understand as well.
11 So I think the question should be more to facts, not to sensation one has. Is that
12 what --

13 MR ALTIT: (Interpretation) That is partially what I was going to say, Mr President,
14 yes, but also because the question was put in exactly the same terms to the witness
15 and he answered very clearly. The same question cannot be put two, three, or four
16 times. We need to move forward.

17 And I would like to underscore, at the same time, that in fact we are circumventing
18 the witness's response in order to elicit something else from his mouth, in addition to
19 what he said. Let's move forward.

20 PRESIDING JUDGE TARFUSSER: Yes, I've refrained from commenting this, but
21 I would like you to put questions and then to have answers precisely on facts and not
22 on impressions. Thank you.

23 MS BERDENNIKOVA: I understand, your Honour. I will move on.

24 Q. Mr Witness, let me bring you to events of what happened in Abobo on
25 3 March 2011. Can you tell us what happened on that day?

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1 A. Yes. On 3 March 2011, as every day, we were there in the morning. (Redacted)
2 (Redacted). And at approximately 10 o'clock I heard people shouting,
3 people were shouting everywhere. And it was said that women had been marching
4 and that they had been shot at.

5 And at that moment in time I sought to see whether (Redacted)

6 (Redacted)

7 (Redacted)

8 MS MASSIDDA: Sorry, your Honour.

9 THE WITNESS: (Interpretation) (Redacted)

10 MS MASSIDDA: I'm sorry to interrupt. (Speaks French) The reference just made
11 by -- can maybe go in private session?

12 PRESIDING JUDGE TARFUSSER: Let's go in private session, please.

13 (Private session at 10.36 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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23 (Redacted)

24 (Open session at 10.45 a.m.)

25 THE COURT OFFICER: We are in open session, Mr President.

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1 PRESIDING JUDGE TARFUSSER: Thank you very much.

2 MS BERDENNIKOVA: Your Honours, we would like to now show a video of
3 3 March incident to the witness to ask whether the witness recognizes anybody in the
4 footage.

5 Now the reference to this public video is CIV-OTP-0077-0411, but we will ask for the
6 Prosecution to have the floor so that we can show the footage from our computers.
7 Your Honours, just for the record, we're going to be playing an excerpt of the video,
8 it's from minutes 3.10 until 5.53.

9 Q. Now, Mr Witness, we're going to show you an excerpt of a video and you may
10 find it hard to see some of the images in this footage, so please do let me know if you
11 need a break at any time. Is that all right?

12 Thank you. We'll play the video for you now.

13 PRESIDING JUDGE TARFUSSER: Just for the transcript -- I mean, it's not enough if
14 the witness nodding. He has to say yes or no, otherwise it doesn't appear.
15 Is it all right for you if this video is shown to you? You must say yes or no.

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

18 (Viewing of the video excerpt)

19 MS BERDENNIKOVA:

20 Q. Mr Witness, did you recognize this footage?

21 A. Well, I saw it for the first time on France 24.

22 Q. And did you recognize anyone in this video?

23 A. Yes.

24 Q. Could you tell us --

25 PRESIDING JUDGE TARFUSSER: Now we have to be careful.

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1 MS BERDENNIKOVA: Yes.

2 Q. Indeed keeping in mind the instructions that you have been given, could you
3 please tell us who you have recognized?

4 A. I recognized individual A.

5 Q. Thank you.

6 (Counsel confer)

7 MS BERDENNIKOVA:

8 Q. Mr Witness, where was person A in the footage? Are you able to describe it?

9 A. She fell to the left on the video.

10 PRESIDING JUDGE TARFUSSER: I think -- excuse me, I think we have to recognize
11 the timestamp, but obviously not in open session, otherwise --

12 MS BERDENNIKOVA: Indeed. So may I ask to go into private session?

13 PRESIDING JUDGE TARFUSSER: Yes, please.

14 So just in order to identify the exact timestamp.

15 (Private session at 10.53 a.m.)

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7 (Recess taken at 11.00 a.m.)

8 (Upon resuming in open session at 11.34 a.m.)

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

10 PRESIDING JUDGE TARFUSSER: Thank you.

11 I would like to ask the Prosecution if they found a solution to the problem.

12 MS BERDENNIKOVA: Indeed, Mr President, we have. So this is what we will
13 continue with now in private session, please.

14 PRESIDING JUDGE TARFUSSER: I think we can show it in open session and
15 then -- no, because he has to stop. Yes, okay, so we go in private session.

16 (Private session at 11.35 a.m.)

