

Trial Hearing
WITNESS: CIV-OTP-P-0230

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
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 - Courtroom 1
9 Monday, 28 November 2016
10 (The hearing starts in open session at 9.02 a.m.)
11 THE COURT USHER: [9:02:39] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:03:01] Good morning. I had some problems
15 here. Everything is okay.
16 Good morning. Good morning, Mr Witness.
17 WITNESS: CIV-OTP-P-0230 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: [9:03:53] (Interpretation) Good morning, your Honour.
20 PRESIDING JUDGE TARFUSSER: [9:03:55] I can tell you this is your last day here.
21 Obviously, you have to collaborate, and I will ask you again just to answer the
22 questions without going into polemics with the questions or with the parties.
23 And I give immediately the floor to the Defence of Mr Gbagbo.
24 MR ALTIT: [9:04:24] (Interpretation) Thank you, Mr President. I'm sorry for
25 taking the floor, but Mr President, I wanted to raise an issue with your Chamber

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1 before we continue with the questioning of the witness, and I think with your leave it
2 would be better to address this issue in private session.

3 PRESIDING JUDGE TARFUSSER: [9:04:53] And with the witness in?

4 MR ALTIT: [9:04:57] (Interpretation) It does not concern this witness at all. It
5 concerns the next witness.

6 PRESIDING JUDGE TARFUSSER: [9:05:02] Does it concern an issue with the Legal
7 Representative of Victims?

8 MR ALTIT: [9:05:09] (Interpretation) Obviously she'll have something to say
9 regarding my application.

10 PRESIDING JUDGE TARFUSSER: [9:05:27] Yes. So it's in any case useless that the
11 witness stays in just to listen to something he could stay outside and relax.

12 So, Mr Witness, could you please leave the courtroom because we have to discuss
13 something else before continuing with your questioning.

14 I ask the court usher to accompany the witness outside the courtroom. Thank you.
15 (The witness stands down)

16 PRESIDING JUDGE TARFUSSER: [9:06:21] Maître Altit.

17 MR ALTIT: [9:06:25] (Interpretation) Thank you, Mr President. Mr President,
18 your Honours, I would like to talk about Witness 350, who is the next witness. It
19 looks like we are not in private session.

20 PRESIDING JUDGE TARFUSSER: [9:06:44] Sorry about that. Can we please go in
21 private session. Thank you.

22 (Private session at 9.06 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 9.17 a.m.)
- 14 THE COURT OFFICER: [9:17:59] We're in open session, your Honour.
- 15 (The witness enters the courtroom)
- 16 PRESIDING JUDGE TARFUSSER: [9:18:08] Thank you.
- 17 So once again, good morning, Mr Witness. We had to discuss something which was
- 18 completely unrelated to you and your testimony.
- 19 Now I give the floor again to the Defence of Mr Gbagbo, and I think it's Mr O'Shea
- 20 who is continuing his questioning.
- 21 MR O'SHEA: [9:18:50] Good morning, your Honours.
- 22 PRESIDING JUDGE TARFUSSER: [9:18:51] Good morning.
- 23 QUESTIONED BY MR O'SHEA: (Continuing)
- 24 Q. [9:19:01] Good morning, Witness.
- 25 A. [9:19:03] Good morning.

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1 Q. [9:19:04] Now, you have explained that others planned the march of 16
2 December. And you organised it on the day. When did your personal organisation
3 start, was it on the morning of the day itself or was it before that?

4 A. [9:19:34] I did not say that others had planned the march. I said that we
5 worked to assist in the organisation of the march.

6 Q. [9:19:59] So are you saying that you were involved in the planning of the march?

7 A. [9:20:07] Yes, because I am an RDR grassroots militant.

8 Q. [9:20:13] And when did that start from your perspective?

9 PRESIDING JUDGE TARFUSSER: [9:20:14] Now we start, already start today, I
10 order you -- no, it's a joke -- to listen in English so that you understand that you have
11 to wait, or otherwise I have to interrupt you continuously. It's the third question
12 with the third time that we don't have the beginning of your questioning.

13 MR O'SHEA: [9:20:35] Thank you, your Honours.

14 PRESIDING JUDGE TARFUSSER: [9:20:38] Okay.

15 MR O'SHEA: [9:20:53]

16 Q. [9:20:53] Sir, how many days before the march did your personal involvement in
17 the planning begin?

18 A. [9:20:59] As soon as we received the mot d'ordres from our leaders.

19 Q. [9:21:17] The question is how many days before the march?

20 A. [9:21:21] I cannot tell you precisely the number of days, but as soon as we
21 received the mot d'ordres, we started working with the mobilisation.

22 PRESIDING JUDGE TARFUSSER: [9:21:49] Yes, but you must know, excuse me,
23 you must know if it was a month before or only a few days before or the day before or
24 something like this. Give an approximate estimate.

25 THE WITNESS: [9:22:03] (Interpretation) Thank you, your Honour. As soon as

1 we received the mot d'ordres, that is as soon as those people at the Golf launched that
2 instruction, we started working, and I think it lasted two to three days, I believe.

3 PRESIDING JUDGE TARFUSSER: [9:22:31] Okay. Thank you.

4 MR O'SHEA: [9:22:46]

5 Q. [9:22:47] So if you were involved in the planning of the march, then you were
6 involved in the decision-making as to how it should be organised; is that right?

7 A. [9:23:08] Yes, of course, like for all marches, when the mot d'ordres is given, you
8 start working and mobilising at the grassroots.

9 Q. [9:23:33] And was it, were you one of the people who decided how that
10 mobilisation and organisation was going to be done?

11 A. [9:23:46] Yes, because I was a stakeholder and I was a grassroots militant of the
12 RDR, so I think there are no other modalities. It was simply to mobilise other people
13 and then go and march.

14 Q. [9:24:18] So in your statement at paragraph 38, when you were speaking to the
15 Prosecution investigators, you said the following, and I quote in French
16 (Interpretation) "So as soon as the march was planned, they informed me and gave
17 me all the details about how to organise it," unquote.

18 (Speaks English) Did you say that to the Prosecution investigators?

19 A. [9:25:09] Yes, of course.

20 Q. [9:25:15] And how do you reconcile that statement with the evidence you've just
21 given?

22 A. [9:25:23] I believe that what I have just told you and what I told the OTP, there is
23 no difference for me because once there is an instruction for a march, there are a
24 directive that are given, there is mobilisation, and we follow it. There are itineraries
25 for the march. There are locations where all the groups have to gather and converge

1 towards where we are supposed to march and protest. So I do not think there is any
2 difference between what I told you and what I said to the OTP.

3 Q. [9:26:22] You see, you've explained that you have -- you were an integral part of
4 the decision-making process as to how the march should be organised and that you
5 were part of the planning. But what you appear to have said to the investigators is
6 that once the march was planned, all the details were given to you as to how it should
7 be organised; is that correct?

8 A. [9:27:04] Yes, of course, that is what I have just told you. Maybe you are seeing
9 a difference between my statement and what I'm telling you right now. When the
10 leaders issue a mot d'ordres, there is planning, there is the itinerary of the march. It
11 is organised. It does not mean everybody would simply do what they want.
12 Now, saying that I was involved in decision-making, it is the leaders who decide and
13 then we implement. That's it.

14 Q. [9:28:01] Now, you have given us two names of leaders who were responsible
15 for the planning of this march last week. Could you please tell us the names of all of
16 those leaders who were responsible for the planning of this march?

17 A. [9:28:37] Very well, let me go over that again. The RHDP leaders who issued
18 this mot d'ordres were in the Golf. They were blocked, confined there. This means
19 they were not free to move about. They did not --

20 Q. [9:29:16] Mr. Witness, can I just stop you there, please, can I just stop you there,
21 because you've completely gone off the question which I asked.

22 A. [9:29:28] Okay.

23 Q. [9:29:28] So please listen to the question and answer the question only. And
24 the question is this:

25 Could you please give us all the names of the leaders who were responsible for the

1 planning of the march?

2 A. [9:30:04] I cannot tell you all the names of those who attended a preparatory
3 meeting for that march at the Golf, and that is because I was not there. Now, there
4 was a communiqué issued by the spokesperson of the RHDP at the time and I have
5 given that person's name. Now you want me to give you names of people who were
6 in a meeting, a meeting that I did not attend? I cannot do so. They were at the Golf.
7 But I received the mot d'ordres.

8 Q. [9:30:38] So is it your evidence to this Chamber that you, who were involved in
9 the planning of this march, because you were not at the Golf hotel, the only names of
10 the planners of the march that you can provide are the porte-parole and you are
11 unable to provide the names of the others who planned it; is that your evidence?

12 A. [9:31:16] It was the RHDP that planned the march. They gave a mot d'ordres
13 and they were at the Golf. We are grassroots activists, and each person works to
14 respect that mot d'ordres. So when you talk about planning and organisation, well,
15 at my level, that is at the level of a grassroots militant, that's the work that I undertook.
16 But I'm not in a position to know who was in the room whilst they were holding that
17 planning meeting for the march. I was given an itinerary to follow. I was given
18 instructions. And I followed those to the letter. That's what I'm saying to you,
19 which means that I am not a leader. I'm not at the top. I am at the bottom. So
20 what I receive from the top is what I work on. That's what I mean.

21 Q. [9:32:18] So I will try one more time.

22 PRESIDING JUDGE TARFUSSER: [9:32:28] I think it's absolutely clear. I don't
23 know why you are trying one more time. I think it's absolutely clear what he said,
24 what the witness is saying.

25 MR O'SHEA: [9:32:39] With respect, your Honour, it is not.

1 PRESIDING JUDGE TARFUSSER: [9:32:42] It is.

2 MR O'SHEA: [9:32:44] I will stop if your Honours say.

3 PRESIDING JUDGE TARFUSSER: [9:32:50] Don't stop, but ...

4 MR O'SHEA: [9:32:52] To me, it's not clear.

5 Q. [9:32:59] I will put the question to you one more time. Are you saying that
6 other than the two porte-parole who you have mentioned, you are unable to name
7 any other person involved in the planning of this march at a higher level than
8 yourself; is that your evidence?

9 A. [9:33:33] Yes. What is the level above me? Well, it was my secretary of
10 section, my political commissar and my departmental -- so when you go to the top,
11 the political bureau of a political party comes together. The grassroots activists are
12 not there. I'm not a member of the political bureau or the directoire of the RHDP.
13 And when those of the RHDP came together to take their decision, I was not there.
14 Now, do you want me to give you the list of all those people who were in attendance
15 at that meeting? I'm not in a position to do so because I was not present.
16 And the Golf, the people at the Golf were confined. We did not have access to our
17 leaders, our leaders did not have access to us. Now, what I'm explaining to you is
18 that when we received mot d'ordres from the top by view of the fact that it is an
19 organisation that is well established, each person at their level would do their job, and
20 I as the president of the comité de base in Adjamé Marie-Thérèse, my role was in
21 Adjamé, which is a neighbourhood of Abidjan. And as I was the president of the
22 comité de base, Adjamé Marie-Thérèse in my locality, I was involved in organising
23 and mobilising those activists in order to come together and go on the march. That's
24 what I'm saying to you. But you want me to tell you that when the RHDP political
25 bureau came together what happened, well, I wasn't there, I was not there.

1 Q. [9:35:31] Give us the names of those leaders who you spoke to or you
2 communicated with during and before the march.

3 A. [9:36:00] Well, thank you. In view of the fact that I was in town, well, and the
4 RHDP was confined, we had numbers. And if there were problems in the
5 neighbourhoods, we would inform the Golf and then the Golf would inform us.
6 Now, the spokespersons who came on that day to provide the communiqué, I believe
7 there was Professor Guy Kaowé, there was Adjoumani and I believe --

8 THE INTERPRETER: Inaudible.

9 THE WITNESS: (Interpretation) I think that if I'm not mistaken those are the
10 people I mentioned in my statement.

11 Now, when there were killings in the neighbourhood we would use those numbers in
12 order to inform them and we would automatically inform the international press.
13 That's how things worked.

14 Q. [9:36:54] What was the first name you gave, Guy Kaowé?

15 A. [9:37:12] Professor Guy Kaowé. Now, in order, I wouldn't be in a position to
16 do so, I gave Guy Kaowé as a name. I said Madam Anne Ouloto and if I'm not
17 mistaken, I also talked about Adjoumani. Those were the spokespersons for the
18 RHDP.

19 THE INTERPRETER: Could the spelling please be provided for the interpreters and
20 the court reporters. Thank you.

21 PRESIDING JUDGE TARFUSSER: [9:37:45] Please, could you spell the names for
22 people in the booths. Thank you.

23 MR O'SHEA: [9:37:53] I can help with Ouloto, which is O-U-L-O-T-O, and it's Anne,
24 A-N-N-E.

25 Q. [9:38:18] Witness, can you spell the name Guy Kaowé, Professor Guy Kaowé?

1 MS BERDENNIKOVA: [9:38:26] Your Honours, perhaps we can be of help, because
2 the names that have been mentioned are on the spelling list that were provided to the
3 interpreters.

4 MR O'SHEA: [9:38:35] Yes, my learned friend can provide the spelling.

5 THE INTERPRETER: [9:38:37] Message from the interpreter: We have repeatedly
6 requested that there be a spelling list with numbers to assist us. Thank you.

7 MS BERDENNIKOVA: So for Guy Kaowé it's G --

8 PRESIDING JUDGE TARFUSSER: [9:38:46] I received the message from the
9 interpreters that the spelling list is without numbers to refer to. So it would be easier
10 to have a spelling list with the numbers so we can easily go to the number for the next
11 time. Thank you.

12 But now have you got the names? I'm speaking with interpreters.

13 MS BERDENNIKOVA: It's in alphabetical order.

14 THE INTERPRETER: [9:39:09] I cannot locate the name Guy Kaowé on the list I'm
15 afraid, your Honour.

16 PRESIDING JUDGE TARFUSSER: [9:39:15] Okay. Madam Prosecutor, can you
17 please provide the spelling? Thank you.

18 MS BERDENNIKOVA: [9:39:20] So the spelling for Guy Kaowé is G-U-Y and then
19 K-A-O-W-É with an accent. I believe the last name could be -- the third name could
20 be spelled by the witness. I don't think that that one is in the list.

21 MR O'SHEA: [9:39:49]

22 Q. [9:39:50] Yes, Witness, please spell the third name.

23 A. [9:39:53] Adjoumani.

24 PRESIDING JUDGE TARFUSSER: [9:40:02] Can you please spell it?

25 THE WITNESS: [9:40:10] (Interpretation) A-D-J-O-U-M-A-N-I I think, Adjoumani I

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- 1 think, Adjoumani.
- 2 PRESIDING JUDGE TARFUSSER: [9:40:40] Which should be two words, right,
- 3 name and surname; is that correct?
- 4 THE WITNESS: [9:40:48] (Interpretation) I'm sorry?
- 5 PRESIDING JUDGE TARFUSSER: [9:40:50] Adjoumani are two names, two words,
- 6 the name and surname?
- 7 THE WITNESS: [9:40:56] (Interpretation) It is written in one word, Mr Adjoumani.
- 8 PRESIDING JUDGE TARFUSSER: [9:41:06] Okay. Thank you.
- 9 Maître O'Shea.
- 10 MR O'SHEA: [9:41:19]
- 11 Q. [9:41:19] All right. So we have Guy Kaowé, Ouloto and Adjoumani, who are
- 12 three porte-parole, in other words, they are three persons who made announcements
- 13 to the population generally; is that right?
- 14 When you say porte-parole, they made announcements across the private channel to
- 15 the population generally, those three people; is that right?
- 16 A. [9:42:10] Yes.
- 17 Q. [9:42:15] And apart from those three porte-parole, did you communicate with
- 18 anyone else at the Golf hotel in relation to the march?
- 19 A. [9:42:30] No.
- 20 Q. [9:42:39] Now, is it correct that this particular march was not authorised?
- 21 A. [9:43:25] It was authorised because it came from the president, who had been
- 22 elected democratically.
- 23 Q. [9:43:45] So you say that the march was authorised because President Ouattara
- 24 authorised it; is that what you are saying on the 16th of December?
- 25 A. [9:44:19] Yes, this was a president who had been elected democratically, so he

1 had the power to give decisions.

