

Trial Hearing
WITNESS: CIV-OTP-P-0107

(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 Thursday, 1 December 2016
10 (The hearing starts in open session at 9.02 a.m.)
11 THE COURT USHER: [9:02:54] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:03:10] Good morning. Good morning also to
15 the remote location.
16 THE COURT OFFICER: (Via video link) [9:03:19] Good morning.
17 PRESIDING JUDGE TARFUSSER: [9:03:21] Good morning. Before introducing the
18 witness, the Chamber would just like to read out an oral decision, just 5 minutes.
19 And this is the oral ruling on the objection raised by the Defence for Mr Blé Goudé on
20 its email -- in its email to the Chamber dated 28 November 2016 concerning the
21 inclusion of document CIV-OTP-0015-0027 in the material handed over to Witness 117
22 for the purposes of familiarisation. This document as stated and as now seen by the
23 Chamber consists of notes taken by investigators of the Office of the Prosecutor
24 during a meeting with Witness 117, which occurred sometime before the witness
25 eventually made a formal statement.

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1 The Chamber notes that the document is not authored or signed by the witness, nor
2 included or otherwise referred to in her statement.

3 As such, it is clearly not a previous statement within the meaning of paragraph 80 of
4 the witness familiarisation protocol. Moreover, it cannot be considered as, and I
5 quote "generated or provided by the witness" within the meaning and for the
6 purposes of paragraph 80 of the protocol or otherwise essential for the
7 comprehension of the witness's statement within the meaning of the Chamber's oral
8 ruling dated 9 March 2016 referred to by the Prosecutor in T-27, page 1, line 19 to
9 page 2, line 20.

10 Accordingly, the Chamber grants the objection raised by the Defence for
11 Mr Blé Goudé and instructs the parties to refrain from using the document in the
12 context of their questioning of Witness 117. Furthermore, the Chamber clarifies that
13 for the future, documents of this nature shall not be included in the material provided
14 to a witness for the purpose of the familiarisation.

15 The Chamber is informed that in the meantime the document has been handed over
16 to and read by Witness 117. However, in light of the content of the document the
17 Chamber is satisfied that no prejudice has been or will be suffered by the Defence by
18 virtue of the fact that Witness 117 had an opportunity to read the document in the
19 context of her familiarisation.

20 This concludes the Chamber's oral ruling.

21 And now I would ask you, court officer in the remote location to introduce the
22 witness. Thank you.

23 THE COURT OFFICER: (Via video link) [9:07:13] Right away. Thank you.

24 (The witness enters the video link room)

25 PRESIDING JUDGE TARFUSSER: [9:07:50] Good morning, Mr Witness.

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1 WITNESS: CIV-OTP-P-0107 (On former oath)

2 (The witness speaks Dioula)

3 (The witness gives evidence via video link)

4 THE WITNESS: [9:07:57] (Via video link) (Interpretation) Fine.

5 PRESIDING JUDGE TARFUSSER: [9:08:09] Are you, do you feel okay? Are you
6 okay? Can we continue?

7 THE WITNESS: [9:08:23] (Via video link) (Interpretation) Yes, yes.

8 PRESIDING JUDGE TARFUSSER: [9:08:26] As yesterday I ask you to respond to the
9 questions truthfully and if you have any concerns, just tell me and we will try to
10 address it properly.

11 I now give the floor to Mr O'Shea, who shouldn't take too long, as promised
12 yesterday.

13 MR O'SHEA: [9:08:51] As estimated, yes, as promised.

14 QUESTIONED BY MR O'SHEA: (Continued)

15 Q. [9:09:13] Good morning, Mr Witness. I hope you're well rested?

16 A. [9:09:17] Yes.

17 Q. [9:09:32] Good. Now, in your area where you were living in Yopougon, the
18 area you've described as Koweït, you've spoken about a roundabout -- sorry, an
19 intersection, you've spoken about an intersection at Koweït where young people
20 would gather in the open air and speak. So the first question I have about that is:
21 How many times did you stop at that place while such gatherings were going on?

22 A. [9:10:54] I do not know the number of times, but it was many times.

23 Q. [9:11:29] And what's the longest time that you've stood at that place while these
24 young people were gathered and talking or speaking?

25 A. [9:11:44] I would go to the intersection and I would stand by the roadside, but I

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1 did not converse with anyone.

2 PRESIDING JUDGE TARFUSSER: [9:12:21] For how long was the question.

3 THE WITNESS: [9:12:28] (Via video link) (Interpretation) About 30 minutes.

4 MR O'SHEA: [9:13:00]

5 Q. [9:13:00] And this intersection, how far away from the place or the house where
6 you were living was this intersection?

7 A. [9:13:08] From the intersection to my house, it's not as far as that.

8 Q. [9:13:50] How long would it take you to walk from your house to the
9 intersection?

10 MS HENDERSON: [9:13:58] Your Honours, we ask to go into private session for
11 this.

12 PRESIDING JUDGE TARFUSSER: [9:14:03] It's the same as yesterday. I don't think
13 there is a need to go into private session. I mean why should we go in private
14 session?

15 MS HENDERSON: [9:14:14] Your Honours, it's getting into a line of questioning that
16 risks to disclose the location of the witness's residence, while this is a witness that
17 does not have protective measures, in our submission the Court still has a
18 responsibility to not disclose to the public details such as where he lives. It forms
19 part of the general duty to protect witnesses.

20 PRESIDING JUDGE TARFUSSER: [9:14:44] So you want to say that if we are not
21 going in closed session, we are not doing our -- properly our job?

22 MS HENDERSON: [9:14:52] Your Honour, I'm saying that there is a risk. Quite
23 properly my learned friend is not leading the witness. There could be a spontaneous
24 answer from the witness that discloses more than should be disclosed publicly. It's
25 simply a preventative measure, your Honour.

1 MR O'SHEA: [9:15:11] We're talking, first of all, we're talking about 20 -- when is it
2 2010? Yes. We're talking about 2010. We're now in 2016. None of us know, you
3 know, none of us in the sense of the public knows, you know, where the witness is
4 living today. And I've simply asked him the distance between his house and the
5 intersection. And there are no protective measures. I mean, if this was an issue, it
6 should have been addressed in that way.

7 PRESIDING JUDGE TARFUSSER: [9:15:47] Mr Witness, how long does it take you
8 to go from the area where you are living to the intersection?

9 THE WITNESS: [9:16:07] (Via video link) (Interpretation) From the intersection
10 to my house would take 4 to 5 minutes.

11 PRESIDING JUDGE TARFUSSER: [9:16:21] Please go ahead.

12 MR O'SHEA: [9:16:22] Thank you. No problem there.

13 Q. [9:16:25] Now, at the house where you were living at the time, in that specific
14 area where you were living, were the people of all sorts of ethnicities or were there a
15 lot of Dioula in that specific point where you were living?

16 PRESIDING JUDGE TARFUSSER: [9:16:55] In the area, not the specific point,
17 because the specific point is his house. So I mean in the area.

18 MR O'SHEA: [9:17:01] Yes, I'm trying to be a little general with it. I'm trying to be a
19 little bit focused simply because I've realised from his last answer --

20 THE INTERPRETER: [9:17:16] From the Dioula interpreter: Can the witness be
21 asked to repeat what he said, because the Dioula interpreters did not hear him.

22 MR O'SHEA: [9:17:26]

23 Q. Can I just ask you, Witness, can you please if you hear the Judge speaking or
24 you hear me speaking, just wait until we've finished before you speak, because
25 otherwise things just don't get recorded at all. All right? I'll try to put the question

1 again.

2 A. Okay.

3 Q. [9:17:56] I'll try to put the question in another way. At the house where you
4 were living in that neighbourhood, the houses around you, the people living in those
5 houses around you, were they Dioula or were they of different ethnicities? I'm sorry,
6 I should rephrase that. Were they Dioula or did they include people who were
7 non-Dioula?