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- 11 (Open session at 11.47 a.m.)
- 12 THE COURT OFFICER: We are in open session, Mr President.
- 13 PRESIDING JUDGE TARFUSSER: Thank you.
- 14 Please go ahead.
- 15 MS BERDENNIKOVA: (Microphone not activated)
- 16 THE INTERPRETER: Microphone, please.
- 17 MS BERDENNIKOVA: My apologies.
- 18 Q. Mr Witness, do you know whether person A was buried?
- 19 A. Yes, she was buried.
- 20 Q. Can you tell us where?
- 21 A. In the cemetery in Abobo.
- 22 Q. And what happened to person A's body after it was buried?
- 23 A. I haven't understood your question.
- 24 (Counsel confer)
- 25 MS BERDENNIKOVA:

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1 Q. Mr Witness, were there any steps taken to identify the body of person A after
2 the burial?

3 A. Yes.

4 Q. Could you explain what steps were taken?

5 A. Well, after the burial, in 2014, they came and said -- well, the investigations
6 person said that they would exhume the body. (Redacted)

7 (Redacted)

8 Q. And do you know what happened after that?

9 A. Well, after, the officer came and said that we had -- that it was necessary to
10 exhume the body from the Abobo cemetery. And I left that day. The public
11 prosecutor was there, as well as a representative of the ICC. They were there. They
12 asked about the -- whether they could perform the exhumation and I said that there
13 was no problem.

14 And you see, they began to unbury the bodies, but an odour was coming out of
15 the -- and so they ordered me to leave that place and so I left that particular place.

16 Q. Mr Witness, after the body was exhumed, were there any further steps taken to
17 identify the person?

18 A. (Redacted)

19 (Redacted)

20 THE INTERPRETER: Overlapping.

21 MS BERDENNIKOVA: Thank you, Mr Witness. I will just interrupt you for one
22 moment.

23 PRESIDING JUDGE TARFUSSER: Overlapping speakers.

24 MS BERDENNIKOVA: Could we go into private session, please, for one question?

25 PRESIDING JUDGE TARFUSSER: Yes, please. Go into private session.

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1 (Private session at 11.52 a.m.)

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16 (Open session at 11.53 a.m.)

17 THE COURT OFFICER: We are in open session, Mr President.

18 PRESIDING JUDGE TARFUSSER: Thank you.

19 Yours the floor.

20 MS BERDENNIKOVA: Thank you.

21 Q. Mr Witness, I have just one final question for you: You mentioned that you

22 had seen the video that we showed you today previously on France 24. Can you just

23 specify when you saw this video on France 24?

24 A. In the evening of 3 March, at 8 p.m. That is when I saw the footage on

25 France 24.

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1 Q. Thank you very much, Mr Witness. This concludes my questions for you to
2 today. So I thank you again for coming here to give us your testimony.

3 PRESIDING JUDGE TARFUSSER: Thank you. The floor is now to the Legal
4 Representative of Victims.

5 MS MASSIDDA: Thank you, your Honour.

6 QUESTIONED BY MS MASSIDDA: (Interpretation)

7 Q. Good morning.

8 A. Good morning.

9 Q. I will now introduce myself although we know one another, and I just have a
10 few questions for you.

11 Do you know why person A wanted to take part in the march on 3 March 2011?

12 A. As she was leaving for the march I was not aware of it, but after the events, after,
13 I asked what the problem was and they told me that it was a women's march upon
14 the RTI, bringing together all the women, and that they were to march and say that
15 there had been an election, our candidate won and the other one is refusing to step
16 down. Let us march to show to the world that there's a problem in Côte d'Ivoire.

17 Q. Witness, what was your first reaction when you learned about the death of
18 person A?

19 A. It was extremely painful for me. Women taking part in a march with brooms,
20 with -- that they would be killed like that. It was very painful for me. And what is
21 more, in the evening, on RTI, they explained that the death of these women, that
22 there -- that -- well, it was extremely painful for me.

23 Q. You say that the body of person A was exhumed in 2014?

24 A. Yes.

25 Q. After the body was exhumed, the body of person A, was the body reburied or

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1 not?

2 A. (Redacted)

3 (Redacted)

4 Q. So it would be correct to say that even today you have not been in a position to
5 bury the body of person A?

6 A. Not yet.

7 Q. Do you know where the body of person A now is?

8 A. I don't know.

9 MS MASSIDDA: Your Honour, I was trying to put altogether the questions in open
10 session, but I think it will be impossible for the follow-up of my question, so I will ask
11 now to go in private session for a few questions.

12 PRESIDING JUDGE TARFUSSER: Can we go in private session. Thank you.

13 (Private session at 11.58 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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6 (Open session at 12.05 p.m.)

7 THE COURT OFFICER: We are in open session, Mr President.

8 PRESIDING JUDGE TARFUSSER: Ms Massidda, please.

9 MS MASSIDDA: Thank you.

10 Q. (Interpretation) Mr Witness, in your witness statement you have referred to
11 ceremonies in memory of the events. What are those ceremonies?