2 Q. [9:44:32] And is that an assumption on your part or did President Ouattara say
3 "I authorise this march"?

4 A. [9:44:44] The decisions coming from the Golf at the time were legitimate
5 decisions because they came from a government that had been legitimately elected.

6 Q. [9:45:05] But that's not the procedure for the authorisation of a march, is it? Do
7 you know what the procedure for the authorisation of a march is?

8 A. [9:45:20] Yes.

9 Q. [9:45:31] What is it?

10 A. [9:45:37] In an organised country, before you march, you give or send a letter to
11 the ministry of the interior and the minister of the interior will then receive you, see
12 the itinerary of your march and upon a common agreement, you need to find an
13 agreement and then validate the itinerary. And if the ministry of the interior is in
14 agreement then the march is authorised.

15 In such a situation, I believe that the minister of the interior who was legal in the eyes
16 of the entire world was at the Golf, and that is what was done and that is why we
17 followed that decision to the letter.

18 Q. [9:46:25] Before a new government has power in Ivory Coast, once there has
19 been an election and there have been election results, is there not a formal handing
20 over of power which is supposed to take place?

21 PRESIDING JUDGE TARFUSSER: [9:47:07] Excuse me. We are going into a
22 discussion on the constitutional law and on opinions. I mean, these are not facts. I
23 mean, I think the witness responded clearly to your question. Now I think it's time
24 to go ahead.

25 MR O'SHEA: [9:47:30] As your Honour pleases.

1 Q. [9:47:38] Now, during the day of the march, apart from being in communication
2 with these three individuals at the Golf hotel, were you also in communication with
3 the other organisers or mobilisers like you on the ground covering other areas?

4 A. [9:48:23] Yes, because within each entity, each party of the RHDP, each part of
5 the RHDP, each part has its organisation. So we were automatically in contact with
6 the others. That's entirely normal.

7 Q. [9:48:52] How many such organisers with your task of mobilising the
8 population were there on that day?

9 A. [9:49:12] All those who were working at the base received the same message
10 that I did, and they all did what I did.

11 Q. [9:49:31] Well, that's not an answer to the question. How many?

12 A. [9:49:41] The organisers, the organisers at a basic level.

13 PRESIDING JUDGE TARFUSSER: [9:49:49] The question is how many at your level
14 were mobilised? How many people at your same level have been mobilised in
15 Abidjan for this march.

16 THE WITNESS: [9:50:08] (Interpretation) I wouldn't be able to provide you with a
17 number specifically, because in Adjamé there are millions of or thousands of comité
18 de base and there are thousands of people who did the same thing as me. So if you
19 take the whole of Abidjan, well, I wouldn't be able to tell you the specific number
20 with regard to people who were responsible at that level. But that's what I did.

21 MR O'SHEA: [9:50:32]

22 Q. [9:50:32] Your comité de base on that day, you were dealing with how a
23 population, the part of the population of how many people, how many people were
24 within your organisational sphere among the population?

25 A. [9:51:03] My area, which is the Adjamé Marie-Thérèse neighbourhood, I could

1 say from 5 to 10,000 people, more than 5 to 10,000 people who were activists.

2 Q. [9:51:29] And how many people did you have to assist you in organising or
3 mobilising these 5 to 10,000?

4 A. [9:51:53] I believe I cannot provide you with specific figures, but Adjamé
5 Marie-Thérèse has several presidents of comité de base like myself. So it wasn't me
6 alone who mobilised all those activists and supporters. So my boss was the
7 secrétaire de section. And if you take Adjamé, there are more than seven secrétaire
8 de section, and in each section there are 10 or 20 comité de base, and in each comité de
9 base there were five or more members. And the supporters who have or had the
10 same vision as well, well, if you put all of those people together along with the
11 volunteers who wanted to protect the votes, I believe that these were thousands of
12 people, because everybody was mobilised in order to go and protect their vote. We
13 voted, we won, and our victory could not be stolen from us, and there were
14 thousands of people who had been mobilised to do that.

15 Q. [9:53:12] What is the name of the section's secretary for your comité de base?

16 A. [9:53:24] The section secretary, well, my boss was Mr Abdoulaye.

17 Q. [9:53:43] Could you spell that please, Witness?

18 A. [9:53:55] Abdoulaye.

19 Q. [9:54:08] Is that A-B-D-U-L-A-I?

20 A. [9:54:14] A-B-O-U-L -- sorry, Abdoulaye, A-B-O-U-D-L-Y-E.

21 Q. [9:54:50] Did you have people who had the task of controlling the population,
22 keeping them in order?

23 A. [9:55:23] Of course. Let me explain to you simply, when we received those
24 kinds of mot d'ordres, then automatically everybody becomes part of the same mould,
25 and each is in charge of the other person's security, because we knew how things

1 worked in our country, and each person had to be wary of security at their level.

2 Each person had to protect the others. And when organising such a type of march,

3 then all the organisations would come together and it was a unique type of mould.

4 And this was always what was our source of strength, the strength of the RHDP.

5 Q. [9:56:18] When you say each person is looking out for the other, is there a group
6 of people with that specific task or are you referring to everybody in the march?

7 A. [9:56:40] Everybody who was taking part in the march. That's how we train
8 people. If you are there, if you are not wary, then something can happen anywhere.
9 So you need to see. People came to infiltrate our march, and that's why everybody
10 becomes part of the security. Everybody watches the other person's back. And
11 when somebody was keeping an eye on me, I was keeping an eye on him because we
12 were always being infiltrated when we organised our marches.

13 Q. [9:57:24] When you say that people sometimes infiltrated your march, do you
14 include within that rebels?

15 A. [9:57:42] Which rebels? We are in Abidjan on a march. It's the people who
16 were in the party in power who they've already been -- always been infiltrating our
17 marches and killing people. What rebels? The Forces Nouvelles.

18 Q. [9:58:14] You had organised marches before, hadn't you, before the elections?

19 A. [9:58:22] Of course.

20 Q. [9:58:27] In those marches before the elections, did rebels infiltrate your marches
21 in order to attack the security forces?

22 A. [9:58:42] I said we were already -- always infiltrated by the supporters of those
23 in power, the Forces Nouvelles in Bouaké. Well, how could they infiltrate us
24 because it was those in power who were fighting with them? We were always
25 infiltrated. And on each occasion there were always thousands of dead when we

1 would march. That was the present that we were served up with every time.

2 THE INTERPRETER: [9:59:15] The end of the witness' answer was not clear to the
3 interpreter.

4 MR O'SHEA: [9:59:21]

5 Q. Now, on the last occasion, you told us that you had no contact with rebels.

6 A. [9:59:43] Oui.

7 Q. [9:59:43] So on the day of the march --

8 A. [9:59:47] Yes, yes.

9 Q. [9:59:51] -- is it right that you had no knowledge of where rebels were or what
10 they were doing?

11 A. [10:00:08] I do not know. I don't even know what you are talking about when
12 you are talking about rebels. I don't know. I don't know what you mean when you
13 are talking about rebels. Can you explain that to me?

14 Q. [10:00:21] So is it your evidence before this Chamber that when I use the word
15 "rebels" you have no idea what I'm talking about?

16 A. [10:00:39] Yes. And I am talking about the context that we were dealing about
17 at that time. There were people confined in the Golf, political leaders including the
18 president who had been elected, then there was the prime minister, the former prime
19 minister. So when you have people signing documents legally they're no longer
20 rebels. So you had rebel forces and then legal forces. Those are two forces that had
21 joined. So they were no longer any rebels to talk about. That is what I wanted to
22 clarify.

23 Q. [10:01:37] So it's your position, is it, that the Forces Nouvelles were on 16
24 December a legitimate army?

25 A. [10:01:59] The legitimate army of Côte d'Ivoire. Well, the two armies were

1 brought together when the president, who had been legitimately elected, signed that
2 decree at the Golf. And on that day they became the FRCI. But before the elections,
3 there were two armies. It is the same armies who had separated, brothers in arms
4 who had been separated, one on the left, one on the right. So they were fighting
5 against each other.

6 So at that particular point there was no longer any rebellion, because Mr Guillaume
7 Soro was prime minister of Côte d'Ivoire and who had been appointed by the former
8 president. He was the third personality of the country. So there was no longer a
9 rebellion. There had been Forces Nouvelles and the Defence forces on each side.

10 But at that time there was no longer a rebellion.

11 Q. [10:03:15] On 16 December, did you know what the activities of the Forces
12 Nouvelles, the soldiers of the Forces Nouvelles, what their activities were on that day?
13 Did you have any knowledge of that on 16 December?

14 A. [10:03:33] I am a civilian, I'm not a soldier, so I went about my business as a
15 civilian, so I do not know what duties the soldiers were carrying out.

16 Q. [10:04:08] So in the light of the answers which you've given, relating to the
17 numbers of the population present, relating to your state of knowledge, is it right that
18 you are not in a position to say whether there were people within the march who
19 were armed?

20 A. [10:04:37] I am in a position to tell you that in our march there were no armed
21 people, it was those who were on the opposite side who were armed. So I'm in a
22 position to tell you this.

23 Q. [10:05:04] So how were you able to confirm that the 5 to 10,000 people, under
24 your sphere of mobilisation, none of those people possessed weapons? How were
25 you able to confirm that?

1 A. [10:05:35] When you have a weapon, you use it. Now, if you have someone on
2 the opposite side who is shooting at you like rabbits, if I have a weapon, you want
3 me -- would I run away? If we had weapons on that day we would have fought
4 back, we would have resolved our problem in Côte d'Ivoire. It was those who were
5 opposite who were firing at barehanded civilians, that is why there were thousands of
6 dead on that day.

7 Q. [10:06:26] So your statement about the marchers not having weapons is based
8 upon a deduction, not upon your personal knowledge, isn't it?

9 A. [10:06:49] I do not need to make a deduction because I was an eyewitness. It is
10 not possible for me to be in a crowd and when people are fired upon in that crowd
11 people fall down and run away. If there are armed people in that crowd they are not
12 going to run away, they are going to fight back. If they fire on you, you are going to
13 fire back. That's what I mean.

14 Q. [10:07:33] In the days preceding 16 March, did you at any stage physically go to
15 the hotel du Golf?

16 A. [10:07:59] On the days after the march?

17 Q. [10:08:10] Preceding the march.

18 A. [10:08:23] I could not have gone to the Golf. We had no access. They were
19 confined. The neighbourhood was cordoned off. Everyone was trying to survive to
20 protect themselves.

21 Q. [10:08:35] So is the answer that you did not go in the area where the hôtel du
22 Golf is located in those days presiding the march?

23 A. [10:08:54] No. It was not possible, unless you wanted to lose your life.

24 Q. [10:09:07] So given your limited knowledge of those who were present at the
25 hôtel du Golf, and the fact that you did not go there during that period before the

1 march, you are not in a position to say, are you, whether the people within the hôtel
2 du Golf were able to leave the hotel or not?

3 A. [10:10:15] I am not able to tell you that. But what I can tell you is that people
4 experienced several things. There was Colonel Dosso, when he wanted to leave he
5 was killed, he was shot dead and his body has never been found. So he tried to
6 leave the Golf and he was killed. We did not even try to go to the Golf. We had
7 won the election. And we were trying to do everything possible to dislodge the
8 former head of state.

9 So this was to show that there were people on the other side. We fought and people
10 died. So we really didn't need those people in the Golf. We had to protect our vote.
11 We protected it and we won. That's it.

12 Q. [10:11:16] At the hôtel du Golf, there were occasions, were there not, when the
13 soldiers that were in the Golf attempted to come out and attack; is that right?

14 A. [10:11:52] What is true is that at one point we saw that the UN soldiers were
15 attacked in the Golf. We saw the images, the Golf was attacked. And they were
16 supposed to wipe everything out. And thanks to God this was not able to happen
17 because God is for justice.

18 Q. [10:12:38] Try if you would, Mr Witness, to focus on my question. Are you
19 aware that soldiers came out of the Golf hotel armed?

20 A. [10:13:00] I've told you what I know, I saw it on television; the Golf was attacked
21 by the former authorities. There is the footage and everyone is aware of it.

22 Now, talking about weapons in the Golf, I was not there. I cannot confirm that to
23 you. But what we saw on TV, everything, everybody saw it, the Golf was attacked.
24 And thanks to God, this did not work, it was not successful.

25 Q. [10:13:39] So you did not see any televised images of armed soldiers coming out

1 of the Golf?

2 A. [10:13:48] The footage that I saw on the TV was the Golf being attacked. The
3 UN soldiers were in the process of defending the Golf because this was a fief that was
4 supposed to be captured. So I saw the soldiers defending the Golf. Everybody saw
5 that and the footage exists.

6 Q. [10:14:24] Let me show you a film. CIV-D15-0002-0157 at 0.44 to 1.12. And
7 there is a transcript CIV-D15-0004-1497, and it's public.

8 (Viewing of the video excerpt)

9 MR O'SHEA: [10:16:49] Could we just show that once more because we had a
10 problem, technical problem on this side, or maybe a human problem.

11 (Viewing of the video excerpt)

12 MR O'SHEA: [10:18:28]

13 Q. [10:18:28] So media messages of this nature about soldiers coming out of the
14 Golf, you didn't see any of these, did you?

15 A. [10:18:49] Well, what you have just shown, that footage, the road is going to be
16 opened for Ouattara to be able to come out. This was after the hotel had been
17 attacked. People wanted to take the president to a safe place. And they announced
18 that they would open the road for Ouattara to come out with his government. Well,
19 I didn't see them opening up the road. The journalist announced that they were
20 going to go out, but we did not see them going out. It was filmed when the Golf was
21 being fired upon, when it was being attacked, and that is what the footage is about.

22 Q. [10:19:39] How many points of assembly were there on the morning of the
23 march before going to the RDR?

24 A. [10:20:16] Each neighbourhood had its place of assembly, each commune, each
25 neighbourhood. So you had the communes, the neighbourhoods and each one of

1 them had its place of assembly. So I cannot tell you how many of such places were
2 there.

3 Q. [10:20:48] Would it be right to say that your knowledge of the march must be
4 confined to your -- the population who gathered at your point of assembly and
5 moved with you?

6 A. [10:21:26] Of course. Our point of assembly from where we converged,
7 towards the headquarters of the party, I can tell you what I experienced there. But
8 now the other information that I heard from others, even if I tell you that, you
9 probably will not believe, but what I saw was from my neighbourhood to the
10 headquarters of our party. And each person had their own experience also. This is
11 what we all brought together and the families that lost members and that is how we
12 arrived at more than 3,000 dead.

13 Q. [10:22:28] You say there were 3,000 dead that day, do you?

14 A. [10:22:36] I did not say that. I didn't say that. I did not say that. The
15 post-election crisis led to about more than 3,000 dead. When the curfew was
16 imposed on the night of the elections and then civilians were being attacked, up to
17 four months after that there were more than 3,000 dead. That is the democracy of
18 Africans.

19 Q. [10:23:21] Are you aware of the fact that Guillaume Soro was speaking through
20 the radio to the population before the beginning of the march?

21 A. [10:23:48] I will tell you yes, Mr Guillaume Soro spoke, and he was prime
22 minister and minister of defence at that time. So at the time that Mr Ouattara was
23 declared president, all the speeches that Mr Guillaume Soro made were legitimate
24 because these were official speeches of the government that had been elected
25 legitimately and democratically.