8 A. [9:18:44] Yes. They had Dioulas, but there are also other ethnic groups.

9 Q. [9:19:00] And in the neighbourhood extending from where you live towards the
10 intersection, would you say there are a lot of Dioulas living?

11 A. [9:19:18] There are other ethnic groups.

12 Q. [9:19:48] But in that general area of your neighbourhood extending up to the
13 intersection, that 5-minute walk, are there a lot of Dioulas living there?

14 A. [9:19:58] I really cannot say, but I know that there are Dioulas.

15 Q. [9:20:28] And at this intersection, how many people would gather generally for
16 these talks?

17 A. [9:20:46] About 40 or 50 people.

18 Q. [9:21:13] And you say that you stopped at this intersection many times to listen
19 and that you would stay about half an hour. These many times, would you always
20 stay about half an hour? Was half an hour the longest time you stayed there or was
21 that the average?

22 A. [9:21:51] 30 minutes.

23 Q. [9:22:12] And on these many occasions was it always 40 or 50 people?

24 A. [9:22:30] Sometimes I did not count them, but sometimes there would be 40
25 people, sometimes 50, and sometimes even more than that.

1 Q. [9:23:01] And at this gathering were these people all standing and talking to
2 each other, or how did it happen?

3 A. [9:23:23] They were standing and speaking.

4 Q. [9:23:44] And were people speaking generally to each other or was one person
5 speaking and everybody was listening?

6 A. [9:24:00] One person would take the floor. Then afterwards others would take
7 their place and speak to the crowd. That means people speak in turns.

8 Q. [9:24:39] And was anybody allowed to speak?

9 A. [9:24:45] No.

10 Q. [9:25:00] How do you know that?

11 A. [9:25:05] When I was passing by and I stopped, I would observe that not
12 everyone spoke. It was people who were selected who were able to speak.

13 Q. [9:25:36] And how do you know that they were selected?

14 A. [9:25:50] Quite often when I was there at the intersection, when the person was
15 speaking, then I would be seeing that person speaking and then afterwards there
16 would be someone else. That is how it happened.

17 Q. [9:26:28] Now, this intersection is -- was very close to where you were living at
18 the time. And in your statement you say -- I haven't finished my question.

19 The intersection was very close to where you were living at the time, and you say in
20 your statement to the Prosecutor at paragraph 26 that there were young people who
21 used to go to those gatherings who you recognized. So my question is this: Did a
22 lot of you in that neighbourhood know each other?

23 A. [9:28:13] No, not all of us knew each other.

24 Q. [9:28:24] Did you know a lot of people in your neighbourhood?

25 A. [9:28:33] I knew some of them, but I did not know the others.

1 Q. [9:28:53] And presumably some of them also knew you?

2 A. [9:29:03] They didn't know me.

3 Q. [9:29:31] So you live 5 minutes away from this intersection. There's gatherings
4 at the intersection which are in open air that you have stopped at many times, and
5 you knew some of them, but none of them knew you on any of these occasions; is that
6 right?

7 A. [9:30:15] Yes.

8 Q. [9:30:26] How could you be sure of that?

9 A. [9:30:35] When I would get there, I would see them speaking amongst each
10 other. I would stay there for a while, maybe 30 minutes. I would listen to them
11 speak and then I would go about my way. So I would just stop and listen to them,
12 but I didn't speak to anyone.
13 After, after about 20 -- correction 30 minutes, I would go back and then go back home.

14 Q. [9:31:20] Did you think it was dangerous for you to be there?

15 A. [9:31:37] I believe so, yes. But I would just walk for a while, and since they
16 didn't know me, I would stop. I would listen to them and then I would leave.

17 Q. [9:32:08] Now, you've spoken about an incident at the carrefour Koweït, at the
18 intersection at Koweït. And you spoke about a young man who was attacked by
19 other young people. Do you remember speaking about that to the Office of the
20 Prosecutor?

21 A. [9:33:32] Yes.

22 Q. [9:33:38] What exactly did you observe with your own eyes?

23 A. [9:34:00] In the afternoon I went to the intersection. I saw a young man, and
24 they had accosted him. And they were saying that he was a foreigner. They were
25 saying he's from Burkina Faso. They started to beat him up and they continued to

1 beat him up. So I couldn't do anything, so I just watched them beat him up. And
2 they threw petrol on him. At the time if you were a Dioula person, they would do
3 Article 125 to you, and that meant a box of matches, 25 francs and some petrol, 100
4 francs, and they would burn you up.
5 I couldn't do anything, and I went back home.

6 Q. [9:35:33] Okay. This is the story. But my question is can you explain those
7 acts of those young people that you saw with your own eyes?

8 A. [9:36:21] So I could --

9 THE INTERPRETER: [9:36:22] Message from the Dioula booth: Could the witness
10 be asked to speak slowly and to repeat his reply?

11 PRESIDING JUDGE TARFUSSER: [9:36:31] Mr Witness, can you please repeat what
12 you said? Can you please repeat what you said?

13 THE WITNESS: [9:36:47] (Via video link) (Interpretation) What part? Repeat
14 what?

15 MR O'SHEA: [9:36:57] Shall I just put the question again?

16 PRESIDING JUDGE TARFUSSER: [9:36:59] Yes.

17 Now the counsel will put the question again to you and then you answer repeating
18 the answer you gave before, in a clear, speaking slowly and clear.

19 MR O'SHEA: [9:37:17] Thank you, your Honour.

20 Q. [9:37:18] Witness, you've told us the story. Now, what I'm asking you is this:
21 When you were standing there, what did you actually see with your own eyes?

22 A. [9:37:49] I saw them beating him up. They beat him up. They said that he
23 was a foreigner, and that is why they were beating him up. They started to say that
24 they were going to buy some petrol and matches to set him on fire. And at that
25 point I went back to the house. I could have gone up to them, but if you went up to

1 them, you yourself could end up being beaten up. So I went back home.

2 Q. [9:39:25] In your statement to the Office of the Prosecutor, you said this at
3 paragraph 48, and I quote in French, (Interpretation) "They had the petrol and the
4 tyres beside them." End of quote.

5 (Speaks English) And today you're saying that they said that they were going to go
6 and buy some petrol and matches. So has the investigator got this wrong in your
7 statement? Did they say they were going to buy some petrol and matches and then
8 you went away?

9 A. [9:40:43] No. They didn't say that they were going to buy matches. I said
10 Article 125, that means that the matches are 25 francs and the petrol is 100 francs. So
11 what they said after they burn you, that's what they were saying.

12 Q. [9:41:09] Also in your interview with the Office of the Prosecutor, you said the
13 following, the same paragraph, 48, you said, and I quote in French, (Interpretation)
14 "One of the youths was calling out, quote, 'He's a foreigner. He's from Mali. They
15 are the ones who voted for Alassane.'" End of quote.

16 (Speaks English) Are those --

17 A. [9:42:15] Yes.

18 Q. [9:42:15] Are those the exact words that they said on that day, that words I've
19 just read out in inverted commas?

20 A. [9:42:27] Yes, yes, that's what they said, they said he was a foreigner.

21 Q. [9:42:43] Did they say, quote, "c'est un Malian," close quotes?

22 Shall I put the question again? Did they say "c'est un Malian"?

23 A. [9:43:45] They said that he was a foreigner. They said he's a foreigner.

24 Q. [9:44:00] So when the investigators recorded here that the words are "c'est un
25 étranger, c'est un Malian," the words "c'est un Malian" were never said, were they?

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1 A. [9:44:22] They said that he's from Burkina Faso. I didn't mention anyone from
2 Mali.

3 Q. [9:44:44] Okay. Thank you. And the last point on this aspect, on this incident,
4 you basically saw a group of youths with some tables at the intersection; is that
5 correct?