12 A. In our country when someone dies we have to carry out a ceremony on the
13 seventh day or the 40th day of the death of that person. So marabouts are called in
14 to come and perform a blessing for the person.

15 Q. And who organises those ceremonies?

16 A. Ourselves.

17 Q. Did that ceremony also take place this year?

18 A. Yes, we did it this year.

19 Q. Was it on 3 March this year, 2016?

20 A. Yes.

21 Q. And how was the ceremony conducted?

22 A. For the previous years no one approached us, we were the ones who did
23 everything. This year the government sent us the minister of social solidarity or
24 cohesion to join us for the blessings.

25 Q. My last question, Mr Witness: What are your feelings today?

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1 PRESIDING JUDGE TARFUSSER: Excuse me, but I would not admit this, what are
2 the feelings today. I think we all can imagine what the feelings are today.

3 MS MASSIDDA: The question was simply posed because it's important for someone
4 who's coming to testify also to have the opportunity to express --

5 PRESIDING JUDGE TARFUSSER: I know.

6 MS MASSIDDA: -- what feeling, but --

7 PRESIDING JUDGE TARFUSSER: Yes. No, but this is testimony.

8 MS MASSIDDA: I can withdraw the question.

9 PRESIDING JUDGE TARFUSSER: Okay. Thank you.

10 MS MASSIDDA: (Interpretation)

11 Q. Thank you, Mr Witness.

12 A. Thank you.

13 PRESIDING JUDGE TARFUSSER: Mr Witness, I didn't want to be unpolite because
14 we all can imagine what your feelings are, but a witness has to give a statement on
15 facts, not on feelings and on opinions. So we do understand, but it's not part of what
16 a witness has to do, so it's just to explain to you this. I will now give the floor to the
17 Defence of Mr Gbagbo for the questioning.

18 MR ALTIT: (Interpretation) Thank you. The questioning will be carried out by
19 Ms Naouri.

20 QUESTIONED BY MS NAOURI: (Interpretation)

21 Q. Good morning, Mr Witness.

22 A. Good morning.

23 Q. My name is Jennifer Naouri. I am a member of the Defence team of
24 Mr Gbagbo, who is behind me. Before I begin putting questions to you on what you
25 experienced, I want to have some preliminary clarifications.

1 First of all, I would like to reassure you that we have absolutely no intention of
2 revealing your identity. I will ask my questions in the most cautious way possible
3 under the control of the Chamber so that your identity should not be revealed, but
4 I would also like to ask you to be careful not to mention your name or any
5 information that could identify you. If you have any doubt, please indicate to us.
6 Also this is a public trial so, as a result, we will make efforts so that most of the
7 questions and answers should be public.

8 Secondly, I would like to ask you to listen to the questions attentively and to try to
9 answer only to the questions that I'm putting to you and then in that manner we can
10 make progress and understand what really happened.

11 Last clarification: You are going to answer my questions in French and I'm speaking
12 to you in French, so I will ask you to speak slowly in order to allow time for the
13 interpreters to interpret your answers to the questions so as to edify the Chamber.
14 So this is the 5-second rule.

15 Now, let us come back to your account. A short while ago you told us about how
16 you learnt that there had been shooting and incidents on 3 March 2011. At what
17 time did you hear that women had been shot at?

18 A. At about 10 o'clock.

19 Q. And who told you that?

20 A. People were talking in the neighbourhood.

21 Q. What were people saying? What information did they provide?

22 A. That there was a march and women were shot at. That is what was being said.

23 Q. And ever since that day of the incident of 3 March, did you hear any other
24 accounts from any other people on the events?

25 A. No.

1 Q. So you heard that at 10 o'clock women were shot at?

2 A. Yes.

3 Q. And when you heard that information, were you immediately worried about
4 person A?

5 A. Initially yes, for all the relatives.

6 Q. All relatives?

7 A. Yes, all relatives. I was compelled to ask them -- to call them on the telephone.
8 Everyone answered except person A.

9 Q. So you were worried and you made a telephone call, person A did not respond
10 and then you immediately established a link with the march?

11 A. Yes, because everybody was going there to see what was -- happened. That's
12 why I told the relatives to go and see what had happened.

13 Q. Did you know at that time that she had been at the march?

14 A. No.

15 Q. So why did you make that link?

16 A. Well, when there is an event, for example, if there is an accident, you don't
17 know who is involved so you go and see. If it's not your relative, then you go away.
18 If it's your relative, then you do what is necessary.

19 Q. Was person A a member of the RHDP? Is that why you made --

20 THE INTERPRETER: Can counsel observe the 5-second rule, please.

21 PRESIDING JUDGE TARFUSSER: Yes, it's always funny because all the parties -- I
22 make my recommendation at the beginning that all the parties make the same
23 recommendations and I don't know -- and this also has to stop because we take a lot
24 of time always just making the same recommendations every time and then are the
25 same counsel who do not respect the rules they request the witness to apply. And

1 this goes for -- applies to all of you, so please.