1 Q. [10:24:27] And in these statements on the radio, Guillaume Soro was saying that
2 we are going to take back the RTI; is that correct?

3 A. [10:24:37] He made many speeches, so I cannot tell you word for word what he
4 said, but he was working towards the restoration of democracy in Côte d'Ivoire.
5 That is what he did. I believe he accomplished his mission.

6 Q. [10:25:07] According to your recollection, what did he say on the radio?

7 A. [10:25:18] I remember the statements of the prime minister, Mr Guillaume Soro,
8 who was also the minister of defence at the time, and he said we were not going to
9 give anything up, we were not going to surrender.
10 And he said if they were tenacious, we were also determined. So he told the former
11 head of state that he had not won and he continued to -- he continued to tell people to
12 remain mobilised. The truth is on our side, we shall win. And we won. And he
13 said you were no longer president, go away in the white man's country, that is what
14 happened, when you finish your term, you go away.
15 And this is what Guillaume Soro said. And we were galvanised. We were
16 confident even if we were being chased around in the towns. In the town we
17 remained vigilant and mobilised.

18 Q. [10:27:09] Now, you've explained that in terms of controlling the marchers, the
19 marchers surveyed each other and that this involved all of the marchers. Did
20 anybody else other than the marchers themselves help to control the marchers?

21 A. [10:27:53] No. No. We ensured our own security. Everybody was looking
22 out for their family, their brothers and sisters. There were thousands of women that
23 day. And God alone knows what happened to them.
24 So everyone was responsible for safety that day because we had been marching for a
25 long time in Côte d'Ivoire, we had been marching for 17 to 18 years. We knew how

1 that happened.

2 Q. [10:28:47] In your statement to the Office of the Prosecutor at paragraph 38, you
3 say, and I quote in French:

4 (Interpretation) "The associations were supposed to guide the marchers."

5 A. [10:29:21] I did not understand the beginning of the question.

6 Q. [10:29:23] You said to the investigators for the Prosecution: (Interpretation)
7 "The associations were to guide the marchers."

8 (Speaks English) Did you say that to the Office of the Prosecutor?

9 A. [10:29:54] I don't quite understand that sentence. Maybe from the
10 interpreter -- I'm talking about they were supposed to take care of or to guide the
11 marchers, but I didn't hear the sentence before that, if you can repeat please.

12 Q. [10:30:15] I will -- I will say the phrase again. Did you say to the investigators
13 for the Prosecution, and I quote in French: "Les associations devaient encadrer les
14 marcheurs."

15 (Speaks English) Close quotation. Did you say that?

16 A. [10:30:48] Yes, of course I said that, because I was the person in charge of
17 associations of gathering together the grins.

18 There were the support clubs who, at the same time -- well, those in charge of those
19 clubs were also activists, who were officially activists in the various parties of the
20 RHDP. And within all of the parties of the RHDP there are club de soutien, the
21 support clubs. I was in charge of gathering together the grins, but I was in charge at
22 the base level.

23 And in gathering the grins together, we have a bureau that gathers people together,
24 generally speaking, because we've spent our time training the activists, gathering
25 them together.

1 There are thousands of associations within the gatherings of the republicans and
2 within the RHDP itself, all of those people come together there.
3 So that's what I was saying to you. When we were marching, we were all part of one
4 big same mould. And there are those who have the experience, those youngsters
5 who have just arrived. Well, when I said to you that I have 18 years of marching in
6 my legs, what does that mean exactly? That means that throughout those 18 years
7 we have had many a scolding. But, of course, I need to be able to guide those
8 youngsters, otherwise things would just be out of order.

9 We had to bring their energy together and really guide those people and guide them
10 not to go to those locations where there were lots of killings. So it was the activists
11 of the RHDP who also had support clubs.

12 MR GBOUGNON: [10:32:59] (Interpretation) I do apologise. Apologies to my
13 learned friend. Mr President, would you mind --

14 PRESIDING JUDGE TARFUSSER: [10:33:06] You're opposing the questions of -- no,
15 just a question. No.

16 MR GBOUGNON: [10:33:08] (Interpretation) No, Mr President, I would just like to
17 make a comment. It would seem to me, I'd say it would seem to me that the witness
18 has his statement before him. I do not know whether it is his statement or not, but it
19 would seem to me that he has his statement before him. He has some papers in front
20 of him and I would like for the Chamber to verify whether it is his statement or not,
21 and if it is his statement then it should be taken away from him because he is not
22 authorised to have it in front of him.

23 PRESIDING JUDGE TARFUSSER: [10:33:41] Why is he not authorised to have it in
24 front of him? He has it in front of him. He's authorised as a Rule 68(3) witness.
25 So at the beginning it was said you have the statement in front of you, do you confirm

1 it? And he has it in front of him.

2 MR GBOUGNON: [10:33:59] (Interpretation) With P-414, it was decided that that
3 witness would not be able to read that statement or refer to it when giving testimony.
4 And if this witness has it before him, then the same thing should be decided, Witness
5 414, well, that decided for them and here this should be the same.

6 MR O'SHEA: [10:34:30] I'm slightly surprised, your Honours. Could I please ask
7 for the witness to go out for one moment, because I don't want to discuss this issue in
8 front of the witness, but I do want to address your Honours on this.

9 PRESIDING JUDGE TARFUSSER: [10:34:43] Can the witness leave the Court, please,
10 court usher. Thank you.

11 (The witness stands down)

12 MR O'SHEA: [10:35:19] Your Honours, I hope your Honours will indulge me to
13 address this point, notwithstanding that you have obviously given a great deal of
14 thought to it.

15 Obviously you, the Judges, always strive to ensure the fairness of the trial for the
16 accused. And this procedure in terms of Article 68 allows for the purposes of the
17 expeditiousness of the trial to have the statement of the witness essentially treated as
18 the examination-in-chief. Now -- or the examination of the calling party.

19 Now, in principle, and I'm sure this is the way your Honours look at it, in principle
20 this is an exceptional process. It's not one that should be adopted for all witnesses.
21 In the event that it is adopted in the situation of a witness who may be viewed by the
22 Defence as a contentious witness, in my submission, a great deal of care needs to be
23 taken. Normally we, on this side of the bar, we have the opportunity to have the
24 evidence being given orally and then to compare that oral evidence with what the
25 witness has said in his prior statement.

1 That is an important tool for the non-calling party because it allows the non-calling
2 party a means to test the credibility of the witness. Without that tool, testing the
3 credibility is of course still possible, but a lot more difficult.
4 That being the case, if a witness is treated as an Article 68 witness, and the statement
5 goes into evidence as the evidence of the witness as if it was given orally, then at least,
6 in fairness to the Defence, the witness should not have that statement in front of him.
7 Your Honours will have noticed during the course of these proceedings that we use
8 the transcripts as well as a similar tool. If we have a witness who lasts for three or
9 four days, for example, and the witness says things in the witness box, we study the
10 transcripts overnight, and we may use that as well as a tool to test the credibility of
11 the witness, to see if the witness will say something different on another day.
12 It's not normal to put the transcripts of the witness in front of the witness when the
13 witness is being examined by the non-calling party. So what I'm essentially saying is
14 that we are already handicapped by virtue of this procedure by the witness not giving
15 his evidence for the Prosecution orally, handicapped in the sense that our ability to
16 test credibility is reduced significantly, I would submit.
17 To then put in front of the witness his statement and allow the witness to have free
18 access to what he has said before is really placing the Defence in a very difficult
19 position. And for those reasons I would submit the statement should not be in front
20 of the witness.

21 PRESIDING JUDGE TARFUSSER: [10:39:38] Maître Gbougnon.

22 MR GBOUGNON: [10:39:40] (Interpretation) Mr President, I'm going to be reading
23 the oral decision of 19 September 2016, page 31, from line 2.

24 "I had not realised that the witness was reading his statement. I do not believe that
25 that person did so knowingly."

1 That was with Witness P-414. And it was not authorised that the witness read his
2 statement whilst questions were being put to him. That's what I wanted to add.
3 This was Witness 414.

4 PRESIDING JUDGE TARFUSSER: [10:40:28] The other parties and participants.

5 MR MACDONALD: [10:40:31] Your Honours, when we're -- I don't think the
6 witness is referring or reading his statement to begin with. You've been observing
7 him.

8 But second, it's not unusual, we do it here electronically to show the passage, but
9 usually it's done on paper copies when we're referring to a statement made by a
10 witness. He looks at his statement, yes, that's what I said, that's what's written and
11 so on.

12 So we leave it to your discretion, your Honour.

13 PRESIDING JUDGE TARFUSSER: [10:41:07] Yes, I have obviously my -- this
14 statement of the Presiding Judge in front of me. It's line 11 of page -- starts at line 11
15 of page 30 and was referred when the Prosecutor was questioning Witness 414. And
16 I said, "Well, I did not realise that the witness is reading from her statement."

17 And I still don't realise this with this witness. I mean, I don't think the witness is so
18 quick to go and read the statement to think about it and then go back, so.

19 That he has his statement in front of him is for sure true, because that was said also at
20 the beginning, but I did in no moment see that he is consulting his statement.

21 Then I said, "I don't think she" in that case "read from her statement. Still, I would
22 go even a little bit further, that it's quite useless to repeat the same -- it's quite useless
23 to repeat the same questions which are already there asking if it's true what is in there
24 because the statement is in front of us." "Of us" meaning all of us, and
25 that's -- obviously I was talking to the Prosecutor.

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1 "So I think the reason for the questioning is to say, to clarify something or to say
2 something new, not to validate what's already in the record of the case. So I would
3 just ask also the witness, and this would also avoid every discussion on this because it
4 would be things which are not written in the statement, so please, Witness, if you
5 could just freely respond to what is questioned by the Prosecutor."
6 That's it. There is no decision on not having or not having the statement, the written
7 statement in front of the witness. I think the statement is in front of the witness, but
8 the witness is not -- should respond freely to the questions without going to it. And
9 I have not seen in any moment this witness going to its statement to see the statement.
10 So I think we are discussing, it's a discussion which has no basis.
11 But I will recall the witness not to look at his statement, okay. So please let the
12 witness come in again.
13 MR ZOKOU: [10:43:49] (Interpretation) I do apologise, Mr President.
14 PRESIDING JUDGE TARFUSSER: No.
15 MR ZOKOU: (Interpretation) It's just wanted to -- he was indeed looking at his
16 statement and we can check it and that's why we intervened.
17 (The witness enters the courtroom)
18 PRESIDING JUDGE TARFUSSER: [10:44:24] Mr Witness, you have your written
19 statement in front of you physically?
20 THE WITNESS: [10:44:38] (Interpretation) Yes.
21 PRESIDING JUDGE TARFUSSER: [10:44:41] Close it. You're not allowed to look at
22 it.
23 THE WITNESS: [10:44:44] (Interpretation) Okay.
24 PRESIDING JUDGE TARFUSSER: [10:44:46] Okay. Can we now go ahead.
25 MR O'SHEA: [10:44:54]

1 Q. [10:45:08] Now, the aspect of the organisation of this march which involved
2 people regrouping at the head office of the RDR, was that aspect of the plan conveyed
3 to the population directly by those you have described as the porte-parole?

4 A. [10:45:48] Yes.

5 Q. [10:46:03] So the fact that this was going to happen was public knowledge; in
6 other words, the authorities would also have known?

7 A. [10:46:34] Which authorities?

8 Q. [10:46:46] Witness, we can proceed more expeditiously if you don't ask for
9 explanations for everything.

10 MR MACDONALD: [10:47:00] Your Honours, my colleague asked a question that is
11 so obvious that no one -- I'll read again. It's rhetorical.

12 (Interpretation) So it was public knowledge that there was going to be this event
13 and the authorities were also informed or they should have been in the know.

14 (Speaks English) The Gbagbo authorities were informed or whatever. We've been
15 spending over three hours in questioning by the Defence on this which everybody
16 knows.

17 Now, we may be challenging the credibility of the witness, but I truly feel that we are
18 wasting court time and that we're not going to the crux of the cross. We're on
19 peripheral issues trying to zoom in eventually on the question that day. So at what
20 point is -- the Chamber is well aware of the facts now, by now and --

21 PRESIDING JUDGE TARFUSSER: [10:48:11] Yes, we're well aware. We're well
22 aware. Okay.

23 MR O'SHEA: [10:48:15] Mr MacDonald has done it again. It's not for my learned
24 friend to assume what the purpose behind my question is. It is totally inappropriate
25 for him to, in front of the witness, make statements like "everybody knows."

1 If I ask a question to the witness it may be because I want to extract a reaction from
2 the witness. I raised this last week. I requested my learned friend to restrain
3 himself. And he's done it again.

4 If he is going to say things which are going to obstruct the tenor of my questions with
5 the witness, he must ask the witness to go out first. I don't want him to be telling the
6 witness "everybody knows."

7 PRESIDING JUDGE TARFUSSER: [10:49:24] Can we go ahead, please. I repeat
8 also to the OTP, please, ask for the word first, then we decide if to keep the witness in,
9 if to ask the witness to go out and then we discuss about what you have to say, please,
10 because otherwise we will not go ahead.

11 Mr O'Shea, please.

12 But also I do not understand, it's clear that when you talk about authority, well, it's
13 now two days that we have the witness in here. We know exactly that there are
14 different views on what the authority is. So I think some -- and you're
15 asking -- when you ask the question, there is sometimes you have a provocative
16 answer, this is clear by now.

17 MR O'SHEA: [10:50:33] Your Honour is right. I could have employed another term
18 to avoid that answer.

19 PRESIDING JUDGE TARFUSSER: [10:50:42] Please go ahead.

20 MR O'SHEA: [10:50:46]

21 Q. [10:50:51] So the security forces of the Gbagbo government would have been
22 well aware of that aspect of the planning of the march, in other words, that everyone
23 was to regroup at the RDR headquarters; do you accept that, Witness?

24 A. [10:51:37] I do not know whether I was aware of that or not, but the legitimate
25 authorities, and they were the ones who granted authorisations, we had our itinerary.

1 We were going to gather at the RDR HQ and then come together and go and protest
2 in front of the RTI.

3 Now, Alassane Ouattara was the president at that moment in time.

4 PRESIDING JUDGE TARFUSSER: [10:52:14] We know that. Mr Witness, we know
5 that. Please, when you respond, please, do not provoke. We do know what the
6 political facts at that time were, okay.

7 Mr O'Shea.

8 MR O'SHEA: [10:52:36] Thank you, Mr President.

9 Q. [10:52:38] So from your point of assembly, when you took your journey to arrive
10 at the headquarters of the RDR, until you reached the RDR, you did not have any
11 interventions from security forces during that part of the march, did you?

12 A. [10:53:33] That is not what I said because I have not even explained to you yet
13 how the march unfolded.

14 Q. [10:53:46] Well, you have explained to the Office of the Prosecutor the journey
15 from your point of assembly towards the offices of the RDR. So can you clarify your
16 answer. Are you saying that from the starting point of the march for you, until the
17 RDR, you did experience interventions from the security forces of the Gbagbo
18 government; is that what you are saying now?

19 A. [10:55:00] Well, there was a gathering and then we went on our way to the HQ
20 of the RDR. Myself and my group, we arrived at the HQ of the RDR, we did not
21 come across any forces.

22 Now, we are at the HQ of the RDR, and then we had to give the start call for the
23 march. And we were expecting that from the Golf. And it was from that that the
24 march would commence. And other people in other locations might have come
25 across forces, but I can't talk about that. At the HQ of the RDR, when people started

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1 to gather, that is when we started to hear gunshots.

2 Q. [10:55:59] And just to be clear, from the time you started in the morning until
3 reaching the RDR, you didn't see the security forces at all?

4 A. [10:56:18] No.

5 MR O'SHEA: [10:56:54] Can we stop there?

6 PRESIDING JUDGE TARFUSSER: [10:56:56] I was going to suggest you, because I
7 saw you a little bit trying to find a new topic probably.