6 Did you hear the question?

7 A. [9:45:59] Yes.

8 Q. [9:46:01] Would you like to answer it?

9 A. [9:46:08] Yes.

10 Q. So --

11 PRESIDING JUDGE TARFUSSER: [9:46:26] Please do, I would say.

12 THE WITNESS: [9:46:35] (Via video link) (Interpretation) Well, it was to set up a
13 roadblock. And, you see, if you went by they would check your identity to see if
14 you were a Dioula person or not. And if you were Dioula, they would catch you.

15 MR O'SHEA: [9:46:57]

16 Q. [9:46:58] Okay. You've said that to the Prosecutor. But my question is this:
17 In terms of what you saw, you basically saw a gathering of youngsters with some
18 tables at the intersection; is that correct?

19 A. [9:47:21] Yes. They place tables on the roads leading towards the intersection
20 and that's what they called a roadblock. And if you went by they would check you,
21 check your identity to see if you were Dioula or not. So they set up these roadblocks
22 to see who was Dioula, who was not.

23 THE INTERPRETER: [9:48:12] Message from the interpreter, a correction: The
24 witness describes the roadblocks as being civilian roadblocks.

25 MR O'SHEA: [9:48:26] Yes, thank you for that correction.

1 Q. [9:48:30] Now, how many times did you see these tables at the intersection?

2 A. [9:48:44] The tables, a long time at the intersection. Nearly a week, they were
3 there nearly a week.

4 Q. [9:49:12] So was this on one occasion during one week that you saw tables?

5 A. [9:49:22] I would see them every day. They placed the tables there. I saw
6 them once, and again when I went by, the tables were still there.

7 Q. [9:50:10] Did you go through this intersection at that time?

8 A. [9:50:15] No, I did not cross.

9 Q. [9:50:30] So apart from what you saw with the man from Burkina Faso, apart
10 from that incident which you saw with your own eyes, anything you say about what
11 they were doing at the tables are things that you've heard from other people, right?

12 MS HENDERSON: [9:51:12] Your Honours, that conclusion does not follow from
13 what the witness said. He said he did not traversé, cross, I believe the two tables.

14 MR O'SHEA: [9:51:27] Excuse me, but I'm putting the question, whether it follows or
15 not is not the issue. Sorry, your Honour?

16 PRESIDING JUDGE TARFUSSER: [9:51:40] I think a bit it is the issue, because the
17 witness answered somehow and then you turned the answer and put it in a different
18 way again to him, asking if this is right. And I think it's very much at the limit.

19 MR O'SHEA: [9:52:11] Your Honour, yes. Let me put the question.

20 Q. [9:52:13] Is it right that whatever you know or whatever you said about what
21 happened at those tables is things you've heard from other people; is that right?

22 A. [9:52:40] I saw them myself. An answer I heard from other people.

23 Q. [9:52:59] You've said that you did not go through that intersection yourself.
24 Did you go and stand next to these people with the tables there at any time?

25 A. [9:53:39] No. I did not approach them. But two blocks from me you could see

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1 them.

2 Q. [9:54:10] And would it be right to say that you always stayed a distance away
3 from them?

4 A. [9:54:20] I did not stop right by them. It was a bit of a distance from where I
5 was. I stopped.

6 Q. [9:54:52] So you would not hear what they were talking about; is that right?

7 A. [9:54:59] Yes.

8 Q. [9:55:11] And this week when you saw these tables, what period of time are we
9 talking about?

10 A. [9:55:40] After the voting.

11 Q. [9:56:02] Okay. Thank you.

12 Your Honours, I'm told that at page 15, lines 13, 14 and 16 of the French transcript, of
13 the French transcript there was an important part of an answer which was not
14 apparently translated, in that the witness had said that he had seen it once and then
15 left to Abobo. But this aspect of "and then left to Abobo" was apparently not
16 translated. I don't remember hearing it anyway.

17 PRESIDING JUDGE TARFUSSER: [9:57:42] Well, it's noted then. We have it there
18 and we can hear to the registration again before it is edited. So we will follow this.

19 MR O'SHEA: [9:57:59] Your Honour, yes. Thank you.

20 Q. [9:58:18] Now, when you were in Abobo, you've spoken about a march in
21 Abobo. And you described how you left your house in order to go and see this
22 march. On that day, how much time did you walk for from your house to the area of
23 the march? How long were you walking for that morning?

24 A. [9:59:06] From Abobo to, to where? I haven't understood.

25 Q. [9:59:45] You told the investigators of the Prosecutor that when you were in

1 Abobo there was a march. And you said that you left your house in the morning
2 and you went in the direction of Banco and you said that you were walking to the
3 direction of the march because you wanted to see the march.

4 So my question is: How long were you walking for?

5 A. [10:00:45] (No interpretation)

6 Q. [10:00:47] My question is how long were you walking from your house to the
7 march? How much time were you walking?

8 A. [10:00:54] From my house to that location, not more than 30 minutes. Not
9 more than 30 minutes. Maybe even less, 10 minutes.

10 Q. [10:01:29] Did you know Abobo well?

11 A. [10:01:46] Yes, I know Abobo very well.

12 Q. [10:02:00] You know the different quartiers, do you, of Abobo? Did you know
13 them well at the time?

14 A. [10:02:22] Yes.

15 Q. [10:02:29] We have it recorded that you told the investigators for the Prosecution
16 the following at paragraph 132, page 19, and I quote in French, (Interpretation) "I do
17 not know on which street I was because I do not know the various neighbourhoods of
18 Abobo very well. But I had gone beyond the mosque to -- in the direction of Banco."
19 (Speaks English) Close inverted commas.

20 Did you say that to the investigators?

21 A. [10:03:41] Yes.

22 Q. [10:03:58] Now, on that day you say that you heard a sound of a cannon.
23 Could you say what kind of sound you heard? Was it a boom or what kind of sound
24 did you hear?

25 A. [10:05:22] It was a loud noise.

1 Q. [10:05:44] And how do you know it was a cannon?

2 A. [10:06:06] During the war we heard many noises, and that is how come I was
3 able to make the difference.

4 Q. [10:06:52] So are you saying that there were previous occasions when you'd
5 heard loud noises and someone had said to you "Oh, that's the sound of a cannon"?

6 A. [10:07:17] No one told me that. I was the one who made the deduction because
7 I knew when I heard a cannon, so I know what a cannon sounds like.

8 Q. [10:07:39] But if you've only heard noises in the past and on that occasion, how
9 do you know that it's the sound of a cannon?

10 A. [10:08:15] Quite often I watch documentary film channels, and you see such
11 things on the documentary film channels.

12 Q. [10:08:43] And how many loud noises did you hear on that occasion?

13 A. [10:09:10] One, two times.

14 Q. [10:09:20] Well, it should be quite a memorable sound. Was it one or two
15 times?

16 A. [10:09:55] I heard it one or two times.

17 Q. [10:10:09] So not three? So it definitely wasn't three times?

18 A. [10:11:00] I have said one, two times.

19 Q. [10:11:15] So when it says in your statement, at paragraph 153 -- 52, and I quote,
20 (Interpretation) "I heard the three cannon shots around 10 to 11 o'clock."
21 Is that incorrect that there were three shots?

22 A. [10:12:08] That is what I said. I said about one or two times. It means that it
23 can be beyond two times.

24 Q. [10:12:49] Are you unable to say whether it was more than one noise?

25 A. [10:12:57] Yes, more than two.

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1 Q. [10:13:22] And these more-than-two noises, were they in quick succession or
2 was there a distance in time between them?

3 A. [10:13:34] I heard the first sound, boom, and then the second one, boom boom.

4 Q. [10:14:13] On that day did you see FDS?

5 A. [10:14:20] No, I did not see the FDS people on that day.

6 Q. [10:14:34] So would it be correct to say that you are unable to say whether there
7 were FDS who were killed that day?