2 MS NAOURI: (Interpretation) I will try to actually count to five. I apologise,
3 your Honour.

4 Q. A short while ago you told us line 8, page 24, that you asked a relative to go and
5 see what had happened at the location; is that correct?

6 A. Yes.

7 Q. So that relative went and saw the body at the location?

8 A. Yes.

9 Q. How did that relative know where to go?

10 A. He started looking from the -- along the entire itinerary of the march, so it was
11 at the Banco roundabout towards the end that he saw that body.

12 Q. And your relative -- well, I will try to count to five. So your relative found the
13 body of person A when he arrived the location?

14 A. Yes.

15 Q. And you have told us that he informed you about it; is that correct?

16 A. Yes.

17 Q. And what precisely did he tell you?

18 A. He called me on the phone and said, "I have found person A, but God has done
19 his work." Now, what does this mean? It means that she's dead.

20 Q. He didn't say anything else?

21 But what was your answer then?

22 A. I told him to wait for me there and that I was on my way.

23 Q. And how long did it take you to arrive at that location?

24 A. In fact, I really did not calculate how long it took me, but it was not long.

25 Q. So you are telling me that it didn't take you long to arrive at the location?

1 A. Yes.

2 Q. I'm sorry, I will wait for the five seconds. And you, yourself, you knew
3 precisely where to go?

4 A. Well, he described to me where the body was located, the Banco roundabout.
5 And I know it.

6 Q. Very well. And how long did your relative stay by the body of person A?

7 A. Since I was not with him, I cannot know how long he stayed there.

8 Q. Did the relative wait for you at the Banco roundabout?

9 A. No.

10 Q. Why do you say that?

11 A. People were picking up the bodies with wheelbarrows and the wotros, so they
12 took person A's body along with the other bodies and took them to the Abobo general
13 hospital.

14 Q. And your relative witnessed that but did not wait for you at the roundabout as
15 you had requested?

16 A. No.

17 Q. And when you arrived the location, I have understood that the dead were no
18 longer there, but were there any injured persons?

19 A. There were people who had been injured, but I was looking for person A.

20 Q. And your relative had not told you that she had been taken away?

21 A. He also had accompanied the body.

22 Q. So if you knew that he had gone with the body, why were you looking for
23 person A?

24 A. When he called me, before I arrived they took away the body. He could not
25 wait there.

1 Q. I'm sorry. So you were not aware of that?

2 A. No. He had not called me to say that the body had been taken to the hospital.

3 Q. And you, you were looking for person A. What did you do to try to find her?

4 A. The people that I found at the location told me that the -- those who had died
5 had been evacuated to the Abobo hospital. That is why I went to the Abobo
6 hospital.

7 Q. Very well. I'm really sorry. Since both of us are speaking French, it's a bit
8 difficult, but I will make an effort.

9 You have just told us that there were injured persons there. Were there many of
10 them?

11 A. I am telling you that I was looking for person A. I really was not bothered
12 about the others.

13 Q. If you were looking for person A you would have been looking around in order
14 to find her. I just want all of us to understand. You went to the Banco roundabout,
15 you were looking for person A. We have understood that. You were -- but you
16 saw injured persons. Can you describe to us and the Judges what you saw at that
17 time when you arrived at that roundabout?

18 A. Yes. There were injured people. There was blood everywhere.

19 Q. So you saw injured people, you saw blood and you were told that the dead
20 bodies had been evacuated to the hospital. Now, once you got to the hospital, you
21 saw person A's body. Did you ask to take the body away with you?

22 A. Yes.

23 Q. What did you actually do? How did you make that request to take away the
24 body?

25 A. There were nurses there. I told them I wanted to take the body away and they

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1 told me no.

2 Q. Why?

3 A. I do not know.

4 Q. You didn't ask?

5 A. No.

6 Q. Did you ask what was to become of person A's body?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Very well. Now, when you were at the hospital, did anyone give you a death
13 certificate?

14 A. No.

15 Q. I would like to show you a document, but I think we should go into private
16 session because it could include identifying information. I'm going to give the
17 reference number to the Court. Is that okay?