8 So I think we should stop here for the break. We come back in half an hour, at 11.30.

9 The hearing is adjourned.

10 THE COURT USHER: [10:57:14] All rise.

11 (Recess taken at 10.57 a.m.)

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

13 THE COURT USHER: [11:32:33] All rise.

14 Please be seated.

15 PRESIDING JUDGE TARFUSSER: [11:32:56] Good morning. Good morning once
16 again.

17 Mr O'Shea, I would give you immediately the floor.

18 MR O'SHEA: [11:33:09] Thank you, your Honours.

19 Q. [11:33:16] Witness, in your statement you outlined that before you reached the
20 RDR, this is at paragraph 40, the commissioner of police of the 7th arrondissement
21 urged you that the young people should not march; is that right, did you say that?

22 A. [11:33:57] Yes, he said that.

23 MR O'SHEA: [11:34:03] I forgot to put my earphones on.

24 Q. So it's not strictly correct that you didn't see any security forces before you
25 reached the RDR then, is it?

1 A. [11:34:32] I did not see any security forces. The commissaire of police, that is
2 self-explanatory.

3 Q. [11:34:54] So you had a warning that the march should not continue. You also
4 had warnings over the radio and the television, didn't you?

5 A. [11:35:08] No. That is also self-explanatory.

6 Q. [11:35:37] Well, at paragraph 37 of your statement, you said, and I quote in
7 French:

8 (Interpretation) "After the announcement of the march, the spokesperson of the
9 army came out and said on television that he would not tolerate insurrection and
10 disorder and he prohibited all sorts of marches and demonstrations."

11 (Speaks English) So you did have warnings over the television, didn't you?

12 A. [11:36:43] Yes. I said that, but the person who made the announcement was
13 someone who gave information that we did not take into account because he no
14 longer had the powers to do that. He was acting in an illegal manner.

15 Q. [11:37:09] Did you in your mobilising capacity tell the population that the
16 security forces were illegal and had no power?

17 A. [11:37:54] We said -- we said that to them. And all those who took part in the
18 march were fully aware that we could no longer comply with the statements of the
19 former authorities because it was illegal and illegitimate, so we were going to defend
20 our rights.

21 Q. [11:38:13] So as part of your role of mobilising, you actually encouraged the
22 marchers to disrespect the security forces?

23 A. [11:38:25] We encouraged the marchers, all our brothers and sisters, the
24 militants to go and defend our rights. We did not lack respect for anyone because
25 those who were on the opposite side at that time were acting in illegality.

1 Q. [11:38:51] And when the march began did you continue to give instructions to
2 the marchers?

3 A. [11:39:38] No, because at the RDR headquarters we had told the marchers not to
4 move, to wait for the green light of our leaders at the Golf. Tension was rising, and
5 the young people wanted to go and march to the RTI at all costs.

6 Q. [11:40:12] When the marchers were moving towards the headquarters of the
7 RDR, did you give instructions to the marchers at that point?

8 A. [11:40:39] Instructions were given to all the militants to assemble at the RDR
9 headquarters.

10 Q. [11:41:00] When you were moving from Marie-Thérèse towards the RDR, did
11 the marchers listen to you?

12 A. [11:41:16] Yes, they listened to us.

13 Q. [11:41:24] Now, in your statement to the Office of the Prosecutor at paragraph
14 41, when you are explaining your encounter with the commissioner of the police, you
15 say this at page 13, and I quote in French:

16 (Interpretation) "We did not know what to do. There were thousands of people
17 already in the street and so the march started. The marchers had indeed already left
18 and they no longer listened to us. It was impossible to have a handle on that."

19 (Speaks English) Close inverted commas.

20 Did you say that to the investigators of the Prosecutor?

21 A. [11:42:53] Yes, I said that to the OTP, but not in the manner that you have read.
22 I said that when the commissaire discouraged us from going to Cocody Danga, we
23 decided that we had to go and march because we needed our voices to be heard. It
24 was at the RDR when we were waiting for the kick-off from the leaders at the Golf.
25 That was when tensions started rising. We could not control the marchers anymore

1 because they wanted to march. But we were waiting for the green light. It was not
2 at Marie-Thérèse that this happened. It happened when we were at the RDR.

3 Q. [11:44:00] When your statement was taken by the Office of the Prosecutor, was it
4 read back to you?

5 A. [11:44:21] Yes, it was read back to me. I reread it and from the outset I told you
6 that I reread the statement, but I cannot remember every comma. But I know the
7 general substance.

8 Q. [11:44:45] And when it was read back to you, did you satisfy yourself
9 everything was correct before you signed it?

10 A. [11:44:54] Yes.

11 Q. [11:45:03] So would it be wrong to say that you had no control over the
12 marchers once they were marching?

13 A. [11:45:31] It would be incorrect for you to say that because everyone was
14 marching in all the large towns of Côte d'Ivoire. Now, to say did we have control
15 over our militants? At the level of the point of assembly, which was the RDR
16 headquarters, in fact, we could no longer cancel that march. Everyone was there.
17 We had to go to the RTI so that our grievances should be taken into account.
18 Now, regarding those of us who were coordinating with the leaders at the
19 headquarters, you would understand that when you come to crowd movements, you
20 cannot control everything. But you cannot say you did not have overall control.
21 Our objective was to have our voices heard and this did not give anyone the right to
22 fire on the marchers.

23 Q. [11:47:03] So how did you exercise control over the militants that you were
24 with?

25 A. [11:47:18] We moved from the neighbourhood right up to the headquarters of

1 the RDR. So this is already the control that we exercised over them. If we had no
2 control over them, they would have gone directly to the RTI.

3 Now, when we arrived at the RDR, there was other information that may not have
4 been available to the grassroots. So we have to coordinate all that. It would have
5 been naive to imagine that we would have brutal resistance on that day, because if
6 people were marching, even if the march was illegal, that does not give anyone the
7 right to take away the lives of anyone else.

8 Q. [11:48:24] But how concretely did you exercise control? What did you do to
9 exercise control?

10 A. [11:48:36] What we did to exercise control? That is what had happened from
11 the very beginning, to provide information, directives, to assemble and march in
12 order to the point of assembly and then wait for instructions. But then tensions were
13 rising. Some people thought that the march would not take place, and others even
14 thought that those who were leading the march were sell-outs and that the march was
15 to be suppressed.

16 So you would understand that people came from afar and they had been mobilising
17 for certain days to come and have their voices heard. So you could no longer have
18 total control over them. That is how the crowds work.

19 Q. [11:49:37] Did you have a megaphone?

20 A. [11:49:44] No, I did not have a loud speaker. We didn't need it. We were in
21 the habit of organising marches. You have leaders going in front, and we go in front
22 because we are the leaders. And when you give the green light, everyone follows us.
23 But rumours were circulating according to which we were trying to stop the march,
24 and some thought that we had already sold out to the former authorities. So there
25 were young people who did not understand this and they decided to forge ahead.

1 And I will repeat once again, this does not give anyone the right to shoot anyone else
2 at point-blank range.

3 Q. [11:50:52] But you said a moment ago that the marchers still listened to you once
4 they were marching. So how did you communicate with them?

5 A. [11:51:04] When we gathered in the neighbourhood, we were in front, and the
6 others were following us because people had been mobilised and instructed for
7 several days. So ever since the period we were in the opposition, we are in the habit
8 of organising marches, so we know how messages have to be passed on. We do not
9 necessarily need to have megaphones.

10 Q. When did this training take place?

11 A. Before the march of course.

12 Q. [11:51:53] When precisely did the training start for the march?

13 A. [11:52:01] When the mot d'ordres was given to the effect that a march would
14 take place on the 16th, from that moment until we started mobilising all the comité de
15 base and the sections, the associations, support groups and supporters.

16 Q. [11:52:23] And how did you go about the training itself?

17 A. [11:52:28] We knew how to go about it. You called your militants in the comité
18 de base. You told them the itinerary, the point of assembly in the neighbourhood
19 where we had to go to the headquarters and the point of departure. So this was
20 done for all the groups.

21 Q. [11:52:57] Did you train them in what to do when they were confronted with
22 security forces?

23 A. [11:53:25] Yes, because we had experience of that. When you organised such
24 marches, we were aware that that would happen, that they would try to repress us,
25 and we took precautions because they were necessary. And this meant that we had

1 to stay together. And when we heard gunshots, then you will take measures to try
2 and camouflage yourself. That had always been the case.

3 Q. [11:54:17] You've been saying all along that the security forces were no longer
4 legitimate. Why did you not coordinate with the FRCI to ensure the security of the
5 marchers?

6 A. [11:54:42] The leadership or the command of the legal army was at the Golf.
7 The generals and the officers who had pledged allegiance to Ouattara was at the Golf.
8 So there was no one in town. Each person was doing what they wanted. So how
9 did you want us to proceed?
10 There was the other group at the Golf and others who had gone to pledge allegiance.
11 So the time to really establish an army and so on, well, those of us in town had to do
12 everything at all costs to resist and to have the final -- to achieve our final goal. That
13 is what we did.

14 Q. [11:55:45] Were you one of those who was planned to be a speaker when you
15 regrouped at the RDR?

16 A. [11:55:54] Yes.

17 Q. [11:56:04] And what did you plan to say?

18 A. [11:56:16] When we would have received the instruction to prepare for the
19 march and the green light, we would line up in columns. Those of us, the leaders,
20 we would be in front and we would start marching. That's what we were awaiting.

21 Q. [11:56:41] The question is this: You are one of the planned speakers once you
22 reached the RDR headquarters.

23 A. [11:56:52] Oui.

24 Q. [11:56:52] What had you planned to say to the population, you?

25 A. [11:56:56] What we intended to tell the population? There was a mot d'ordres

1 that had been issued by our hierarchy, the RHDP, from the very top, the
2 democratically elected president, and we knew that today our power was supposed
3 to be confiscated, so we were going to go and have our voices heard.
4 The RTI belonged to the Côte d'Ivoire, and the delinquent had confiscated that station.
5 So whether you are inside or outside, what those people were saying should not be
6 believed and the truth was going to be distorted. So what we were going to tell our
7 militants on that day was to go to the RTI and protest.

8 Q. [11:58:09] Did you consider a strategy in the event that you were confronted
9 with the security forces who are trying to stop you from marching?

10 A. [11:58:38] Yes, of course. We thought about that, and that is what we did. On
11 the days that followed, we continued demonstrating in all the neighbourhoods in
12 Abidjan, and we gave instructions or mot d'ordres to demonstrate in all the towns of
13 Côte d'Ivoire. And there were instructions to paralyse transport services and the
14 economy. Everyone had to be engaged in civil disobedience. That is what we did.

15 Q. [11:59:32] And what does civil disobedience involve if you are confronted with
16 security forces telling you to move back?

17 A. [11:59:43] Yes, this is what happened. There was repression and butchery.
18 But we did not stop. The days that followed, we gave instructions people should not
19 go to work, they had to paralyse the transport services and to paralyse the economy,
20 and that is what happened to the transport services and the economy were paralysed,
21 and this was to prove that we had the majority on our side.

22 Q. [12:00:27] And if security forces fired in the air to disperse the crowds, you
23 would continue marching through the security forces, would you?

24 A. [12:00:49] If they had shot in the air at that time? Well, when you organise a
25 march in a modern society, you do not shoot bullets up into the air, you use tear gas.

1 You don't shoot bullets into the air. That doesn't happen anywhere in the modern
2 world. When you are dealing with a march, you use tear gas.

3 Q. [12:01:33] Well, whatever the rights and wrongs of what the security forces are
4 doing, let's focus for a moment on the strategy of the marchers as you had conveyed it
5 to them. If they are confronted with security forces who fire in the air, is the idea to
6 continue marching towards them?

7 A. [12:02:00] Any sensible person when you see someone opposite you shooting
8 into the air using real bullets, well, that's quite clear, you know that they're armed and
9 they're shooting real bullets. You would have to be crazy to keep on heading
10 towards them. You have to retreat. Otherwise you will have to sacrifice your life.
11 But that's not -- that was not what happened, they shot at us. Pity.

12 Q. [12:02:48] And when you were training the marchers, what did you tell them
13 they should do if the security forces decided to use tear gas?

14 A. [12:03:01] Well, we were accustomed to these situations because, you see, there
15 were more civilised governments in the past, for example, the government of Bédié.
16 When they used tear gas back in those days no one was ever killed or anything like
17 that, but at the time, in the 21st century, and then they talk about democracy, yet they
18 shoot real bullets. That is what we did.

19 Q. [12:03:44] And tear gas was used that day, wasn't it?

20 A. [12:03:56] Tear gas does not cause deaths, shootings, death by bullets.

21 PRESIDING JUDGE TARFUSSER: [12:04:13] Mr Witness, that was not the question.
22 The question was if tear gas was used, dot. Yes or no?

23 THE WITNESS: [12:04:29] (Interpretation) I did not see any tear gas being used.

24 MR O'SHEA: [12:04:38]

25 Q. [12:04:39] And shots were fired in the air, weren't they?

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1 A. [12:04:47] I couldn't tell you because, you see, there were deaths. You can't
2 shoot up into the air and then have people dying.

3 Q. [12:05:10] So when you say you cannot say and that if shots are fired you can't
4 have dead, you must have dead, is it the case that you did not actually see with your
5 eyes what the security forces were doing with their guns?

6 A. [12:06:03] I never said that.

7 PRESIDING JUDGE TARFUSSER: [12:06:06] Excuse me. May I ask a question
8 more directly: Did you see anybody shooting with a gun, I mean?

9 THE WITNESS: [12:06:16] (Interpretation) Yes, your Honour, I did.

10 PRESIDING JUDGE TARFUSSER: [12:06:21] And who did you see shoot?

11 THE WITNESS: [12:06:24] (Interpretation) I saw armed men wearing military
12 uniforms who were shooting upon the crowd when I took refuge on the concrete slab
13 of a building that was still being -- a building that was still under construction and
14 that is to be found in my statement. It's in my statement.

15 PRESIDING JUDGE TARFUSSER: [12:06:53] Mr O'Shea.

16 MR O'SHEA: [12:06:54]

17 Q. [12:06:55] And did you also see shots being fired in the air?

18 A. [12:07:01] No.

19 Q. [12:07:08] From the beginning of the march to the end of the march you never
20 saw that?

21 A. [12:07:17] Someone shooting into the air? No.

22 Q. [12:07:30] Did you see any acts of provocation on the part of the marchers?

23 A. [12:07:52] No.

24 Q. [12:08:00] So is it your evidence that the 5 or 10,000 people that were within
25 your framework actually all behaved perfectly during the march and never provoked

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1 the security forces; is that your evidence?

2 A. [12:08:32] I didn't say more than 10,000 people and that I had control over their
3 behaviour. No, I never said that.

4 Q. [12:08:56] So did you see misbehaviour or provocation on the part of the
5 marchers?

6 A. [12:09:04] No.

7 Q. [12:09:18] You spoke to the Office of the Prosecutor about a televised debate
8 between Ouattara and Gbagbo. When did this televised debate take place?

9 A. [12:09:41] At the time of the second round of voting.

10 Q. [12:09:48] Can you put an approximate date on it?

11 A. [12:09:53] The day of the debate? I don't remember, but it was the second
12 round of voting. There was a second round of voting and, you see, there was a
13 televised debate. It was a first in Africa I believe. But the actual date, I don't
14 remember.