8 A. [10:15:19] On that day the FDS people, no.

9 Q. [10:15:39] Is that no, I'm unable to say, or is that no, they were not killed?

10 A. [10:15:53] No, there were no killings.

11 Q. [10:16:14] Is this something you've heard from others?

12 A. [10:16:27] I didn't hear from anyone that FDS people were killed. I didn't hear
13 that.

14 Q. [10:16:52] And is that the basis of your conclusion that they were not killed
15 because you didn't hear of it?

16 A. [10:17:05] What? No, I didn't hear it from anyone.

17 Q. [10:17:27] Is that the only reason why you say they were not killed because you
18 did not hear it from anyone?

19 A. [10:17:36] Yes.

20 Q. [10:17:53] Now you've explained to us that somebody came to the hospital
21 where you were being treated to drop off documents to you?

22 A. [10:18:39] To drop off documents?

23 Q. [10:19:03] Were you visited in the hospital by anyone from the Office of the
24 Prosecutor? You don't have to give their name. But were you visited by anyone
25 from the Office of the Prosecutor when you were in hospital?

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1 A. [10:19:23] No.

2 Q. [10:19:35] On 29 November of this year, at page 122 of the French transcript,
3 lines 19 to 24, you stated as follows, and I quote in French, (Interpretation) "During
4 my accident, well, during the treatment that I received in the hospitals, documents
5 were brought to me. Currently I do not know where that was. Well, one day I
6 received a call from -- what's his name again? He told me that he worked for the
7 criminal court. It is there that he contacted me. Another day we met at the
8 Plateau."

9 (Speaks English) Is that correct, that during the time that you were treated at the
10 hospital someone brought you documents and that one day you received a call from
11 someone from the Office of the Prosecutor; is that correct?

12 A. [10:22:02] No.

13 Q. [10:22:12] So would you like to re-explain that?

14 A. [10:22:27] My answer is no.

15 Q. [10:22:34] Very well, Witness.

16 Your Honours, I'll just consult for a moment and then I may be finished.

17 (Counsel confer)

18 MR O'SHEA: [10:23:14] Just two more issues.

19 Q. [10:23:18] First of all, what do you do now to earn a living?

20 A. [10:23:36] Presently I do not work at all.

21 Q. [10:23:45] How long has this situation been going on that you haven't been
22 working at all?

23 A. [10:24:00] Ever since the accident I have not worked.

24 Q. [10:24:16] And this is my very last question. You've received an injury in your
25 knee, a bullet in the area of your knee, and you know that it's important to tell the

1 truth, so I'm just going to ask you this question: Are you sure you did not receive
2 that bullet while you were fighting?

3 A. [10:24:53] Yes, I received the bullet in the knee while I was walking. The date
4 is clearly mentioned on the paper.

5 Q. [10:25:26] And on that day are you sure you were not fighting?

6 A. [10:25:31] No, no. I did not go to fight. We had simply gone for the march.

7 MR O'SHEA: [10:25:51] Your Honours, those are all my questions.

8 PRESIDING JUDGE TARFUSSER: [10:25:54] Thank you.

9 Despite the fact that we are in extended hours, we will still be in extended hours, but I
10 now make a break for the purpose of permitting the witness to recover, and we come
11 back at 11 o'clock with the questioning by the Defence of Mr Blé Goudé.

12 Did you understand, Mr Witness? Now you can have a break of a half an hour and
13 we come back at 11, meaning 10 o'clock for you, and then, as the Defence for
14 Mr Gbagbo has finished questioning you, the Defence of Mr Blé Goudé will start
15 questioning you.

16 Mr MacDonald.

17 MR MACDONALD: [10:26:45] Yes. We can -- it's not related to this witness.

18 PRESIDING JUDGE TARFUSSER: [10:26:48] So we can -- court officer.

19 THE COURT OFFICER: (Via video link) [10:26:51] Yes, your Honours.

20 PRESIDING JUDGE TARFUSSER: [10:26:53] You can accompany out the witness
21 and give him some strengthening food and beverages.

22 THE COURT OFFICER: (Via video link) [10:27:01] Yes, your Honour.

23 PRESIDING JUDGE TARFUSSER: [10:27:02] Thank you. Thank you very much.
24 See you in half an hour.

25 THE COURT OFFICER: (Via video link) [10:27:06] Yes. Thank you.

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1 MR MACDONALD: [10:27:08] Just informing the Chamber and the parties,
2 especially my colleagues, of the current developments for the next witnesses.
3 We're still awaiting news on the availability of Witness P-0587. So the Victims and
4 Witnesses Unit is currently doing that. And at the same time they're verifying if, in
5 the alternative, Witness P-0117 would not be available to start this afternoon. So this
6 is what is currently taking place. And as soon as we have more development, your
7 Honour, we'll inform everyone. But all this to say that we may have to do another
8 switch or another modification in the scheduling.

9 PRESIDING JUDGE TARFUSSER: [10:28:10] Well, I'm informed differently. I'm
10 informed differently. I'm informed, well, I instructed the VWU to bring 587, or
11 whatever the number is, I can't remember, in any case to the stand and then we'll talk
12 with him because he seems not to be very inclined to testify. This is what I heard.
13 That in any case, this person will be brought to the stand, then we'll talk with him and
14 then we'll decide. So this is --

15 MR MACDONALD: [10:28:39] Another -- one last thing, one last thing. I'm sorry I
16 was just reminded. It's in relation to one Witness 106.

17 PRESIDING JUDGE TARFUSSER: [10:28:52] Yes.

18 MR MACDONALD: [10:28:52] Witness 106 cannot come to testify in person before
19 the 9th in The Hague, but could be heard by video link, if need be. I'm just
20 informing the Chamber because if we are to request by video link, there's a question
21 of either oral submission, written submissions, the delays for a response and so on,
22 and -- but I'm raising it at this stage.

23 PRESIDING JUDGE TARFUSSER: [10:29:21] Thank you, Mr MacDonald. I hope
24 that we can have this 30-minutes break, also us, but I saw Mr Altit wanting to go on
25 his feet.

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1 MR ALTIT: [10:29:38] (Interpretation) Yes, indeed. Thank you, your Honour.

2 Your Honours, we have taken note of what the Prosecution has just announced and

3 the recent developments. But we would like know who is coming when and how.

4 And I don't think we're asking for too much. And, you know, once a certain order

5 has been set you have to respect it because we cannot be placed --

6 PRESIDING JUDGE TARFUSSER: [10:30:12] Now, but the problem is easy. After

7 this Witness 5087, or the number I can't remember --

8 MR ALTIT: [10:30:19] (Interpretation) Yes.

9 PRESIDING JUDGE TARFUSSER: [10:30:21] -- 587 is coming, that's it, for sure.

10 Thank you. The hearing is adjourned, half an hour, a little bit less.

11 THE COURT USHER: [10:30:31] All rise.

12 (Recess taken at 10.30 a.m.)

13 (Upon resuming in open session at 11.08 a.m.)

14 THE COURT USHER: [11:08:16] All rise.

15 Please be seated.

16 PRESIDING JUDGE TARFUSSER: [11:08:26] Good morning again.

17 Just to take a little bit of tension away of Mr Altit, of Maître Altit, should 587 not

18 appear, we in any case for 117 will go to tomorrow, okay? So just so you are not

19 tense anymore.

20 MR ALTIT: [11:08:46] (Interpretation) Thank you, your Honour.

21 PRESIDING JUDGE TARFUSSER: [11:08:53] Because as we learned, 587 is not yet in

22 the location, so we don't know what happens. Now Ms Court Officer in the remote

23 location, and so I also see that you can hear me.

24 THE COURT OFFICER: (Via video link) [11:09:14] Yes, clearly.

25 PRESIDING JUDGE TARFUSSER: [11:09:16] Please introduce the witness. Thank

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1 you.

2 THE COURT OFFICER: (Via video link) [11:09:21] Yes. Right away. Thank you,
3 your Honour.

4 (The witness enters the video link room)

5 PRESIDING JUDGE TARFUSSER: [11:09:50] Mr Witness, I see you are back. I
6 hope you are fine.

7 THE WITNESS: [11:10:09] (Via video link) (Interpretation) Yes, I'm all right.

8 PRESIDING JUDGE TARFUSSER: [11:10:11] Sorry. I've heard that you would like
9 a little bit shorter sessions respectively, small pauses more frequently; is that right?