18 A. Very well.

19 MS NAOURI: (Interpretation) Your Honour, can we go to private session?

20 PRESIDING JUDGE TARFUSSER: Yes. Please, Felipe, can you call private session.
21 Thank you.

22 (Private session at 12.25 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 11 (Open session at 12.34 p.m.)
- 12 THE COURT OFFICER: We are in open session, Mr President.
- 13 PRESIDING JUDGE TARFUSSER: Madam Naouri.
- 14 MS NAOURI: (Interpretation) Thank you, your Honour.
- 15 Q. So the burial was one and a half months after the events; is that correct?
- 16 A. Yes.
- 17 Q. Why were the -- why were the bodies not buried immediately?
- 18 A. At that time it was not possible to go out.
- 19 Q. Why?
- 20 A. There was shooting everywhere, clashes everywhere. It was not possible.
- 21 Q. Clashes between which groups, between whom and whom?
- 22 A. The defence forces and the rebel groups who had come.
- 23 Q. Who were these groups of rebels? What were their names?
- 24 A. The New Forces, les Forces Nouvelles.
- 25 Q. Just the New Forces? There were no other groups?

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1 A. Well, there were -- there were the Young Patriots as well who closed off
2 neighbourhoods.

3 Q. You told us, and I don't have the exact reference, but you told us that you had
4 lived in the neighbourhood for 45 years?

5 A. Yes.

6 Q. This is lines 15 and 16, page -- lines 14 and 15 of today's transcript. I think I
7 could ask you which commune within Abidjan you live in and I believe you said
8 Abobo. Let us be very careful now not to go into too much detail. Now, could you
9 tell me which part of Abobo you live in?

10 A. The east.

11 Q. Could you be a bit more specific? Is there a particular name? Because Abobo
12 is a very, very large neighbourhood. I don't think we are running a risk. And there
13 are neighbourhoods within Abobo. Could you give us the name of the
14 neighbourhood? There are many people.

15 THE INTERPRETER: Message from the interpreters: The exchange was rather
16 rapid and the interpreter did not hear the witness's final reply.

17 PRESIDING JUDGE TARFUSSER: Excuse me. The exchange was rather rapid and
18 the interpreter didn't hear the reply or didn't intend all the exchange between you and
19 the witness. But I really do not understand why he should go closer and closer to his
20 neighbourhood. What's behind it, I mean the reason?

21 MS NAOURI: (Interpretation) I will answer that question very quickly and I think
22 my next few questions will shed light on that.

23 Q. Now, since we were speaking very quickly and we identified the particular
24 place, (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. It is an Ébrié neighbourhood, but many people have moved there and bought
6 houses.

7 Q. Do you remember incidents that occurred in that neighbourhood during the
8 post-electoral crisis?

9 A. Yes.

10 Q. Could you give us an example when you say yes, that there had been incidents?
11 What incidents?

12 A. Yes, I had to pay the price, you know. On 26 February everyone left the
13 neighbourhood, everyone poured out of the neighbourhood. We decided to leave
14 on the 26th and then some young people were closing off areas and checking people's
15 identity.

16 Q. Let me make sure I've understood. So you left the neighbourhood on 26
17 February?

18 A. 26 February.

19 Q. So before the women's march?

20 A. Before the women's march.

21 Q. That we are talking about now. So you were not living in that neighbourhood
22 any more?

23 A. No.

24 Q. When did you go back?

25 A. To the neighbourhood?

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1 Q. Uh-huh, yes.

2 A. 22 April 20 --

3 Q. Why?

4 (Redacted)

5 (Redacted)

6 MS NAOURI: (Interpretation)

7 Q. So you left. Did any other friends or relatives leave as well at that time?

8 A. Everyone left. Everyone left home.

9 Q. Now, if I've understood correctly, you were part of the group of people fleeing
10 Abobo; is that correct?

11 A. I don't understand.

12 Q. Let me rephrase. Let me be more specific in my questioning. The exodus,
13 that is to say when many people are afraid and take refuge somewhere, they leave a
14 neighbourhood, you saw that yourself?

15 A. Yes.

16 Q. I would like to play a video for you and if you could please tell me afterwards
17 whether you recognize the images, the locations; is that all right?

18 A. Yes.

19 Q. This is CIV-D15-0001-0565, time code 00.22 to 1.05. And the transcript of this
20 video footage is CIV-D15-0004-1203.

21 (Counsel confer)

22 MS NAOURI: Pardon?

23 PRESIDING JUDGE TARFUSSER: Is it public?

24 MS NAOURI: It's public, yes. Sorry.

25 (Viewing of the video excerpt)

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- 1 MS NAOURI: (Interpretation)
- 2 Q. Did you see the footage?
- 3 A. Yes.
- 4 Q. Very well. Was this footage shot in Abobo? Do you recognize the places?
- 5 A. Yes.
- 6 Q. Yes. And you saw these scenes such as the one of the people leaving the area?
- 7 A. A great many actually.
- 8 Q. A great many. Did you see the gentleman who was speaking about the rebels
- 9 of PK18, did you hear what he said?
- 10 A. Yes, I heard.
- 11 Q. Now, do you know which rebels were at PK18?
- 12 A. I don't know.
- 13 Q. I will count to five.
- 14 Do you recognize the name that was given to those people at PK18?
- 15 A. No.
- 16 Q. No. But you yourself were in that neighbourhood in PK18?
- 17 A. Yes.
- 18 Q. Very well. And when you went to the neighbourhood, were you afraid?
- 19 A. Yes.
- 20 Q. And in the footage we see some women and they are afraid, afraid for their
- 21 children. You agree? And you were also afraid, (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. Where did you go? No, wait, don't answer. I will ask another question and

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1 then we will go into private session.