15 Q. [12:10:14] You don't know if it was in November or December?

16 A. [12:10:21] The second round of voting?

17 MR MACDONALD: [12:10:32] There is an impossibility in the question of my
18 colleague.

19 PRESIDING JUDGE TARFUSSER: [12:10:51] I don't understand what the
20 impossibility is.

21 MR MACDONALD: [12:10:54] I cannot say. The witness is on the stand, your
22 Honour.

23 PRESIDING JUDGE TARFUSSER: [12:10:58] Yes. Well, do you request to explain
24 that the witness goes out?

25 MR MACDONALD: [12:11:02] No, we don't. And this date is known, your

1 Honour. It's already been established on the record. So maybe we can just suggest
2 a date to the witness. It would be faster potentially.

3 PRESIDING JUDGE TARFUSSER: [12:11:19] Mr O'Shea.

4 MR O'SHEA: [12:11:21] That's not my purpose. I'll just proceed.

5 Q. [12:11:25] On which TV channel was this debate?

6 A. [12:11:42] On the national television network and all the other networks.

7 Q. [12:11:57] How long did the debate last?

8 A. [12:12:16] More than two hours I think, if I recall correctly.

9 Q. [12:12:26] And during this debate was Mr Ouattara free to express himself as he
10 wished?

11 A. [12:12:41] The two candidates made their views known as they wished in the
12 manner that they wished.

13 Q. [12:12:54] When you were at the march you described an incident to the Office
14 of the Prosecutor where you are on the grand route, lycée technique, and you say that
15 you saw Bamba Soialio being pursued and that you, yourself, fled to an unfinished
16 building. And you say that from that unfinished building you could see marchers
17 being chased. Now, my question is this: When you reached that unfinished
18 building and began to see these events, when you arrived, were the marchers already
19 running?

20 A. [12:14:54] When I got to the building?

21 Q. [12:15:07] When you arrive at the building, what is the first thing you see? Is
22 the first thing you see the marchers running?

23 A. [12:15:21] Thank you. Well, I think I'll explain to you how things unfolded.

24 When the crowd began to move, the young people, the marchers wanted to go to the
25 RTI, and we were waiting for the instructions. We were not able to keep control of

1 them then, and then the group divided into two. One group headed towards, how
2 should I -- towards the technical lycée, another group headed towards la corniche.
3 And the two places, as immediately we saw the movement of the crowd and the
4 crowd coming back as soon as the shots were heard, I saw my friend. I was able to
5 scramble up onto the concrete slab of this building that was still under construction
6 on Lepic boulevard. I was able to hide on this slab of concrete. And once I was up
7 there I could see everything that was going on below. I saw what was happening.
8 So there you have it.

9 Q. [12:16:45] And was the first thing you saw the marchers running?

10 A. [12:16:53] Before I got up, everyone was scrambling. On the --

11 Q. [12:17:07] Not before you reached the building. You have explained that you
12 reach an unfinished building from a position of height where you can see down and
13 you see marchers being chased. So my question is: When you reach that
14 unfinished building and you begin to have this view of the marchers below you, are
15 they running at the point that you begin to see them?

16 A. [12:17:33] They were running in all directions and there were shots in all
17 directions.

18 Q. [12:17:54] Now, the military officers in Ivory Coast, forget about whether they're
19 legitimate or not, but the military officers in the army of Gbagbo's government, is it
20 right that at this time they had very little control?

21 A. [12:19:59] Yes, the real officers who had been trained -- let me explain. Take
22 the local commissioner, Gnakoua Charles, who is a police officer, and he was doing
23 awareness raising and the like. And then the local people were saying be careful,
24 because it's not our men who were in that particular location. But, you see, his hands
25 were tied, that man, he was part of the police, he was a police commissioner, but he

1 couldn't speak because if he spoke out he would be killed.
2 So when you see a police officer, and he's properly trained and loyal, and he says if
3 you go beyond, if you get to Cocody Danga, the people there, we do not have control
4 of them. They are not our troops. So who? The others were in the Golf hotel.
5 I said, well, not all the officers who were outside -- I'm not saying that they were bad
6 officers. Some people, they had their hands tied, they just couldn't. But the ones
7 who were intervening were not necessarily trained officers, because a properly
8 trained officer or policeman would not have done that sort of thing.
9 So, you see, there were policemen. There were gendarme. There were military
10 people. They were well trained. But they did not have free hand, they had their
11 hands tied behind their back, so to speak.

12 PRESIDING JUDGE TARFUSSER: [12:21:57] Excuse me. Can we go back to facts
13 instead of asking things which the witness cannot say and give rise to him to make
14 statements which are a little bit out of his capacity as a witness. I mean, when you
15 ask about the military officer in the army of Gbagbo's government, is it right that at
16 that time they had very little control?

17 How can this witness answer such a question? And obviously it gives rise to
18 statements like this, which I don't think if they bring us very far.

19 MR O'SHEA: [12:22:40] Well, it's a fact, your Honour. And the reaction of the
20 witness is the reaction of the witness. And it may be something which enlightens us
21 as to where we stand with the witness.

22 PRESIDING JUDGE TARFUSSER: [12:22:56] We know where we stand with the
23 witness. And any questions you raise we know before the reaction of the witness.
24 So you can go ahead for hours, if you want, but I think we have to -- the witness is
25 here to respond on questions based on facts, that's it, not on his opinion.

1 MR O'SHEA: [12:23:16] But the control of the army at the time is a fact, is it not?

2 PRESIDING JUDGE TARFUSSER: [12:23:21] Yes, but it can't be this witness to tell
3 anything about the control of the army of either part, I would say.

4 MR O'SHEA: [12:23:33] Very well, your Honour. I mean, he was there, but very
5 well.

6 (Counsel confer)

7 MR O'SHEA: [12:23:59]

8 Q. [12:24:17] In this period of time in 2010, how many brothers did you have?

9 A. [12:24:29] In 2010? Thirteen brothers and sisters, or more I had. Some have
10 died. One was killed during the crisis.

11 Q. [12:24:58] And among these more than 13 brothers and sisters, were any of these
12 relatives participating in the rebellion?

13 A. [12:25:13] No.

14 Q. [12:25:23] And did any of your relatives, brothers, sisters or otherwise, join the
15 FRCI?

16 A. [12:25:45] No.

17 Q. [12:25:53] And the time when your brother was killed, you of course were not
18 present, so you are not able to confirm what he was actually doing at the time, are
19 you?

20 A. [12:27:08] He was part of the march like me. But he was following the
21 movement of the crowd.

22 Q. [12:27:22] Were you present when he was killed?

23 A. [12:27:29] No.

24 Q. [12:27:34] So you don't know what he was doing just before he was killed, do
25 you?

1 A. [12:27:46] He was going to march with the other groups as part of this
2 movement towards the RTI by way of the US library.

3 Q. [12:28:04] You don't know what he was doing at the time he was confronted by
4 the security forces?

5 A. [12:28:23] I wasn't there, but then I learned that he was dead.

6 Q. [12:28:31] Your brothers and sisters, were they all active members of the RDR?

7 A. [12:29:08] No.

8 Q. [12:29:16] So was it only you?

9 A. [12:29:28] Two of us were active members.

10 Q. [12:29:40] And did your young brother have the habit of provoking the security
11 forces when he was on a march?

12 A. [12:29:50] I couldn't tell you.

13 Q. [12:30:09] Have you not been together with him on marches?

14 A. [12:30:22] Yes, we were marching all the time. The objection was not to go and
15 provoke the security forces but to go and march.

16 Q. [12:30:37] Did you think that your brother was going to be safe when he went on
17 this march?

18 PRESIDING JUDGE TARFUSSER: [12:31:01] Yes, but these are all "Did you think?"

19 I don't think it's very fact --

20 MR O'SHEA: [12:32:06]

21 Q. [12:32:06] In your statement at page 20, paragraph 52, you state, and I quote in
22 French:

23 (Interpretation) "And so when Ouattara signed a decree for the unification of the
24 two armies and after the FRCI, my nephew joined them."

25 (Speaks English) Did you say that to the Office of the Prosecutor?

1 A. [12:32:43] Yes, of course.

2 Q. [12:32:47] So why did you say to us earlier that your relatives did not join the
3 FRCI?

4 A. [12:32:56] You talked about my brothers. My nephew is not my brother.

5 Q. [12:33:10] Well, the record will speak for itself.

6 And you've explained how doctors were encouraging, were encouraging the security
7 forces to commit acts of murder; is that right?

8 A. [12:34:05] I didn't quite understand that question.

9 Q. [12:34:13] Is it right that there were doctors at the hospital that asked the
10 security forces to kill your brother because he was a rebel; is that something you told
11 the Prosecution?

12 A. [12:34:52] That is not what I said. If you read correctly, this is what my nephew
13 told us. He was with my junior brother when he was killed. There was a secret
14 base not far away from BNET. And when they arrived there, they were called all
15 sorts of names. And then later they sent him -- them to the hospital, because they
16 thought that my brother was pretending. And when they went there, not all the
17 doctors, there was some doctor who said to the security people who were there to
18 finish my brother. That is what happened.

19 Q. [12:35:43] You say, in inverted commas, (Interpretation) "My nephew shouted
20 out for help, but the CHU doctors encouraged the CECOS saying that he was a rebel
21 and that he had to be killed."

22 (Speaks English) How many doctors are we talking about who are making these
23 statements according to the account? I don't know if there was an answer.

24 A. [12:37:04] Very well. Let me repeat once again. This was an account given to
25 me by my nephew. When they arrived with the lifeless body of my younger brother,

1 there were doctors telling the CECOS to eliminate him, my nephew, because they
2 were rebels. I cannot give you the names or the number of people who were there
3 on that day because I was not there. This is the account given to me by my nephew
4 when he was beside the lifeless body of his uncle.

5 Q. [12:37:53] Your brother had given one of his phones to you to look after?

6 A. [12:38:06] Yes.

7 Q. [12:38:09] Is this because he knew that something might happen to him or his
8 phone on this march?

9 MS BERDENNIKOVA: [12:38:27] Your Honours --

10 PRESIDING JUDGE TARFUSSER: [12:38:28] Yes.

11 MS BERDENNIKOVA: [12:38:28] This question calls for speculation.

12 PRESIDING JUDGE TARFUSSER: [12:38:30] Yes, like others, yes, it calls for
13 speculations.

14 MR O'SHEA: [12:38:34] Well, he's --

15 PRESIDING JUDGE TARFUSSER: [12:38:35] Why did he give it? I don't --

16 MR O'SHEA: [12:38:38] That's the same question I just put.

17 PRESIDING JUDGE TARFUSSER: [12:38:40] No, it's not the same. It's not the same
18 question, because I think why, why --

19 MR O'SHEA: [12:38:46] I'm suggesting a reason.

20 PRESIDING JUDGE TARFUSSER: [12:38:48] Yes.

21 MR O'SHEA: [12:38:48] And it's not speculation because the witness can say
22 whether that was the reason or not.

23 PRESIDING JUDGE TARFUSSER: [12:38:52] You could ask "Why did your brother
24 give you the telephone?" And then I would ask also the name of the nephew, and
25 then I would tell you that one and a half session has expired. You said, you talked

1 about one and a half sessions last Thursday, and they have expired by some time
2 now.

3 MR O'SHEA: [12:39:18] Yes.

4 PRESIDING JUDGE TARFUSSER: [12:39:19] So just to tell you.

5 MR O'SHEA: [12:39:21] Thank you, your Honours, that was indeed my estimate.
6 Yes.

7 Q. [12:39:29] All right. Well, perhaps answer his Honour's question then: Why
8 did he give you the phone?

9 A. [12:39:40] He gave me his phone because he was wearing a pair of trousers that
10 did not have any pockets. I was wearing a pair of trousers with several pockets. So
11 he gave me his telephone. He had another smaller one that was with him. Now, to
12 say why he gave me, did he know he was going to die? I cannot say.

13 PRESIDING JUDGE TARFUSSER: [12:40:18] Can you give us the name of this
14 nephew?

15 THE WITNESS: [12:40:21] (Interpretation) His name is Siaka.

16 PRESIDING JUDGE TARFUSSER: [12:40:28] Siaka and?

17 THE WITNESS: [12:40:31] (Interpretation) Siaka Diabaté.

18 PRESIDING JUDGE TARFUSSER: [12:40:37] Thank you.

19 MR O'SHEA: [12:41:11]

20 Q. [12:41:12] You say at paragraph 55 of your statement, and I quote,
21 (Interpretation) "It was unimaginable for me. We were together in the morning. I
22 was not able to stop him. I knew that something was going to happen, but I had not
23 been able to prevent him from going to the march. I felt responsible."

24 (Speaks English) So you knew that something would happen?

25 A. [12:41:50] Well, when I say that I felt responsible, when we were going towards

1 the headquarters and we were coordinating information from our leaders in the Golf,
2 there was a crowd movement and he left.

3 Now, when I'm alone and I'm lying down, I'm telling myself that I was responsible
4 for all the people that I sent on the march and who were killed. It was not only my
5 younger brother. And when I said I had to stop them, it was because they had to
6 wait. We were supposed to give them the mot d'ordres. That is what I mean.

7 But when you are there lying down, you remember that you had been with somebody
8 who was healthy and sometime later you are being told that he had been killed. Try
9 to put yourself in my shoes. That's simply what I'm talking about.

10 Q. [12:42:54] But why do you say that you knew it would happen? You knew
11 something would happen?

12 A. [12:43:06] That is known as intuition, the sixth sense. I believe that every one
13 of us has it.

14 Q. [12:43:28] Is it because you knew that your brother would be provocative
15 towards the security forces?

16 A. [12:43:33] That has nothing to do with it, because there were thousands of
17 people who were killed. I do not think all those people went and provoked at the
18 same time as you say my brother did.

19 Q. [12:43:53] In your statement at paragraph --

20 PRESIDING JUDGE TARFUSSER: [12:43:55] Can you please wait for
21 the -- "statement," we start with "statement" in the translation.

22 MR O'SHEA: [12:44:06]

23 Q. [12:44:07] In your statement at paragraph 55, you state the following, and I
24 quote in French, (Interpretation) "On the day of the march, we knew his character.
25 All the parents or relatives were saying that he should not go out. It is for that

1 reason that at one point he switched off his phone and handed it over, because he was
2 fed up with it."

3 (Speaks English) Did you say that to the Office of the Prosecutor?

4 A. [12:44:56] Yes, I said that. But these are suppositions that are made.

5 Q. [12:45:14] When you say "parce qu'il en avait marre," is this based upon his
6 experience of previous marches?

7 A. [12:45:28] I do not think so because in the past, in my party, whenever we
8 organised a march, it was repressed. So when you organise a march, such things
9 happen. So when I came back, I heard he had been dead, and many calls were made
10 without answer.

11 Q. [12:46:15] I'm going to put -- I'm just going to put a couple more questions for
12 you and then I'll be finished.

13 Now, is it right that from the time you joined the -- sorry. I'll rephrase that.

14 Is it right that during the whole period of the elections you were and still are today a
15 staunch supporter of Alassane Ouattara?

16 A. [12:47:06] A staunch supporter of the RDR, a staunch supporter of the RHDP,
17 and a tireless supporter of President Alassane Dramane Ouattara.

18 Q. [12:47:33] Sorry, I'm not sure what the answer was.

19 PRESIDING JUDGE TARFUSSER: [12:48:00] Yes.

20 MR MACDONALD: [12:48:00] He agrees with you.

21 PRESIDING JUDGE TARFUSSER: [12:48:02] He agrees with you. But I wonder if
22 you think that this was a question -- well, I repeat, we're not a jury.

23 MR O'SHEA: [12:48:23] No, you're not, your Honours.

24 Q. [12:48:32] And is it right that one of the principal reasons why you come here
25 today to testify is out of a sense of vengeance because of the death of your brother?

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1 PRESIDING JUDGE TARFUSSER: [12:48:55] I do not admit this question. This is
2 an opinion he will say. We could ask why did you come here to testify, but not give
3 him, put him the answer in the mouth, which is then not -- it's really something which
4 comes from the person. It's not a fact.