10 THE WITNESS: [11:10:25] (Via video link) (Interpretation) No, no.

11 PRESIDING JUDGE TARFUSSER: [11:10:48] So you're fine?

12 THE WITNESS: [11:10:54] (Via video link) (Interpretation) Better.

13 PRESIDING JUDGE TARFUSSER: [11:10:59] Okay. So as always, please respond
14 truthfully and quickly, if possible, to the questions which now will be posed by the
15 Defence of Mr Blé Goudé. And the better you answer, the earlier you are released.
16 So I give the floor to Maître Gbougnon for the questioning.

17 MR GBOUGNON: [11:11:38] (Interpretation) Good morning, your Honours.

18 QUESTIONED BY MR GBOUGNON: (Interpretation)

19 Q. [11:11:51] Good morning, Mr Witness.

20 A. [11:11:54] How are you?

21 Q. [11:11:58] My name is Jean Serge Gbougnon, and I am one of the lawyers, well, a
22 member of the Charles Blé Goudé Defence team and a member of the Côte d'Ivoire
23 bar. I am the person who will be putting a number of questions to you on behalf of
24 my team. And I hope I will not be taking too much time. I realise that you are
25 somewhat tired. So I will try to be very specific so that we can conclude and you can

1 be on your way; is that all right by you?

2 A. [11:12:39] Yes.

3 Q. [11:12:43] During the four days of your testimony -- correction, of the time when
4 you gave a statement to the investigators from the OTP, you spoke to them and you
5 spoke to them mostly in French, isn't that so?

6 A. [11:13:07] Yes, that is true.

7 Q. [11:13:20] Do you think that if I were to speak to you directly and simply using
8 very simple language, do you think that you and I could speak French?

9 A. [11:13:49] Yes.

10 Q. [11:13:55] So let's try that. We will speak French to one another. I will speak
11 very slowly and in very calmly using very, very simple language. We'll try to do
12 that. And if we don't manage, if we don't manage, I'll ask the Court to take that into
13 account and then, you see, this way we can manage without an interpreter. Is that
14 fine by you?

15 MR MACDONALD: [11:14:25] Your Honour.

16 PRESIDING JUDGE TARFUSSER: [11:14:28] Mr MacDonald, you have the floor.

17 MR MACDONALD: [11:14:30] I understand it would be maybe easier in a certain
18 way, but the Chamber provided interpretation, and it's not now I think for the parties
19 to change in the middle, to now switch to French, even though the witness may say
20 yes, we can try it and so on.

21 First of all the Defence of Mr Gbagbo questioned by a Dioula interpretation, number
22 one. Number two, what we want is, although the statement may have been taken in
23 French, I understand that, but the Chamber gave the interpretation. So I think we
24 need to stick with this interpretation in Dioula, because again, it's for the witness to
25 make sure that he has the best comprehension, understanding of the questions and

1 provides the best responses to the Chamber in his original language.

2 PRESIDING JUDGE TARFUSSER: [11:15:48] Mr Gbougnon.

3 MR GBOUGNON: [11:15:51] (Interpretation) Your Honour, I promised myself, I
4 promised myself and I promised my very young learned friend that I would not get
5 worked up or excited or -- but I am, I am speaking to a witness. And for four days,
6 that person spoke French. And I do realise that -- well, I'm trying to establish a good
7 rapport, good communications between him and I. I am trying to speak in French so
8 that his account can be provided to the Court.

9 Now, this gentleman was born in 1985. And I think he is old enough to decide how
10 he wants to communicate with us. The Chamber has not issued an oral or written
11 ruling. So I believe that it is the witness who can tell us what he thinks. And when
12 the Prosecution rises and objects, I believe that the Prosecution is trying to take us
13 down the wrong path. I think this is really most unfortunate and this has really
14 come at the worst possible time.

15 PRESIDING JUDGE TARFUSSER: [11:17:20] I think here the only person who
16 decides which language he wants to speak is the person who is at the stand. It's not
17 the Prosecutor. It's not the Defence. It's not the Bench. I myself was brought up
18 in a bilingual system and it is the person who is talking to the judges who decides
19 which language to use.

20 So I ask you, Mr Witness, which language would you like to speak when answering
21 the questions by the Defence?

22 THE WITNESS: [11:18:10] (Via video link) (Interpretation) In Dioula, Dioula.

23 PRESIDING JUDGE TARFUSSER: [11:18:16] So it is Dioula that we speak. Sorry,
24 but this is the wish of the witness and, therefore, we respect the witness's wish.
25 Maître Gbougnon.

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1 MR GBOUGNON: [11:18:35] (Interpretation) Thank you, your Honour. I will not
2 make any further comments.

3 Q. [11:18:50] Mr Witness, in 2010, during the crisis, you were living in Yopougon in
4 the neighbourhood of Koweït; isn't that so?

5 A. [11:19:07] Yes, I was in quartier voisin Chateau Rouge.

6 MR GBOUGNON: [11:19:26] (Interpretation) The witness has not actually said
7 "Chapeau Rouge." I believe he said Toits Rouges neighbourhood, Toits Rouges.

8 Q. [11:19:39] How long had you been in that neighbourhood in 2010, at that point
9 in time how long had you been in the neighbourhood?

10 A. [11:19:50] It was late in 2010 that the family went to that neighbourhood.

11 Q. [11:20:11] So late in -- correction, late in 2009.

12 And when did you go to Koweït neighbourhood?

13 A. [11:20:20] My father got there in 2009, around November, October and
14 November.

15 Q. [11:20:40] Your father, your family and you when, when did you go to the
16 neighbourhood?

17 A. [11:20:47] My father died. My father died and children in Koweït.

18 Q. [11:21:07] I will put my question to you once again.

19 Now you, yourself, I am speaking about you, yourself. When did you arrive in
20 Koweït neighbourhood? I'm not asking you about your family. And if you came
21 with your family, tell us so. But you yourself, when did you arrive in this
22 neighbourhood, in which year, Koweït neighbourhood, before or --

23 A. [11:21:32] October.

24 Q. [11:21:37] October 2009?

25 A. [11:21:40] Yes. Yes.

1 Q. [11:21:53] And who were you living with exactly? Which family members
2 when you were in this neighbourhood, Koweït?

3 A. [11:22:03] My younger brother, my sister was there as well.

4 THE INTERPRETER: [11:22:19] Message from the interpreter: Could the witness
5 be asked to repeat his reply? He mentioned.

6 PRESIDING JUDGE TARFUSSER: [11:22:29] He mentioned?

7 THE INTERPRETER: [11:22:32] Message from the interpreter: The Dioula
8 interpreter has asked that the witness --

9 THE WITNESS: [11:22:44] (Via video link) (Interpretation) I had my little brother,
10 my elder brother, my older sister, my younger sister, they were the members of the
11 family who were there.

12 PRESIDING JUDGE TARFUSSER: [11:22:52] Okay. Thank you.

13 MR GBOUGNON: [11:22:58] (Interpretation)

14 Q. [11:22:59] So in the family courtyard there were all your brothers and sisters; is
15 that correct? Three brothers, you said?

16 A. [11:23:19] My younger sister and my younger brother were in Koweït
17 neighbourhood with my family.

18 Q. [11:23:32] Witness, let's take things one at a time. How many sisters were
19 living with you in the house in Koweït?

20 A. [11:23:41] I had two elder sisters and two younger sisters as well and my
21 younger brothers.

22 Q. [11:24:22] So that makes four sisters, four sisters and two younger brothers; is
23 that correct?

24 A. [11:24:29] Yes.

25 Q. [11:24:44] And your mother as well?

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1 A. [11:24:49] Yes.