2 You remember speaking to the OTP people about all of this? We've mentioned that.

3 A. Yes.

4 Q. I won't hark back to it then.

5 MS NAOURI: (Interpretation) I'd like to ask for private session because I don't

6 think I will be able to manage otherwise. Court officer, could we -- correction, your

7 Honour, could we go into.

8 (Private session at 12.49 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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- 24 (Open session at 12.52 p.m.)
- 25 THE COURT OFFICER: We are in open session, Mr President.

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1 PRESIDING JUDGE TARFUSSER: Thank you very much.

2 Ms Naouri.

3 MS NAOURI: (Interpretation)

4 Q. So you were still aware of what was going on in Abobo?

5 A. Yes.

6 Q. (Redacted)

7 A. (Redacted) going on behind me.

8 Q. Were you watching the television?

9 A. Yes.

10 Q. During the crisis you were watching the television?

11 A. Every day there would be the news and I would watch.

12 Q. Very well. I would like to play some video footage for you. This is the last
13 one before the break. CIV-OTP-0061-0558. Now, this is some video taken from the
14 APM news, the news programme of 7 March 2011 and timestamps are 9.54 to 12.23.
15 This is the television news RTI, 1300 hours, 7 March 2011. And I'm being reminded
16 that there's a transcript as well, CIV-D15-0004-1197.

17 (Viewing of the video excerpt)

18 PRESIDING JUDGE TARFUSSER: Yes, please.

19 MS BERDENNIKOVA: I apologise for interrupting. May we very briefly go into a
20 private session for just one objection.

21 PRESIDING JUDGE TARFUSSER: Let's go in private session.

22 (Private session at 12.58 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Recess taken at 1 p.m.)

24 (Upon resuming in open session at 2.35 p.m.)

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

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1 PRESIDING JUDGE TARFUSSER: Yes, thank you.

2 I think the questioning was to the Defence of Mr Gbagbo. And we stopped with this
3 position, which was rejected, so go ahead, please.

4 MS NAOURI: (Interpretation) Thank you, Mr President.

5 Q. Are you okay, Mr Witness?

6 A. Yes, maybe.

7 Q. Before we broke for the lunch break we saw images of the RTI news broadcast;
8 do you remember?

9 A. Yes.

10 Q. Did you recognize any locations?

11 A. No.

12 Q. Very well. Now, when you returned to your neighbourhood, did you see any
13 material damage?

14 A. No.

15 Q. You didn't see any houses destroyed?

16 A. No, I didn't see them.

17 Q. Did you know any people who had been injured in the night of 6 to 7
18 March 2011?

19 A. No.

20 Q. In the report, the news broadcast that we just saw it is said, and I am quoting
21 from the transcription of video CIV-D15-0004-1197: "This disaster, which is similar
22 to a genocide, was perpetrated in the night of Sunday to Monday by rebels claiming
23 to be in the Ouattara camp, the invisible rebels." Have you ever heard of them?

24 A. Yes.

25 Q. What do you know about them?

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1 A. I do not know anything at all about them.

2 Q. Did you hear about them? In fact, what did you hear about the Invisible
3 Commandos?

4 A. In the neighbourhood people were talking about them, the Invisible
5 Commandos, but I did not see them.

6 Q. Do you know who was the leader of the Invisible Commandos?

7 A. I do not know.

8 Q. You are a trader, aren't you?

9 A. Yes.

10 Q. Some of your colleagues, traders, were they attacked and was there any
11 racketeering by the Invisible Commandos?

12 A. To my knowledge, no.

13 Q. Let me hark back to the document that you gave to the OTP.

14 A. Very well.

15 Q. Can you -- can you tell us about your meeting with the OTP without going into
16 details about what you actually told them, but how was it conducted, the meeting
17 with the OTP?

18 A. As I told you, they called me and said they were from the OTP and that they
19 wanted to see me. Initially, I did not want to accept because I did not know them.
20 They insisted and I said I did not know them. Afterwards, the person who
21 interviewed me called me and said, "Do not be afraid, we are in a hotel. You can
22 come and see us." And that is how come I had the courage to go and see them.

23 Q. Very well. Did you inform any other people, any relatives that representatives
24 of OTP were in Abidjan and they wanted to meet with people?