5 MR O'SHEA: [12:49:20] Well, I have to of course accept your Honour's ruling, but --

6 PRESIDING JUDGE TARFUSSER: [12:49:26] Why did you come here? Why did
7 you come here to testify?

8 THE WITNESS: [12:49:40] (Interpretation) Can I answer the question?

9 PRESIDING JUDGE TARFUSSER: [12:49:43] Of course. That's why I put the
10 question.

11 THE WITNESS: [12:49:46] (Interpretation) Very well. Thank you, your Honour.

12 I came to testify here at The Hague so that justice should be done. I came to testify

13 so that in Africa people should not play with human life. I came to testify so that

14 even when you have the destiny of a country in hand, you are the president of

15 everyone including those who voted for you and those who did not vote for you.

16 I came to testify so that something such as this shall never again happen in my

17 country. Yes, when you talk of democracy, the minimum is human life, human life.

18 When you are a leader, human life is sacred. You do not protect one camp at the

19 expense of the other. Thousands of people died, thousands. When you talk about a

20 post-crisis situation, that is what everyone knows about.

21 There were mass graves. There were marches where about 500 people died. This is

22 why I came, so that justice should be done.

23 PRESIDING JUDGE TARFUSSER: [12:51:24] Thank you very much.

24 Mr O'Shea.

25 MR O'SHEA: [12:51:58]

1 Q. [12:51:59] In your statement at page 24, paragraph 70, you say this, and I quote
2 in French (Interpretation) "I observed a scene one day at the end of 2009 in a
3 drinking place near the police station with my nephew, Ali Bakayoko. A young man
4 passed by who was wearing a police uniform. And when he saw us, he did a U-turn.
5 A policeman who was there in civilian attire ironically told my nephew, 'You see how
6 he is dressed? He has the epaulettes of the Water and Forest Service. He has a
7 police uniform and a military beret.' This was to mean that it was a state of
8 disorder."

9 (Speaks English) So when you say that a young person was in the uniform of a police
10 officer, in fact, it wasn't a uniform at all, was it, if it composed these different aspects?
11 It wasn't a uniform, was it?

12 A. [12:54:34] The policeman who was there, that is what he said. We were living
13 in a state of disorder, because the person wearing that was a member of the militia
14 group in the neighbourhood a short distance away from the police station at the 220
15 Logements. Do you understand that? And then people would come and talk about
16 rebels.

17 Q. [12:54:58] At another point in your statement at page 25, paragraph 73, when
18 you are talking about the cité universitaire, you say this, and I quote in French,
19 (Interpretation) "There were Kalash that were found, RPG 7, rocket launchers and
20 grenades that were brand new and which could fell five trucks."

21 (Speaks English) That can't possibly be right, can it?

22 A. [12:55:48] And why?

23 MR O'SHEA: [12:55:50] Those are all my questions.

24 PRESIDING JUDGE TARFUSSER: [12:55:53] Thank you very much.

25 I ask now the Defence for Mr Blé Goudé. We have a little bit more than half an hour.

1 Mr Witness, the Defence for Mr Gbagbo has finished the questioning and now it
2 comes to the Defence of Mr Blé Goudé to put questions to you.

3 MR ZOKOU: [12:56:26] (Interpretation) Yes, your Honour. In the Blé Goudé
4 team there would be two of us, myself and Maître Gbougnon. He's going to put
5 some questions for clarification, and in light of the answers given by this witness, I
6 will most probably not have any further questions after that. Thank you.

7 PRESIDING JUDGE TARFUSSER: [12:56:58] Okay. Maître Gbougnon.

8 Mr MacDonald.

9 MR MACDONALD: [12:57:15] I just want to note for the record that there was a
10 deliberate lapsus that was mentioned to characterise the witness when Mr Zokou
11 used the word "militant" to describe the witness instead of referring to witness, and
12 that such tactics do not have their place.

13 PRESIDING JUDGE TARFUSSER: [12:57:34] When was that?

14 MR MACDONALD: [12:57:35] Just now. Just now in French. "Militant -- pardon,
15 le témoin." We're not in school, your Honour.

16 MR ZOKOU: [12:57:50] (Interpretation) We are not in school. You cannot
17 imagine what is in my brain. So there was nothing deliberate there. And he is in
18 fact -- there is nothing secret.

19 PRESIDING JUDGE TARFUSSER: [12:58:05] In the English it's only "the witness," so
20 I didn't get that.

21 THE INTERPRETER: [12:58:13] From the interpreters, Mr Zokou said "The militant,"
22 then corrected himself immediately. That's why the interpreter said "witness."

23 PRESIDING JUDGE TARFUSSER: [12:58:22] Yes, okay. But I really would ask to
24 use the word "witness." I think it's not very respectful to say any other, to give any
25 other qualification in this courtroom to the witness.

1 Maître Gbougnon.

2 MR GBOUGNON: [12:58:48] Thank you, your Honour. Good afternoon, your
3 Honours.

4 QUESTIONED BY MR GBOUGNON: (Interpretation)

5 Q. [12:59:00] Good afternoon, Mr Witness. My name is Jean Serge Gbougnon,
6 lawyer at the Abidjan bar and a member of the Defence team of Mr Charles Blé
7 Goudé.

8 And I am going to put certain questions to you and specifically for clarification on
9 behalf of the Defence team of Mr Blé Goudé. And I would like to reiterate the same
10 instructions that were given to you last Thursday by the Chamber. And since both
11 of us speak French, it is possible that we might overlap, so please kindly wait for me
12 to complete my question before you answer so that we should not be speaking at the
13 same time because of the interpreters.

14 Mr Witness, since when have you been living in the neighbourhood that you are
15 living in in Adjamé?

16 A. [13:00:16] More than 20 years.

17 Q. [13:00:20] In 2010, how long had it been that you had been in that
18 neighbourhood?

19 A. [13:00:33] Already I had been living there, 220 Logements Adjamé more than 20
20 years. I can't give an exact number of years, but I've already said so, ever since last
21 week.

22 Q. [13:00:51] How long have you been the chairman of the RDR grassroots
23 committee in your neighbourhood?

24 A. [13:01:01] Ever since the RDR was set up.

25 Q. [13:01:05] Please wait five seconds before giving your reply. Otherwise the

1 interpreters will not be able to translate your reply. Thank you.

2 So since 2014 you have been the chairman of this grassroots committee in your
3 neighbourhood?

4 A. [13:01:27] Yes.

5 Q. [13:01:30] Well, in the neighbourhood from Fraternité to 220 Logements,
6 everybody in the neighbourhood knows this?

7 A. [13:01:48] I think that the people who know me know that I'm an RDR activist.

8 Q. [13:01:55] I would imagine even the police authorities know this?

9 A. [13:02:02] I don't know.

10 PRESIDING JUDGE TARFUSSER: [13:02:05] Excuse me. Just I think it's a mistake
11 that in the English at line 20 it's written "since 2014 you have been the chairman of the
12 grassroots committee in the neighbourhood." I think 2014 is wrong. In '94?

13 THE INTERPRETER: [13:02:24] Message from the interpreter: Indeed, that was an
14 error, since 1994.

15 PRESIDING JUDGE TARFUSSER: [13:02:31] 1994, Okay. Okay. So it's corrected.
16 Thank you.

17 MR GBOUGNON: [13:02:39] (Interpretation)

18 Q. [13:02:40] I would like to repeat the question and try to be more specific. You
19 say you have lived in the neighbourhood for more than 20 years. And I suppose that
20 you know people and meet with people throughout the neighbourhood.

21 Now, do the police authorities, the police officials, do they know you? Do they
22 know that you are the chairman of the grassroots committee of the Adjamé Fraternité
23 neighbourhood? And you have been so for more than 20 years?

24 A. [13:03:21] Adjamé Marie-Thérèse.

25 Q. (No interpretation)

1 A. I do not know.

2 Q. [13:03:34] Chérif Mamadou, who is this gentleman?

3 A. [13:03:39] He is an older man in the neighbourhood who has passed away. He
4 was called Grand Mao as well. Everyone knew him, even in Abidjan, everyone in
5 the neighbourhood knew him.

6 Q. [13:03:52] And what was his role between -- within the RDR in your
7 neighbourhood?

8 A. [13:03:58] He was not an active militant, but he was a sympathiser. He was an
9 elder brother to people in the neighbourhood, so to speak.

10 Q. [13:04:11] Thank you. On 16 of March -- no, no, 16 December 2016 in the
11 morning, where did you gather to begin your march upon the house of your party?

12 A. [13:04:40] The gathering occurred and we converged towards 220 Logements,
13 because that is where we were going to gather and then take the Washington
14 pedestrian overpass and then go on our way to Rue Lepic.

15 THE INTERPRETER: Inaudible.

16 MR GBOUGNON: (Interpretation)

17 Q. [13:05:08] In paragraph 39 of your statement, paragraph 39, you said this, "The
18 day of your march, 16 December, my group gathered in the Marie-Thérèse
19 neighbourhood in front of the IMST college;" is that what you said?

20 A. [13:05:31] Yes, of course. Ruelle par ruelle and then we converged to 220.
21 That is the street. IMST, that is the street.

22 Q. [13:05:51] Now, in your statement you made mention of your group, and this is
23 what interests me. So your group gathered in front of the IMST college, is that
24 correct?

25 A. [13:06:01] Yes.

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1 Q. [13:06:02] At 7 in the morning; is that correct?

2 A. [13:06:10] Yes.

3 MR GBOUGNON: [13:06:10] Could we please show CIV-OTP-0044-2856 to the
4 witness. Could this document be displayed on the screen. 0044-2856. I beg your
5 pardon. 2656 at the end, the last four digits are 2656. This item is confidential in
6 nature.

7 PRESIDING JUDGE TARFUSSER: [13:08:06] Yes.

8 MS BERDENNIKOVA: [13:08:06] I'm sorry to interrupt. It's just to say that this
9 exhibit can actually be public.

10 PRESIDING JUDGE TARFUSSER: [13:08:18] Okay. Can we show it public.

11 MR GBOUGNON: [13:08:29] (Interpretation) Which channel?

12 Q. [13:08:37] Witness, can you see the map? Now, where we see the beginning of
13 the blue line, what is that? What does that represent?

14 A. [13:08:58] You'll have to blow up the image, because I really can't quite make
15 out the map. Could you please zoom in?

16 Q. [13:09:08] Could the Registry please blow up the image.

17 A. [13:09:22] That's better. 220.

18 Q. [13:09:30] Please, slowly. So this blue line, what does it represent?

19 A. [13:09:39] The departure point, the point of departure.

20 Q. [13:09:45] Well, I can see two points. Which one is the departure point and
21 which one is the arrival?

22 A. [13:09:53] The departure point is 220 Logements, not far from the 7th, and then
23 they walked between the buildings and took the pedestrian overpass. And after that
24 they went by the neighbourhood Washington and then on towards the Cocody bridge
25 and ultimately got to Rue Lepic.

1 Q. [13:10:31] You just said that the IMST college before which you gathered is not
2 far from the 7th arrondissement; is that what you said?

3 A. [13:10:46] Yes.

4 Q. [13:10:49] And when one is in front of the IMST school, one can see the 7th
5 arrondissement?

6 A. [13:10:58] No. It's behind. You see the post office.

7 Q. [13:11:06] So you've just told the Chamber that from the spot where you were
8 you could not see the 7th arrondissement; is that correct?

9 A. [13:11:14] Yes.

10 Q. [13:11:18] I didn't hear your reply?

11 A. [13:11:22] You're talking about the IMST college, IMST? I don't see the point.
12 The 7th? Because it's behind -- well, behind there is the, there is the nursery school
13 and then the post office.

14 Q. [13:11:43] Thank you, Witness.

15 Thus, so people who were at the 7th arrondissement wouldn't see you; is that correct?

16 A. [13:12:03] People in the 7th at the commission wouldn't see us, wouldn't see us?

17 Q. [13:12:21] If the people in the 7th arrondissement don't see you, how can it be
18 that at 7 in the morning Mr Gnakoua Charles, the police commissioner, came and
19 spoke to you?

20 A. [13:12:38] Thank you. He didn't need to live in the 7th arrondissement to come
21 and speak to us. This gentleman was a police officer, an educator, and he was
22 always to be seen in the neighbourhood. He went to see this group of people
23 gathering and he went to speak with us. He wasn't in the 7th. He was the one who
24 came towards us.

25 Q. [13:13:09] Mr Witness, one last time on this point. You told us that you, the

1 demonstrators, from where you were in front of the IMST, that you couldn't see the
2 7th, and then the people in the 7th couldn't see you; and, thus, I am asking you how
3 can it be that Mr Gnakoua, the police commissioner, was in a position to know that
4 there were people there and then how did it come to be that he went to speak to you?

5 A. [13:13:47] Sir, he was the police commissioner of the neighbourhood, and he
6 knew that there was going to be a march in Abidjan. It was his neighbourhood. He
7 knew that there was going to be a march. He didn't -- he knew that the people were
8 gathering, because he was in the habit of going, moving about the neighbourhood.
9 He did not stay in his office. He knew. And that was his habit, to go about the
10 neighbourhood.

11 Q. [13:14:19] A few moments ago in response to a question from Mr O'Shea
12 regarding the police authorities and whether they and all the other authorities were
13 aware of the march, you seem to give an answer to the effect that they weren't
14 informed. But this gentleman, the police commissioner, he was not informed? So
15 you really can't say that he knew that you were going to march; is that correct?

16 A. [13:14:51] No, you see, we were awaiting the instruction to march, and that was
17 the legal path of the government at the time. He was a police commissioner. And
18 within the army or the police, there were good officers who would go by to protect us
19 as he did, as he always did. So even though he was a police officer, towards the end
20 of the crisis he -- and then he was killed, because he had been made out to be a rebel.

21 Q. [13:15:35] Thank you, Witness. Now, for more than 20 years you have been the
22 chairman of the grassroots committee. This is what you say, the chairman of this
23 grassroots committee, and you were the main organiser of the march. So why is it
24 that Mr Gnakoua, why did he not speak to you? Why did he speak to someone else?

25 A. [13:16:04] Chérif Mamadou, who was an elder brother of the neighbourhood,

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1 well-known, and Gnakoua was the friend of nearly all the people living in the
2 neighbourhood, because I told you before that he was a real policeman, a real
3 educator, the kind of police officer who would be in touch with local people, even if
4 there was a curfew or anything like that, he was everybody's friend within the
5 neighbourhood.

6 Q. [13:16:47] Thank you, Mr Witness.

7 You made mention of the establishment of the TCI television network. Do you
8 remember when this network was set up? Not the exact date, but was it before or
9 after the march of the 16th of December?

10 A. [13:17:20] It was created when people were trying to confiscate the victory, our
11 victory, and the RTI was engaged solely in single thought, a single mindset. But I
12 can't give you a specific date.

13 Q. [13:17:39] Now, Mr Witness, was it the TCI, was the TCI created before or after
14 the march that occurred on 16 December 2010? I'm just asking you for an
15 approximate time frame. I'm not asking you for the exact date. Was it created
16 before the march or after the march?

17 A. [13:18:05] I couldn't tell you. But what I can tell you is that after the second
18 round of voting, after the results, there were problems, a problem of communication.
19 And there was a television station at the Golf. And more than that, I don't know.

20 Q. [13:18:23] Thank you, Mr Witness.

21 On the day of the march, we are in front of the RTI headquarters, Rue Lepic; is that
22 correct? If you didn't hear the question, I can repeat it.

23 A. [13:19:10] I'm trying to situate it on the map. Mm-hmm.

24 Q. [13:19:30] Can you answer?

25 A. [13:19:31] Yes. What was the question, please?

1 Q. [13:19:41] After going past the pedestrian overpass and going by the
2 Washington area, you then found yourselves with your fellow activists in front of the
3 RTI headquarters, Rue Lepic; is that correct?