2 Q. [11:24:51] Yes. However, in your statement paragraph 52, when you
3 mentioned the people living in the house you mentioned three sisters and your
4 mother. You forgot to mention another sister?

5 A. [11:25:28] The fourth sister died.

6 Q. [11:25:43] When did she die?

7 A. [11:25:48] I no longer recall the date.

8 MS HENDERSON: [11:25:53] Your Honours, I'm just referring to that paragraph of
9 the statement, I don't see that it contains what my learned friend says that it contains.
10 I may be mistaken. If I am, I apologise.

11 PRESIDING JUDGE TARFUSSER: [11:26:09] I think if there is a contradiction, we
12 have to confront him with the statement.

13 MR GBOUGNON: [11:26:34] (Interpretation) Your Honour, the witness has
14 answered, but I will return to this point later.

15 Q. [11:26:38] What year did you arrive in Abidjan?

16 A. [11:26:40] I beg your pardon? I've been in Abidjan for --

17 Q. [11:27:00] You were born in?

18 THE INTERPRETER: [11:27:02] Overlapping speakers.

19 THE WITNESS: [11:27:05] (Via video link) (Interpretation) Yes. I was born in
20 Akopé.

21 Q. [11:27:10] Akopé is not in Abidjan, isn't that so? Akopé is not in Abidjan?

22 A. [11:27:24] Yes.

23 Q. [11:27:24] So when did you arrive in Abidjan, which year?

24 A. [11:27:28] When I realised --

25 THE INTERPRETER: Inaudible.

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1 THE WITNESS: (Via video link)(Interpretation) -- I was in Abidjan. I grew up. So
2 I did mention that I was born in that place, but I grew up in Abidjan.

3 Q. [11:28:00] Now, in the year 2002, when war broke out in Côte d'Ivoire, where
4 were you?

5 A. [11:28:08] In 2002, I was in Abidjan in 2002.

6 Q. [11:28:18] Thank you. Do you remember that you drew a sketch of the place
7 where you were living when the OTP investigator spoke to you? Do you remember
8 making a sketch, a diagram showing where you lived? Do you remember that?

9 A. [11:28:50] Yes, I do remember.

10 MR GBOUGNON: [11:28:56] Could we please have CIV-OTP-0020-0090 displayed
11 on the screen.

12 PRESIDING JUDGE TARFUSSER: [11:29:53] Yes, we have to give the document
13 physically to the witness because we can't show it. If we show it on the screen, it
14 will go public, and I think we should keep it confidential. So are you making copies?

15 THE COURT OFFICER: (Via video link) [11:30:20] Yes, your Honour. I'm looking
16 for the document here in the field office.

17 PRESIDING JUDGE TARFUSSER: [11:30:24] Okay.

18 THE COURT OFFICER: (Via video link) [11:30:25] Yes.

19 Right, I have before me document CIV-OTP-0020-0090. Please confirm if this is the
20 document that court officer should show to the witness?

21 PRESIDING JUDGE TARFUSSER: [11:30:49] Can you show it to the camera?

22 THE COURT OFFICER: (Via video link) [11:30:54] Sorry.

23 PRESIDING JUDGE TARFUSSER: Lower. Yes, yes, it is. It is it. It is the
24 document, yes.

25 THE COURT OFFICER: (Via video link) [11:31:06] Okay.

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- 1 PRESIDING JUDGE TARFUSSER: [11:31:18] Maître Gbougnon.
- 2 MR GBOUGNON: [11:31:21] (Interpretation)
- 3 Q. [11:31:22] Mr Witness, can you see the document?
- 4 A. [11:31:29] Yes, I see it.
- 5 Q. [11:31:34] You are the one who prepared that document with the investigators?
- 6 A. [11:31:47] Yes.
- 7 Q. [11:31:55] Are you the one who made all the annotations that we can see on the
- 8 document?
- 9 A. [11:32:06] Yes.
- 10 Q. [11:32:10] The intersection at which you have indicated a cross, is it the
- 11 intersection known as Koweït?
- 12 A. [11:32:41] No. That is the carrefour Anyama.
- 13 Q. [11:32:50] You're saying carrefour Anyama?
- 14 A. [11:33:02] No. Where there is the cross, it is the intersection that leads to our
- 15 house.
- 16 Q. [11:33:12] Is it the intersection known as carrefour Koweït?
- 17 A. [11:33:20] No.
- 18 Q. [11:33:24] Can you indicate on your sketch the intersection that is known as
- 19 carrefour Koweït, that is if it is represented on your sketch?
- 20 And so you are saying that carrefour Koweït is located further up; is that what you
- 21 are saying?
- 22 A. [11:34:48] Yes, Koweït is slightly further up.
- 23 Q. [11:34:56] Do you know that neighbourhood very well?
- 24 A. [11:35:10] The Koweït neighbourhood from the intersection to that location, I
- 25 know the area.

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1 Q. [11:35:29] On your sketch, the location where you have indicated your house, is
2 there a market there, that is before or after your house, is there a market in the area?

3 A. [11:35:52] If you go past our house -- what I'm saying is if you go past our
4 house --

5 Q. [11:36:23] There is a market after your house; is that what you are saying?

6 A. [11:36:30] Yes.

7 Q. [11:36:33] And it is known as the Koweït market, marché de Koweït; is that true?

8 A. [11:36:44] Yes.

9 Q. [11:36:45] I will show you a map in relation to what you have indicated on your
10 sketch and what you have just said, CIV-D25-0019-0001.

11 MR GBOUGNON: (Interpretation) Can that be displayed to the witness.

12 THE COURT OFFICER: (Via video link) [11:37:57] The document is being shown to
13 the witness.

14 PRESIDING JUDGE TARFUSSER: [11:38:09] Here we are again in the same situation
15 as -- because it shows the very close area where the witness lives, if I'm not mistaken.

16 MR GBOUGNON: [11:38:39] (Interpretation) Mr President, the map can simply be
17 shown to the witness without showing it to the public.

18 PRESIDING JUDGE TARFUSSER: [11:38:49] That's what I was going to ask.

19 THE COURT OFFICER: (Via video link) [11:38:54] Yes, your Honour, I've given the
20 document physically to the witness.

21 PRESIDING JUDGE TARFUSSER: [11:39:12] Yes. Please go ahead.

22 MR GBOUGNON: [11:39:17] (Interpretation)

23 Q. [11:39:18] Mr Witness, do you have the map in front of you? Look at the map
24 carefully. Please wait for me to complete my question. Now, does that map
25 correspond approximately to the sketch you prepared for the members of the OTP?

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1 A. [11:39:58] It is not the same thing.

2 Q. [11:40:04] And what is the difference?

3 A. [11:40:11] The intersection that I mentioned is not indicated here, that is the
4 small intersection. It is not on this map.

5 Q. [11:40:32] Which intersection, the one at your house or the one after your house?

6 A. [11:40:43] There is a small intersection in the direction of our house. It is
7 indicated on the sketch, but not on this map.

8 Q. [11:40:56] You have said that the Koweït market is located after your house?

9 A. [11:41:05] Yes, yes.

10 Q. [11:41:09] And on the main road that passes through your neighbourhood, is it
11 not true that there is that pharmacy by the road side, it is on the roadside?

12 A. [11:41:40] Is it on the roadside?

13 Q. [11:41:42] Yes. Do you recognize that pharmacy?

14 A. [11:41:49] Yes, I recognize the pharmacy.

15 Q. [11:41:57] So that is a pharmacy that is indeed located in your neighbourhood?

16 A. [11:42:04] Yes.

17 MS HENDERSON: Your Honours, we've let it go a little bit, and now my learned --

18 PRESIDING JUDGE TARFUSSER: [11:42:06] Can you please wait until we have
19 translations concluded, please. Now.

20 MS HENDERSON: [11:42:12] Yes, thank you, Mr President. At this point after a
21 few minutes of examination on the topic of the map and which intersection is where,
22 where the witness' house is --

23 PRESIDING JUDGE TARFUSSER: [11:42:25] Yes.

24 MS HENDERSON: [11:42:25] -- it would be the time to perhaps query the relevance,
25 the line of questioning in our submission.