25 A. No.

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1 MS NAOURI: (Interpretation) I would like to address myself to you, your Honour.
2 I am speaking French, so even if I ask the witness to take off his headset, he will hear
3 what I am saying, but I wanted to make a request, I wanted to put a question to him
4 based on information that we have, and I wanted to indicate to the Chamber the
5 foundation of my question.

6 PRESIDING JUDGE TARFUSSER: (Microphone not activated)

7 MS NAOURI: (Interpretation) Either I just give ERN numbers and I put the
8 question to the witness, or I will explain the source of that information and then I put
9 the questions to the witness.

10 PRESIDING JUDGE TARFUSSER: Or for a change you speak in English with us. It
11 could be the other way around.

12 MS NAOURI: (Interpretation) My working language is French and I really cannot
13 assume that responsibility in English.

14 PRESIDING JUDGE TARFUSSER: So we bring the witness out. That's the only
15 way I think this can be done.

16 MS NAOURI: (Interpretation) I'm sorry to interrupt you, but I can also mention,
17 refer only to the ERN numbers. If there is no objection we can proceed in that
18 manner.

19 PRESIDING JUDGE TARFUSSER: Okay.

20 MS NAOURI: (Interpretation) Now, for the record the question I'm going to put is
21 based on CIV-OTP-0081-0380-R01, page 0385, paragraph 20.

22 Q. Mr Witness, if I put it to you that someone told us that you contacted him or her
23 and informed them that the members of the OTP were in Abidjan and that you were
24 going to meet with them, would you agree with that?

25 PRESIDING JUDGE TARFUSSER: I think this is the wrong way to put the question.

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1 If I put it to you and -- I think we should now really make direct questions and have
2 direct answers.

3 MR DEMIRDJIAN: That's what I say going to say, your Honour, putting straight
4 facts.

5 MS NAOURI: (Interpretation) I wanted to ask a question on the facts. There is
6 someone --

7 MR DEMIRDJIAN: That's the problem, that's the problem right there.

8 PRESIDING JUDGE TARFUSSER: Yes.

9 MR DEMIRDJIAN: Just the facts.

10 MS NAOURI: (Interpretation) In that case I will ask that the witness be taken out
11 so that we can debate on how to manage this issue without identifying the witness,
12 especially in cases of questioning by the non-calling party.

13 PRESIDING JUDGE TARFUSSER: I don't think there is a big difference between the
14 calling party and the non-calling party, the questioning. You just have question
15 that -- you put what you have, you confront what you have with what we have, the
16 witness. I mean, it's a document which was disclosed, so --

17 MR DEMIRDJIAN: Exactly. Your Honours, I think just to make it perfectly clear,
18 counsel can put the question and the facts. It's the source itself and the origin itself
19 which does not need to be disclosed to put the witness in the situation where there
20 has to comment on somebody else's word. Just put the straight facts. There is no
21 need to say where it comes from. We know it, we have the ERN. That's all.

22 MS NAOURI: (Interpretation) Very well.

23 Q. Mr Witness, did you tell (Redacted) that the members of the Office of the
24 Prosecutor were in Abidjan and that you were going to meet with them?

25 A. Yes, I told him that.

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1 Q. Very well.

2 Mr Witness, who told you about the presence of the OTP investigators in Abidjan?

3 A. That is the investigation unit. They told us that they were investigators who
4 would arrive to carry out investigations, but they did not know at what time
5 precisely.

6 Q. So it was a member of the investigation unit of Abidjan who informed you that
7 ICC investigators would want to talk to you?

8 A. They told us before that they would arrive but that they did not know at what
9 precisely what time they would come.

10 Q. That's okay.

11 Now, how long did you stay together with the OTP members?

12 A. I think it was on two occasions.

13 Q. Yes, twice, but how much time in hours did you stay together?

14 A. I did not time the meetings.

15 Q. I understand that you did not time, but can you give us an approximation, one
16 or two hours?

17 A. Yes. More than three hours the first time.

18 Q. Were you shown any photographs?

19 A. Yes.

20 Q. And what were you asked to do?

21 A. There was a gentleman who said he was a criminologist and then he would
22 show me photographs and I will make annotations, and I said I could not do that, but
23 I gave him authorisation to do it and I would give him instructions.

24 Q. So it was the criminologist who showed you those photographs?

25 A. Yes.

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1 Q. Had you already seen the photographs he showed to you?

2 A. It was the first time that I was seeing those photographs.

3 Q. Are you telling us that there was someone asking you questions on the basis of
4 the video footage and then who showed you images or photographs?

5 A. Yes.

6 Q. If I understand you correctly, there was someone from the OTP who froze the
7 images on the video footage?

8 A. Yes.

9 Q. And that person would ask you to identify individuals?

10 A. Yes.

11 Q. And did you recognize many?

12 A. A single person.

13 Q. The second photograph that was shown to you a short while ago, transcript
14 page 32, line 9 -- page 30, line 9, you had some difficulty identifying that photograph?