4 A. [13:19:59] Correct.

5 Q. [13:20:00] Now, Rue Lepic, were you one of the people who were giving
6 instructions to the crowd?

7 A. [13:20:17] I was one of the people in charge, but not the only one.

8 Q. [13:20:27] Let me put the question again. Once at Rue Lepic, were there people
9 giving instructions to the crowd?

10 A. [13:20:37] Yes, there must have been people giving instructions, the instructions
11 we were waiting for that were to come from the Golf.

12 Q. [13:20:47] Let me be more specific. Were there on 16 December 2010, when you
13 were in front of the headquarters of the RTI, Rue Lepic, were there people who were
14 giving instructions to the crowd?

15 A. [13:21:09] Yes, because I was one of the people who were supposed to give
16 instructions that day.

17 Q. [13:21:20] So you were amongst the people who were supposed to be giving
18 instructions or did you give instructions?

19 A. [13:21:30] We were not able to give instructions because we had not received the
20 green light from the Golf and then, you see, the crowd split. Some people went
21 towards the US library, so ...

22 Q. [13:21:53] And who made the decision to go that way?

23 A. [13:21:59] I think I said the crowd began to move. The crowd began to move
24 and I don't -- it divided into two, one to the left, one to the right, and then they left.
25 They headed out. So there you have it.

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1 Q. [13:22:17] At that specific point in time, did you know the objective? Where
2 was the crowd going?

3 A. [13:22:28] In front of the RTI.

4 Q. [13:22:32] You're sure that the crowd was heading towards the RTI?

5 A. [13:22:35] Yes, of course. That was the objective of the march.

6 Q. [13:22:42] I'd like to read out to you something that you said in the statement --

7 MR MACDONALD: [13:23:03] Objection, your Honour. And I would like the
8 witness to leave the courtroom, please.

9 PRESIDING JUDGE TARFUSSER: [13:23:08] So, Mr Witness, yes, wait a minute,
10 Mr Witness, wait a minute. You can leave the courtroom. Then we have one hour
11 of lunch-break. So there is no need for you to come back. We will adjourn in five
12 minutes. So we will meet again at 2.30 here, okay. Thank you. You can leave the
13 courtroom. Thank you.

14 (The witness stands down)

15 PRESIDING JUDGE TARFUSSER: [13:24:01] Mr MacDonald, yes, you can, you may.

16 MR MACDONALD: [13:24:05] Thank you. I was just waiting for the witness to not
17 hear at all.

18 We're going on the territory of prior testimony before this Chamber. It's a debate
19 we've had in the past. My colleague wants to use a transcript of the hearing when
20 Witness P-0547 was heard, the first witness in this case. And now he wants to put
21 the facts of that witness to this witness, which we feel, we submit, is not permissible.
22 What can be put is facts. "I put it to you that the crowd was going to the PDCI
23 headquarters when the crowd split in two, one crowd was going to the PDCI
24 headquarters." But we cannot say, "While we've heard the testimony of P-547 in
25 closed session or confidential session, and he told us the following. Do you agree

1 with that?" No. "Or is that the truth" or things of that nature, because ultimately
2 it's for the Chamber to decide that question.

3 So what we can do, I understand we want to be fair with the parties, we put the
4 transcript on our list of evidence to be used with this witness, to demonstrate the
5 source where the information comes from. But the confrontation as may be known
6 in certain systems, legal systems does not apply here.

7 PRESIDING JUDGE TARFUSSER: [13:25:57] What do you mean by "certain legal
8 systems" said in this tone?

9 MR MACDONALD: [13:26:02] There is no tone, your Honour, because you come
10 from that system. So the point is, the point is, your Honour, there was a decision
11 that was taken before. It's like books, it's like anything, you can put the facts, you
12 can put the facts straight.

13 PRESIDING JUDGE TARFUSSER: [13:26:20] We've understood you.

14 MR MACDONALD: [13:26:22] Thank you.

15 PRESIDING JUDGE TARFUSSER: [13:26:23] Thank you.

16 The other parties.

17 MR GBOUGNON: [13:26:28] (Interpretation) Your Honour, I would have liked the
18 Prosecutor to have begun with what is not permissible, and he really should have
19 said what the Chamber -- but this is not what he has said.

20 The last time we put a witness statement to a witness, the Chamber refused because
21 the witness statement in question -- well, it was a statement taken from a witness who
22 did not ultimately appear and then the Chamber did not allow that.

23 Secondly, the Prosecution is saying that the statement I am about to write out was
24 given in closed session or private session, but that is not at all the case.

25 Thirdly, your Honour, on the 4th February 2016, realtime transcript, this is what you

1 said, page 3, line 21, quote, "It is not deemed to be suggestive or directive to confront
2 witnesses with facts or circumstances such as earlier statements given by other
3 witnesses or other people." That is what you ruled.

4 What is more, as I have said, the statement of the witness was given in open session
5 and that particular statement is available to everyone.

6 Finally, your Honour, here we have a date, 16 December 2010. Apparently there was
7 a march that day, and witnesses did come before the Court, and these witnesses took
8 part in one march only. They gave a statement. And why is it that we cannot
9 confront them with what was said so that the Court can determine actually what
10 happened that particular day, your Honour.

11 So not only from a legal standpoint is it not -- I am not being given an opportunity to
12 present what I wanted to present, but also I believe that the events and I think that to
13 come to a demonstration of the truth we need to present this statement to the witness.
14 I thank you, your Honour.

15 MR O'SHEA: [13:29:02] If I may briefly, because it's on a general issue of procedure?

16 PRESIDING JUDGE TARFUSSER: [13:29:08] Yes, please.

17 MR O'SHEA: [13:29:09] Your Honours, the Defence should be placed in a position
18 where they can use whatever tools are at their disposal to deal with the witness, as
19 long as the trial is fair, if there is no overriding rationale to exclude an exercise, it
20 should be permitted.

21 In this particular case, if you confront a witness with what another witness has said,
22 and you say to the witness for example, "Would you be surprised to know that
23 another witness has said this," if the witness is telling the truth, then they will be able
24 to stand their ground and they won't care what another witness has said.

25 It may be, however, that if the witness is trying to pull the wool over the eyes of the

1 Chamber, that when confronted with a reality as presented by another witness, he
2 may change his position.

3 So it could lead to a situation where the Chamber begins to see the reality of whether
4 the witness is telling the truth or not.

5 So it's a manner, it's just one other way of confronting a witness with what the
6 Defence say the truth of the situation is, and unless there is some overriding
7 unfairness in allowing it, then it should be permitted. And of course, if it's on the
8 public record of the case, it's difficult to see what overriding consideration there could
9 be.

10 PRESIDING JUDGE TARFUSSER: [13:31:15] Yes, we break now and I just want to
11 say that if the Chamber begins now to see the reality, then it's a little bit late. We are
12 a year now on the hearing. So we're improving.

13 I would now go for one hour break. We meet again at 2.30. Yes?

14 MR MACDONALD: [13:31:39] Just a scheduling question. Do we expect to start
15 the next witness this afternoon? That would be a question I would ask the Defence
16 of Mr Blé Goudé in terms of planning, your Honour. And the video link, how much
17 time do we need to break before we can set it up?

18 PRESIDING JUDGE TARFUSSER: [13:31:59] I would very much urge to start this
19 afternoon.

20 Mr Gbougnon.

21 MR GBOUGNON: [13:32:10] (Interpretation) Your Honour, I think I would have
22 been more at ease if the question had come from the Chamber. I'm quite ill at ease
23 given that the question has come from the Prosecution.

24 PRESIDING JUDGE TARFUSSER: [13:32:26] No, but it comes from the Chamber.
25 The question comes from the Prosecutor because the Chamber starts from the

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1 assumption that we finish this witness this afternoon, and if there is time left, we start
2 with a new witness this afternoon as was, not decided, but suggested since Thursday.
3 So please.

4 MR GBOUGNON: [13:32:56] (Interpretation) I beg your pardon, your Honour. I
5 thought that a question had been put to me directly by the Prosecution.
6 I think we'll have for at least an hour, at least an hour.

7 PRESIDING JUDGE TARFUSSER: [13:33:16] So we will -- is there re-questioning?
8 Probably no re-questioning. That means that after one hour we go, suspend for half
9 an hour, and then we start with the new witness at least for all the introductions so
10 that tomorrow morning we can start the questioning, okay?
11 Thank you very much. The hearing is adjourned, one hour lunch-break.

12 THE COURT USHER: [13:33:45] All rise.
13 (Recess taken at 1.33 p.m.)
14 (Upon resuming in open session at 2.54 p.m.)

15 THE COURT OFFICER: [14:54:18] All rise.
16 Please be seated.

17 PRESIDING JUDGE TARFUSSER: [14:54:35] Good afternoon. And sorry for this
18 delay, but we had to discuss.

19 Now, as to the question which was put to the witness by Mr Gbougnon and opposed
20 by the Prosecutor, and it was a question which referred to a witness statement, the
21 witness was confronted with a statement from another witness, the Chamber decides
22 that it is absolutely, it is possible to confront the witness with a statement of another
23 witness, but without telling him who this other witness was, just by rephrasing the
24 question and saying "Another witness in this trial has said so and so," and then make
25 the reference for us in order to have on the record the reference.

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1 (The witness enters the courtroom)

2 MR O'SHEA: [14:55:51] I think you said -- it is written here "impossible," but I
3 think you said "possible."

4 PRESIDING JUDGE TARFUSSER: [14:55:58] Yes, "possible," of course. While I'm
5 speaking, I'm not looking at the transcript.

6 Therefore, Maître Gbougnon I will give you the floor. I think you have understood
7 what I mean.

8 MR GBOUGNON: [14:56:29] (Interpretation) Yes, your Honour. Your Honour,
9 if I could request that the witness be asked to leave the courtroom, because I have a
10 statement I wish to make. Yes, your Honour.

11 PRESIDING JUDGE TARFUSSER: [14:56:43] Could you not have asked me before,
12 because we've just brought him in.

13 Mr Witness, I'm sorry for this, but --

14 MR MACDONALD: [14:56:57] And if it's about what happened while the
15 Chamber was not there --

16 PRESIDING JUDGE TARFUSSER: [14:57:01] Let me please, let me please.

17 MR MACDONALD: [14:57:04] -- I will ask for a closed session.

18 PRESIDING JUDGE TARFUSSER: [14:57:07] Let please the witness go out first.

19 Let the witness please go out and then we speak.

20 (The witness stands down)

21 PRESIDING JUDGE TARFUSSER: [14:57:28] Why are you standing and not
22 Maître Gbougnon?

23 MR MACDONALD: [14:57:32] Because if my colleague is to take the floor as to
24 what happened while the Chamber was not present and the curtain were closed, if it's
25 about that --

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- 1 PRESIDING JUDGE TARFUSSER: [14:57:44] I don't know.
- 2 MR MACDONALD: [14:57:45] No, no, no.
- 3 PRESIDING JUDGE TARFUSSER: [14:57:48] We don't know.
- 4 MR MACDONALD: [14:57:50] I know, but then I would ask that it be done in
- 5 closed session.
- 6 PRESIDING JUDGE TARFUSSER: [14:57:54] But we will not --
- 7 MR MACDONALD: [14:57:55] Because it's an incident between myself and
- 8 Mr Zokou out of the presence of the Chamber. I will not say more.
- 9 PRESIDING JUDGE TARFUSSER: [14:58:03] Is this the case?
- 10 MR GBOUGNON: [14:58:14] (Interpretation) Your Honour, I am trying to
- 11 remain calm. Yes, that is what I wish to address. I don't know. That is what I
- 12 wish to raise.
- 13 PRESIDING JUDGE TARFUSSER: [14:58:23] We will not raise this issue. We will
- 14 listen to the testimony. First of all, the trial has to go on and I don't want to deal
- 15 with now with issues between the OTP and the Defence.
- 16 Please, I would ask the witness to come in and then we continue with the questioning
- 17 of this witness.
- 18 (The witness enters the courtroom)
- 19 PRESIDING JUDGE TARFUSSER: [14:59:23] Mr Witness, I'm sorry for this delay.
- 20 I give the floor to Maître Gbougnon for his questioning.
- 21 MR GBOUGNON: [14:59:51] (Interpretation)
- 22 Q. [14:59:52] Good afternoon, Mr Witness.
- 23 A. [14:59:56] Good afternoon.
- 24 Q. [15:00:00] At an earlier stage you stated that the crowd had gone towards or it
- 25 had been decided that people would go to the RTI; is that correct?

1 A. [15:00:24] Yes, there was a movement of the crowd.

2 Q. [15:00:31] I'm not talking about the movement of the crowd, I'm talking about
3 the destination, the final destination. Did the crowd decide to go, yes or no, to the RTI
4 or to another location?

5 A. [15:00:45] Yes, to the RTI.

6 Q. [15:00:56] As I was saying this morning, I'm going to be reading the statement
7 of 8 February 2016, page 39, from lines 6. I said that, "We found many people there
8 and they said that before they went to the RTI, as there were many people present,
9 that we should wait for there to be more people and then we would go to the HQ of
10 the RHDP." End of quote.

11 That is what allegedly occurred on 16 December, the crowd decided to go to the
12 headquarters of the RHDP and not to the RTI as you stated?

13 A. [15:01:50] That is not what I stated. I said that we were awaiting instructions
14 from our leaders at the Golf. So waiting for that, we had to control the crowd. And
15 if we didn't have any instructions back from the Golf, then we were going to try and
16 converge upon the HQ of the RHDP. But I didn't say that we were going to remain
17 at the RHDP.

18 Q. [15:02:24] I did not say that you were going to the HQ of the RHDP. You said
19 that you were going to the RTI. You said, and I repeat, that the crowd was on its
20 way to the RTI. Rather, that is the statement that I have just read to you that said
21 that the crowd was going to the HQ of the RHDP. That is what I read to you.

22 A. [15:02:49] Well, when you read out, don't just read out snippets. I said at the
23 outset that we were awaiting instructions. It is clear that we were due to go to the
24 RTI. But if the instructions were not forthcoming we were going to go to the
25 headquarters of the RHDP, there we are. But the crowd went to the RTI.

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1 Q. [15:03:17] Mr Witness, what are you stating today, the crowd went to the RTI
2 or to the HQ of the RHDP?

3 A. [15:03:25] The crowd went to the RTI.

4 Q. [15:03:30] Thank you, Mr Witness.

5 And so according to your statement, the crowd and yourself remained in front of the
6 headquarters of the RDR from 9 to 11; is that correct?

7 A. [15:04:04] Yes, I said that we were awaiting instructions.

8 MR GBOUGNON: [15:04:14] Could we come back to the map, please,

9 CIV-OTP-0044-2656. Could we please zoom in on the map. Thank you. That's
10 fine.

11 Q. [15:05:10] Can you see it well?

12 A. [15:05:11] Yes.

13 Q. [15:05:15] What does the line that you have drawn in pink represent? Yes, I
14 think it is pink. The line that you have drawn in pink?

15 A. [15:05:41] The pink line is the road going from the Danga bridge and down
16 below is the line going towards the PISAM. So when the crowd divided in two, as I
17 said earlier on, one group went to the left and the other group went to the right.

18 Q. [15:06:12] So the pink line represents those marchers who went to the left?

19 A. [15:06:18] To the left and to the right.

20 Q. [15:06:27] So the pink line represents the two directions? Could you please
21 answer that question.

22 A. [15:06:39] Yes.

23 Q. [15:06:43] So you stated to the Trial Chamber that marchers who were
24 allegedly on their way to the RTI went via the PISAM, is that correct?

25 A. [15:07:13] I said that there were two directions that were taken, the direction

1 towards the left and the direction towards the right. And towards the PISAM, that is
2 where people can go via the corniche.