1 PRESIDING JUDGE TARFUSSER: [11:42:33] Yes. I was, in a certain point in time I
2 was going to ask if this is an exam, a geographic exam, of geography. I don't know
3 where you are going.

4 MR GBOUGNON: [11:42:51] (Interpretation) Your Honour, just a little bit of
5 patience and you'll see the end of the tunnel very soon. I won't be very long.

6 PRESIDING JUDGE TARFUSSER: [11:43:05] Yes, but I'm always asked to have a bit
7 of patience and I have always a bit of patience. Nobody answers my question. I
8 have patience. Because I don't want now to switch off and restart again the -- but I
9 have a bit of patience. Please, go ahead.

10 MR GBOUGNON: [11:43:40] (Interpretation) Thank you, your Honour.
11 Unfortunately we could not cut off the witness to explain to you. So that's why I'm
12 asking for a little bit of patience.
13 I understand you, your Honour.

14 Q. [11:44:17] Mr Witness, so your house is located before the market; is that
15 correct?

16 A. [11:44:29] No, no. That is not what I told you.

17 Q. [11:44:34] Where is your house located in relation to the market?

18 A. [11:44:43] If you go to the Koweït intersection, there is another intersection
19 before our house shortly or a short distance. After that, that is where the market I'm
20 talking about is located.

21 Q. [11:45:23] Very well. So your house is before the market?

22 A. [11:45:38] The intersection that leads to our house, when you are going to the
23 house, you pass another intersection and then you would reach the market.

24 Q. [11:46:05] I've understood you. And the field, where is it located?

25 PRESIDING JUDGE TARFUSSER: [11:46:26] Yes, but excuse me. I said a little bit,

1 but we know these are things which are identified on the map. Can we not just go to
2 the map and then the question would probably be "Can't you see from there this and
3 that?" But I think these are objective details where one lives and where the field is
4 and things like this.

5 MR MACDONALD: Can -- can --

6 PRESIDING JUDGE TARFUSSER: Why should it be -- I do not understand.

7 MR MACDONALD: [11:46:54] With your permission, your Honour, very briefly.

8 PRESIDING JUDGE TARFUSSER: [11:46:58] Yes.

9 MR MACDONALD: [11:46:59] Could we continue with these types of details in
10 private session.

11 PRESIDING JUDGE TARFUSSER: [11:47:08] Yes, I think otherwise we have to go in
12 private session. We try to be a little bit broad with the -- and not identify the dining
13 room of the person. You are always going to make him say things which more and
14 more bring people into the kitchen. And I still don't understand where you are
15 going.

16 MR GBOUGNON: [11:47:42] (Interpretation) Mr President, your Honour, the
17 descriptions that we are giving are so vague in relation to the neighbourhood that the
18 witness and myself -- we know that he cannot personally be identified based on the
19 description that is being given of the market or the field.

20 It is just because the witness is not cut off that I cannot go into details. There is
21 information in the statement that compels me to adopt a certain line of questioning to
22 arrive at my objective. It is true that we have time constraints, but we also have a
23 duty to ensure that the truth is established. If I was speaking French directly to the
24 witness, we might have been going faster because sometimes even what I am saying
25 is not transcribed as fast or as well as I would have wished.

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1 PRESIDING JUDGE TARFUSSER: [11:49:20] Mr Gbougnon, it's not about the time
2 constraints. It's not at all about the time constraints because we don't have time
3 constraints. This is not the problem. The problem is, as I see it, why don't you
4 confront him with the statement he has given, just confront him with the statement
5 the witness has given. If you said, if you have said that in the statement there is
6 something, okay, confront the witness with the statement.

7 MR GBOUGNON: [11:50:06] (Interpretation) I have understood, your Honour.

8 Q. [11:50:23] Mr Witness, in 2010, you have said that you were installing satellite
9 dishes; is that correct?

10 A. [11:50:49] I was installing satellite dishes, but not at the Plateau. I never
11 mentioned Plateau.

12 Q. [11:50:58] Paragraph 15 of your statement, "Before the elections of 2010 I was
13 installing satellite dishes in Abobo Dokui. That is why I was talking about Plateau
14 Dokui."

15 But did you say that to the OTP?

16 A. [11:51:26] No, I didn't say that.

17 Q. [11:51:33] So what did you tell them?

18 A. [11:51:40] I was explaining the job that I was doing. I did not say that I
19 installed satellite dishes at the Plateau. I was asked what I had been doing before I
20 was injured. I said I was installing satellite dishes, but not at Plateau.

21 Q. [11:52:09] Mr Witness, we are not talking about Plateau. In your statement you
22 said Abobo Dokui. I said Plateau Dokui. Did you tell the members of the OTP, the
23 representatives of the OTP, that you installed satellite dishes at Abobo Dokui?

24 A. [11:52:40] I said I was working on satellite dishes in Abobo Dokui. I did not
25 say it was at Plateau.

- 1 Q. [11:52:53] So during that period you would go out and go to work at Abobo
2 Dokui; is that correct?
- 3 A. [11:53:06] Yes, I was working.
- 4 Q. [11:53:14] Did you go out very frequently, very, very often or rarely?
- 5 A. [11:53:35] Things were slow. I went out rarely.
- 6 Q. [11:53:41] Did you ever receive any military training?
- 7 A. [11:53:52] No.
- 8 Q. [11:53:56] Do you know how military training is conducted?
- 9 A. [11:54:06] Yes.
- 10 Q. [11:54:12] And how do you know that?
- 11 A. [11:54:17] We see it on television.
- 12 Q. [11:54:25] Are you saying under oath that you were shown military training on
13 television?
- 14 A. [11:54:40] How do I know that? We saw such things on TV. So there were
15 channels and you could see that on TV.
- 16 Q. [11:55:04] I asked you a short while ago what is the distance between your
17 house and the field in the neighbourhood?
- 18 A. [11:55:38] My house is a bit far away from the field.
- 19 Q. [11:55:46] Your house is a bit far from the field. It means that when you are at
20 home you cannot see the field; is that correct?
- 21 A. [11:55:57] No. From the house it is not possible to see the field. You have to
22 leave the house and walk some distance to be able to see the field, not from the house.
- 23 Q. [11:56:16] And so every morning you went out of your house and you walked to
24 go to the field; is that correct?
- 25 A. [11:56:29] It was from time to time that I left the house and went in that

1 direction.

2 Q. [11:56:38] So it wasn't every morning?

3 A. [11:56:42] Yes.

4 PRESIDING JUDGE TARFUSSER: [11:56:52] Yes, you mean no, no, not every
5 morning or yes? Just to be clear, to be clear on this.

6 THE WITNESS: [11:57:13] (Via video link) (Interpretation) From time to time I
7 would leave the house. I did not only go to the field. There was a path or a road
8 that passes next to the field. So I went to the field because I was using that road. So
9 it was only from time to time.

10 MR GBOUGNON: [11:57:43] (Interpretation)

11 Q. [11:57:44] So you did not go to the field itself. You were using the road near
12 the field on a few occasions only; is that your testimony?

13 A. [11:57:57] The field is right next to the path or the road.

14 Q. [11:58:05] In December 2010, you and your family had been in the
15 neighbourhood for approximately one year; is that correct?