15 A. I think the image was not very clear.

16 Q. You had not seen that photograph before?

17 A. Before that day, no.

18 Q. But before today you had seen it?

19 A. I'm saying ever since that day I saw it with the criminologist I have never seen it
20 again.

21 PRESIDING JUDGE TARFUSSER: But the witness is -- the witness said before that
22 day, not before today, before that day. So I don't think -- you're trying to mislead the
23 witness a bit, I think. Before that day, he said.

24 MS NAOURI: (Interpretation) On the contrary, your Honour, I simply wanted to
25 establish fully that he had seen the picture before, that is before today, that is

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1 precisely what I was trying to fully establish.

2 Q. (Redacted)

3 (Redacted)

4 Q. Do you know each other -- have you known each other for a long time? And
5 be careful, we are in public or open session.

6 A. No.

7 Q. Since when have you known him?

8 A. Ever since the deaths of those people. That's when I knew him, otherwise I
9 had not known him before.

10 Q. And have you been seeing each other frequently?

11 A. Rarely.

12 Q. Is that someone that you trust?

13 A. Well, I really do not know.

14 MS NAOURI: (Interpretation) I would like to ask for a private session, please.

15 PRESIDING JUDGE TARFUSSER: Can we go in private session, please.

16 (Private session at 2.53 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Open session at 3.00 p.m.)

17 THE COURT OFFICER: We are in open session, Mr President.

18 PRESIDING JUDGE TARFUSSER: Thank you.

19 Madam Naouri.

20 MS NAOURI: (Interpretation) Thank you, Mr President.

21 Q. Did the association obtain any help from people outside or any finance to
22 organise these memorial services?

23 A. No.

24 Q. And how did things happen when you organised a memorial service? Can
25 you explain this to us?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. He says that he is a founding member of the RDR, but you were not aware of
7 that?

8 A. Well, he didn't tell me that.

9 Q. Did the other members of the -- or, are the other members of the association
10 members of the RHDP?

11 A. I do not know because I did not know them beforehand.

12 Q. But you do know them now?

13 A. Yes, I do know them now.

14 Q. Do you know the communication secretary within the association?

15 A. Yes.

16 Q. Do you know this individual well?

17 A. Well, (Redacted)

18 Q. And is he a member of the RHDP or the RDR?

19 A. I do not know. I'm not involved in politics.

20 Q. Very well. Have you met any members of the association called la voix de la
21 jeunesse active?

22 A. Yes.

23 Q. Under what circumstances?

24 A. Well, we could say that they were the ones who took people to hospital.

25 Q. But how did you come to meet the members of the association?

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1 A. It was there that I saw them. I saw them there. I don't know them. And
2 they said -- they said, "No, don't worry you can leave, old gentlemen. We're taking
3 care of everything."

4 THE INTERPRETER: Could the witness please be requested to speak up because
5 he's speaking so low we can't really hear him properly.

6 PRESIDING JUDGE TARFUSSER: Could somebody put the microphone to the
7 mouth of the witness, please.

8 MS NAOURI: (Interpretation)

9 Q. And when there was an argument, did you see the members of the voix de la
10 jeunesse active association again?

11 A. Well, they would come to our ceremonies. That's all.

12 Q. That's all. Now, Mr Witness, in order to refresh your memory
13 somehow -- somewhat, we're going to move into private session, I'm going to show
14 you a video and make sure that you not be recognized in private session.

15 MS NAOURI: So, Mr President, could we please go into private session.

16 PRESIDING JUDGE TARFUSSER: Can we please go in private session, Felipe.
17 Thank you.

18 (Private session at 3.05 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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6 (Redacted)

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10 (Redacted)

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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 3.12 p.m.)

24 THE COURT OFFICER: We are in open session, Mr President.

25 PRESIDING JUDGE TARFUSSER: Thank you.

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1 Please, go ahead.

2 MS NAOURI: (Interpretation)

3 Q. So, Mr Witness, I would now like to show to you an excerpt from a video. It is
4 video CIV-OTP-0042-0590, time code 00.04.52 to 00.06.21. I'm not going to give any
5 further information on this video because we are in public session, but it's further on,
6 it's a continuation.

7 MS BERDENNIKOVA: Your Honour.

8 PRESIDING JUDGE TARFUSSER: Yes, please.

9 MS BERDENNIKOVA: I apologise again for interrupting, but could I ask for private
10 session?

11 PRESIDING JUDGE TARFUSSER: Today, I mean, all of you, nearly all, of course -- I
12 think we are exaggerating a little bit. But now go in private session, I don't know
13 why, but I hope we have a good reason for doing so.

14 (Private session at 3.13 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 6 (Redacted)
- 7 (The hearing ends in private session at 3.38 p.m.)