3 Q. [15:07:32] Mr Witness, you drew a pink line. I have to come back to this so
4 that the Chamber can understand. This pink line that goes to the left represents
5 marchers who were going, according to what you said, to the RTI; is that correct?

6 A. [15:07:53] Of course.

7 Q. [15:08:10] And the road that you have drawn on this map culminates at the
8 corniche; is that correct?

9 A. [15:08:23] Yes, there are two roads, there is the upper one and the lower one,
10 which is on the Danga bridge side. This was with a view to showing clearly the
11 directions that the two groups took.

12 Q. [15:08:42] Mr Witness, let us concentrate on the road that you drew in the
13 direction of the PISAM. I'd like us to concentrate on that road. Does that road
14 culminate at the corniche as you have drawn it?

15 A. [15:09:04] Yes, it culminates lower down, yes.

16 Q. [15:09:09] Could you please tell the Chamber what the corniche is in the road
17 construction of Abidjan?

18 A. [15:09:22] The corniche is the road that goes -- well, how can I put it? That
19 goes downhill from the Rue Lepic towards the Plateau and then you come back on
20 your way to Cocody.

21 Q. [15:09:40] Is the corniche a motorway or is it a normal road? Was or is the
22 corniche, when I say a "normal road," I mean is it a two-way road where roads drive
23 by each other, or is it a four-laned affair?

24 A. [15:10:03] I can't provide you with details. I can just tell you that it's a road
25 where people go up and down, you can go away from Cocody or you can come

1 towards Cocody.

2 Q. [15:10:15] Mr Witness, the question that I'm putting to you is specific in nature.

3 The members of the Chamber do not know the corniche. And for things to be clear,

4 if you know, if you know the corniche, could you describe to the Chamber what it is?

5 is it a high speed road, a motorway where cars travel at speed, or is it a normal road

6 where there are pedestrian crossings and crosswalks?

7 A. [15:10:59] I'm explaining the things to you clearly as well. I'm not able to tell

8 you whether it's a normal road or a motorway. What I'm saying is that cars go in

9 both directions and on that day people went towards the left and towards the right.

10 Now, as to whether it's a motorway, I'm not a specialist in things pertaining to roads.

11 Q. [15:11:32] Mr Witness, one last time I'm going to put the question to you.

12 Could you tell the Chamber what the main characteristic of the corniche is so the

13 Chamber has a view of what we're talking about?

14 A. [15:11:53] It is a road where cars move about. What else can I tell you? As

15 to how it was constructed, I'm not a specialist in that area.

16 Q. [15:12:20] On that road, until it culminates at the PISAM, or -- would it be true

17 to say that the road has a large ravine on one side?

18 A. [15:12:42] I'll explain it to you. When you take the ramp that goes to PISAM,

19 when you get to the lagoon area, there is a ravine on the left-hand side. At the

20 Rue Lepic, there's also a ravine, it's the extension of that same ravine towards the

21 lagoon. And it's that same ravine that goes under the Cocody bridge in Danga.

22 Q. [15:13:15] So you can confirm that the corniche has a large ravine, are you

23 talking -- well, what size are we talking, 1 metre 50?

24 A. [15:13:33] I can't provide you with that detail. I know that there were two

25 groups of marchers, one group went to the left, one group went to the right. And

1 those who went towards the PISAM, well, they went lower down in order to come up
2 again. As to the dimensions of the ravine, I'm not in a position to say.

3 Q. [15:13:54] Approximately how many marchers went in that direction of the
4 corniche, please?

5 A. [15:13:58] I do not know.

6 PRESIDING JUDGE TARFUSSER: [15:14:06] You might not know the exact
7 number, but in the hundreds, in the thousands, many people? Somehow you should
8 be able to give an estimate.

9 THE WITNESS: [15:14:26] (Interpretation) Thank you, Mr President.

10 On both sides there were thousands of people who divided in two, to the left and to
11 the right, and most of those people divided in two with a view to going left and right.

12 MR GBOUGNON: [15:14:51] (Interpretation) Thank you, Mr President.

13 Q. [15:14:55] So you are telling the Chamber under oath that thousands,
14 thousands of marchers took the corniche, which does not have a pedestrian walkway
15 and has a ravine on one side, is that correct?

16 A. [15:15:16] Of course, yes. We're going to Cocody via the corniche. It might
17 be that you are well healed, but how often would you find a pedestrian pass-over in
18 Abidjan?

19 Q. [15:15:40] Still with regards to this same map, the red cross that you draw as
20 being at the Rue Lepic, what does that represent?

21 A. [15:16:01] Well, if I'm not mistaken I believe it is the position of the unfinished
22 house. And I went up onto the roof. I think when you go via the Rue Lepic, you
23 can see this unfinished construction, and it has an overview over all the villas of the
24 neighbourhood.

25 Q. [15:16:36] And so you're stating that this unfinished construction is in the

1 Rue Lepic?

2 A. [15:16:44] In the Rue Lepic.

3 Q. [15:16:48] Is it before or after the RDR headquarters?

4 A. [15:16:55] Before.

5 Q. [15:16:58] So under oath you are stating before the Trial Chamber that in
6 December 2010 in the Rue Lepic, in front of the headquarters of the RDR, there was an
7 unfinished construction; is that correct?

8 A. [15:17:12] Yes, it still exists and it is still unfinished.

9 Q. [15:17:16] Thank you, Mr Witness.

10 When you fled and you climbed up on to that building, what did you do?

11 A. [15:17:33] I went to hide under the concrete slab. And under there I could see
12 everybody who was below me.

13 Q. [15:17:51] Could you please explain to the Chamber what you mean by hiding
14 yourself?

15 A. [15:17:56] I was saving my skin. There we are.

16 Q. [15:18:01] What I'm asking is what did you do when you managed to flee?
17 You are on this concrete slab, what are you doing?

18 A. [15:18:16] Well, I can see everything that's happening underneath me. I have
19 no other activity because I need to stay hidden there so that I can save my skin.

20 Q. [15:18:29] So that people didn't know that you were there? Let me finish. If
21 we talk at the same time we will have problems with the interpreting, so please let me
22 finish. Mark a pause of two to three seconds before you answer, please.

23 You have just said that you were fleeing on this concrete slab with a view to saving
24 your skin. And when you're on that concrete slab trying to save your life you hid
25 yourself; is that what you're saying?

- 1 A. [15:19:12] Yes.
- 2 Q. [15:19:13] Did you lie down, otherwise people would see you; is that correct?
- 3 A. [15:19:19] Nobody could see me, I could see them.
- 4 Q. [15:19:25] So you're on this concrete slab, nobody can see you, but you can see
- 5 people. Can you explain that to the Chamber, please?
- 6 A. [15:19:33] Yes. Those who were underneath me can't see me. It depends
- 7 how high that slab is. It's a building.
- 8 Q. [15:19:49] Thank you, Mr Witness.
- 9 You know the area of Cocody very well, do you not?
- 10 A. [15:20:34] Cocody, the area of Cocody, Cocody is vast. I can't know all of
- 11 Cocody.
- 12 Q. [15:20:58] On the map, still on this map, we can see Saint-Jean de Cocody.
- 13 Can you see that, Saint-Jean de Cocody?
- 14 A. [15:21:34] Yes.
- 15 Q. [15:21:36] Between Saint-Jean de Cocody and the RTI, how would you say the
- 16 terrain is, is it flat, is it mountainous, are there ups and downs? Could you explain
- 17 the characteristics of the terrain?
- 18 A. [15:21:57] It is -- how would we call it? How can I call it? It's an open way,
- 19 it's a two-way road from Saint-Jean to the RTI. There's the roundabout and it goes
- 20 directly to the RTI. There's no mountains. There's no hills.
- 21 Q. [15:22:31] And a little bit further on, can you see the cité BAD on the same
- 22 map?
- 23 A. [15:22:44] No, I can't -- yes, I can see the cité BAD, yes, I can, yes. I can no
- 24 longer see the map in front of me. Now I can.
- 25 Q. [15:23:08] Can you confirm that the cité BAD is still on the Boulevard

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1 des Martyrs, is that correct?

2 A. [15:23:19] The cité BAD is further behind. It is not adjacent to the road, it's a
3 little bit further behind.

4 Q. [15:23:34] But from the road, the Boulevard des Martyrs, if we are standing
5 in front of the cité BAD, if we're standing in front of the Boulevard des Martyrs, can
6 we see the cité BAD at that level?

7 A. [15:23:47] Yes, we can see the cité BAD.

8 Q. [15:23:53] Between the RTI and the cité BAD is the terrain still flat as it is
9 between the RTI and the Saint-Jean?

10 A. [15:24:06] Between the RTI and the Bad, visually speaking, you have the
11 impression that it is flat, but if you go down then you'll see that there is a hill or a
12 slope.

13 Q. [15:24:26] Thank you, Mr Witness.
14 Between the intersection, the Saint-Jean intersection and the La Vie intersection,
15 approximately what is the difference, in approximate terms?

16 THE INTERPRETER: [15:25:01] Correction: Distance.

17 THE WITNESS: [15:25:04] (Interpretation) It's 500 metres or 700 metres, I'm not
18 quite sure.

19 MR GBOUGNON: [15:25:09] (Interpretation)

20 Q. [15:25:09] I would like to have the following item brought up,
21 CIV-D25-0018-0004.

22 Mr Witness, can you see that map?

23 A. [15:26:13] Yes, I can see the map.

24 Q. [15:26:19] At an earlier stage you said that between the cité BAD and the la Vie
25 carrefour there is --

1 THE INTERPRETER: [15:26:34] Inaudible.

2 THE WITNESS: [15:26:35] (Interpretation) Yes, there is a little slope.

3 MR GBOUGNON: [15:26:39] (Interpretation)

4 Q. [15:26:40] You can see on the map that there is a distance, a distance between
5 the Saint-Jean intersection and the Carrefour de la Vie. Can you tell the Chamber
6 what you can see?

7 A. [15:26:54] I can see 18 minutes and 1.4 kilometres.

8 Q. [15:26:59] Thank you, Mr Witness.

9 Could you please tell the Chamber whether from the Saint-Jean intersection it is
10 possible to see what is happening at the Carrefour de la Vie?

11 A. [15:27:14] No, it is not possible.

12 Q. [15:27:33] However, in your statement to the Office of the Prosecutor you state,
13 paragraph 43, quote:

14 "I know that there was that roadblock because one of the marchers, Madam Bamba,
15 told me. In fact, when they were in front of the église Saint-Jean they could see all of
16 the roadblocks that had been erected on the road, because from the église Saint-Jean,
17 the Saint-Jean church, you don't even need glasses in order to see those roadblocks all
18 the way up to the Carrefour de la Vie."

19 Is it not true that you made this statement to the OTP?

20 A. [15:28:26] Yes, but it does have its explanation.

21 Q. [15:28:28] Mr Witness, thank you, but I would like to keep it to that.

22 A. [15:28:31] Yes, well, I can explain it to you, I do have the right to do so.

23 The Saint-Jean intersection that I explained, when my nephew, when my -- the body
24 of my younger brother was taken to the hospital, they took my nephew and they went
25 with him. And he found himself with the women from the RHDP who had been

1 arrested and who had been kept at the central.

2 Now, what I'm saying here is what the lady told me. They were abducted there and
3 they were beaten up and raped, and it was those women who reported those events
4 to me.

5 Now, those roadblocks, when people say that you can't see them at the Saint-Jean
6 roadblock, it's true that when there's nothing on the road you won't see anything, but
7 when you see that there is cargo that has been blocked on the road, you can see. If
8 there's nothing on the road, you won't see a thing, but if you have military lorries
9 over a space of 1 kilometre, you will see those things.

10 Q. [15:29:44] Thank you, Mr Witness.

11 In the group of marchers, which group was your brother in? Was he in the group
12 that was on its way to the corniche or in the other group?

13 A. [15:30:23] I was not present. My nephew told me that at the time when they
14 were going to go over the ravine, that's when he fell down and then they started to
15 beat him with their rifle butts. And my nephew draped himself over him.

16 Now, as to anything else, I wouldn't be in a position to say. And as I said to you, I
17 can't cross the Ts and dot the Is with regard to my statement, but I can remember the
18 general gist.

19 Q. [15:31:04] Mr Witness, ce matin -- correction -- this morning I put that question
20 to you quite deliberately this morning, line 19 of this morning's transcript, page 64,
21 you said that "He, your brother, was going to walk with the other group, and there
22 was a movement of the crowd towards the RTI by the library, that thing, the USA, the
23 US library."

24 Do you remember that you made that statement this morning?

25 A. [15:31:40] Yes, I acknowledge, I said that. Does -- well, from time to time I

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1 may forget things, but the general idea remains there.

2 Q. [15:32:00] So this morning what you said was that your brother was in the
3 group of people, the ones who went to the right from Rue Lepic; is that correct?

4 A. [15:32:15] Yes.

5 Q. [15:32:18] However, when you were interviewed by the OTP investigators you
6 said this, paragraph 51 of your statement, quote: "He was part of the group of
7 people that was with the
8 PISAM. He was part" -- correction, "They were part of the group that were left from
9 the PISAM side."

10 Do you recognize that?

11 A. [15:32:58] Yes.

12 Q. [15:32:59] Thank you. Now, during the march of 16 December 2016, on that
13 very day or after that day did you learn that there were deaths amongst the Defence
14 and Security Forces? Did you hear of any such deaths that day or thereafter?

15 A. [15:33:53] Please rephrase your question, I don't understand.

16 Q. [15:33:56] I will repeat it, but I will not rephrase it. I said this: During the
17 march of 16 December 2016, did you learn -- oh, 2010 rather.

18 THE INTERPRETER: [15:34:14] Counsel corrects himself.

19 MR GBOUGNON: (Interpretation)

20 Q. [15:34:17] Did you hear that there were -- did you hear if there were casualties,
21 i.e. deaths amongst the Defence and Security Forces?

22 A. [15:34:30] I don't remember. I don't remember.

23 Q. [15:34:40] Thank you, Mr Witness.

24 Your Honour, that was my last question for the witness. And the Blé Goudé Defence
25 team has concluded its examination.

1 But, your Honour, I insist on one point, I do wish to address the Court and, of course,
2 you will decide what is the right time, but what happened is extremely serious,
3 extremely serious.

4 PRESIDING JUDGE TARFUSSER: [15:35:11] No. I do know. In the meantime I
5 got aware, so don't worry, you will have the time, but not within the questioning of a
6 witness. So we will have time in order to express yourself orally or in writing, we'll
7 see.

8 Is there by the OTP a request for re-questioning? It seems not, as I heard before.

9 MS BERDENNIKOVA: [15:35:41] No re-questioning, your Honours.

10 PRESIDING JUDGE TARFUSSER: [15:35:43] No re-questioning.

11 So you had already the last word.

12 So I think this concludes this, your testimony. I thank you very much for having
13 been here. I think you're happy that you can go back to your country. And we will
14 continue with the next witness.

15 Thank you very much for having been here. I ask the court usher to bring the
16 witness outside the courtroom.

17 THE WITNESS: [15:36:25] (Interpretation) Thank you, your Honour.

18 (The witness is excused)

19 PRESIDING JUDGE TARFUSSER: [15:36:41] Now we have to go to the next
20 witness, which is Witness 350. It is a video-link witness, and that's the reason why
21 we have to interrupt for half an hour in order to check the video link, if everything is
22 working. And therefore we have to adjourn the hearing for half an hour, 30 minutes,
23 is that enough? Also less maybe?

24 Therefore, the hearing is adjourned. We try to come back at 4, if possible. Thank
25 you.

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- 1 THE COURT OFFICER: [15:37:30] All rise.
- 2 (Recess taken at 3.37 p.m.)
- 3 (Upon resuming in closed session at 3.59 p.m.)
- 4 (Redacted)
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- 18 (The hearing ends in closed session at 4.28 p.m.)