16 A. [11:58:26] Yes.

17 Q. [11:58:29] And you lived in a common compound; is that correct?

18 A. [11:58:44] It was a family compound, but there were tenants there.

19 Q. [11:58:54] So that compound belonged to your family?

20 A. [11:59:02] It is my father's house.

21 Q. [11:59:09] And when your father died, who received the rents?

22 A. [11:59:21] I would collect the rent to send it to my mother.

23 Q. [11:59:30] Thank you. We will come back to that shortly.

24 Do you know the FESCI?

25 A. [11:59:47] I heard that name.

1 Q. [11:59:55] You heard their name. What does that mean?

2 A. [12:00:01] I heard the name mentioned, but I also saw them on television.

3 Q. [12:00:15] Who did you see on the television?

4 A. [12:00:20] The people from the FESCI, from the FESCI.

5 Q. [12:00:32] On the television, how did you know that these were the FESCI
6 people?

7 A. [12:00:38] During the news, they were shown on the television.

8 Q. [12:00:58] In your statement, paragraph 24, you say that there were, and I quote,
9 "Approximately 30 individuals would come to those rallies. Their number would
10 vary between 40 and 50 people. Some youth from the FESCI would talk a great deal
11 during those rallies, but I do not know who they are." End of quote.

12 At those rallies, those young people whom you call the youth of the FESCI, how did
13 you manage to identify them as members of the FESCI? How do you know whether
14 they were from FESCI?

15 A. [12:02:00] It was the Young Patriots, the Young Patriots and the FESCI, that
16 youth are one and the same people, they are members of the same group.

17 Q. [12:02:28] I shall repeat my question. Witness, I shall repeat my question.
18 Please listen attentively and then answer it specifically. You said to the investigators
19 that those young people were -- you did not know them, that they came from the
20 FESCI, and I'm asking you to explain to the Chamber how you knew that they were
21 from FESCI.

22 A. [12:02:54] It's not only Blé Goudé and Gbagbo.

23 Q. [12:03:12] And from those, for you, all of those people who talked about Blé
24 Goudé and Gbagbo are from the FESCI; is that right?

25 A. [12:03:20] Yes, they are Young Patriots, yes.

1 Q. [12:03:26] Let's go about this slowly. I'm not yet broaching the Young Patriots.
2 Let's go slowly. I'm not talking about Young Patriots yet. I'm talking about the
3 FESCI. You say that they talked about Gbagbo and Blé Goudé and that's why I'm
4 asking you, when people talked about Gbagbo and Blé Goudé, do you then make that
5 nexus that they are as a result a member of FESCI?

6 A. [12:03:56] Yes. Well, they would say that amongst themselves, they would talk
7 about the FESCI and the patriots when they talked.

8 Q. [12:04:07] Thank you. Since you've been living in that neighbourhood for a
9 year, you did not speak to anybody in the neighbourhood?

10 A. [12:04:56] I do not have any friends there, with the exception of my brothers.
11 So I do not have any friends really in that location.

12 Q. [12:05:10] I'm talking -- I'm not talking about friendship. I'm talking about
13 exchanges, talking to people for the year that you had been living at that carrefour
14 Koweït, the Koweït intersection, have you never had the opportunity to have
15 discussions with people? I'm not talking about friendship as such, just discussions.

16 A. [12:05:35] I have not talked to anybody in that area where we were.

17 Q. [12:05:45] Very well. So in that neighbourhood where you were between
18 November and December 2010 for the duration of one year, nobody knew that you
19 were Dioula, you, your brothers, your sisters, your mother, nobody knew that you
20 were Dioula; is that what you are telling the Chamber?

21 A. [12:06:18] Those who would speak to each other did not tell me that I was a
22 Dioula. That's what I'd like to underscore.

23 Q. [12:06:38] This is my question, Mr Witness. I am asking you whether in
24 November, between November and December 2010, once you had spent a year in that
25 neighbourhood, did the people from that neighbourhood know or did they not know

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1 that you, your mother, your brothers and sisters were Dioula?

2 A. [12:07:11] Apart from the neighbouring house, so they knew that my mother is a
3 Dioula, but with regard to the other families there around, I do not know.

4 Q. [12:07:28] You do not know. But they might have known that you were Dioula,
5 but you don't know; is that what you are saying?

6 A. [12:07:36] Yes.

7 Q. [12:07:40] (Redacted) did he live in your family compound or does he still live in
8 your family compound?

9 A. I'm sorry?

10 MR MACDONALD: [12:08:16] This again is something that may be better addressed
11 in private session, especially --

12 PRESIDING JUDGE TARFUSSER: [12:08:26] I've understood, yes.

13 MR GBOUGNON: [12:08:33] (Interpretation) (Redacted) in Côte d'Ivoire back
14 home, that is not identifying. There are a million of them back home.

15 MR MACDONALD: [12:08:43] Sorry. I just want to remind to the Chamber the
16 testimony of witness I believe it's 0238 about the geographic or ethnic diversity and
17 percentages in that very neighbourhood of Koweït and or Toits Rouges and therefore
18 I think any such information could become very highly identifiable for the witness or
19 any family members or any acquaintances.

20 PRESIDING JUDGE TARFUSSER: [12:09:19] See, my question is of course it's
21 identifiable. He is being seen. So more identifiable than watching him on the
22 Internet, I don't understand. If we say, if we say that a witness is not granted the
23 ICPM, what can then be made confidential?

24 MR MACDONALD: [12:10:02] I understand, I understand, your Honour. I do.
25 We do get it, the fact that obviously this witness is seen and so on. But in the

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1 account of the witness, members of the household or any such information of people
2 that do not choose to be named publicly and so on, because they're not involved, this
3 is an incident on 16 December, your Honour, and nothing happened at the house. It
4 is not necessary to identify who is living there and so on publicly. We can do that in
5 private. That's what we mean. We're not objecting to the questions being asked,
6 per se, but publicly.

7 PRESIDING JUDGE TARFUSSER: [12:11:01] Okay. Let's go in private session.

8 (Private session at 12.11 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Open session at 12.15 p.m.)
- 17 THE COURT OFFICER: [12:15:18] We're in open session.
- 18 PRESIDING JUDGE TARFUSSER: [12:15:26] Thank you.
- 19 Mr Gbougnon.
- 20 MR GBOUGNON: [12:15:38] (Interpretation)
- 21 Q. [12:15:40] Mr Witness, we shall come back to the incident that was broached this
- 22 morning with Maître O'Shea. You said in your statement or your testimony this
- 23 morning that young people had set up roadblocks in your neighbourhood, and you
- 24 even indicated them on your sketch here; is that correct?
- 25 A. [12:16:11] Yes.

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1 Q. [12:16:21] And you say that from that location where you were, where you were,
2 you could hear what the young people were saying at the roadblock; is that correct?

3 A. [12:16:39] I cannot hear that.

4 THE INTERPRETER: [12:17:07] Says the Dioula booth.

5 MR GBOUGNON: [12:17:12] (Interpretation)

6 Q. [12:17:13] So from that location where you were, you could not hear what they
7 were saying, is that correct?

8 A. [12:17:21] Yes.

9 Q. [12:17:22] So why was it that you told the Chamber this morning that you heard
10 those young people say that the gentleman in question was from Burkina Faso?

11 A. [12:17:45] I'm talking about the roadblock.

12 Q. [12:18:01] Mr Witness?

13 A. [12:18:05] Yes.

14 Q. [12:18:07] You have just said that from that location where you had stopped,
15 you have told us that you could not hear, you could not hear what was being said at
16 the roadblock, from that location where you were stopped, you had stopped, you
17 could not hear. So if you could not hear, how is it that you can repeat what they said?
18 If you were not able to hear, how can you repeat to the Chamber what those young
19 people said?

20 A. [12:18:42] Well, the people informed us, I also heard that there was civilian
21 roadblocks on the road.

22 Q. [12:19:10] We are not understanding each other. I am going to put my question
23 to you one last time. I'm not talking about the information with regard to the
24 civilian roadblocks. You told the Chamber this morning that the young people at the
25 roadblock said certain things. You said that the young people at the roadblock said

1 certain things. And now, here and now, you are saying and even in your statement,
2 paragraph 48, you said that from that location where you were, you were not able to
3 hear anything. So how --

4 PRESIDING JUDGE TARFUSSER: [12:19:51] So how? Finish the sentence because
5 otherwise the transcript will be -- Maître Gbougnon.

6 MR GBOUGNON: [12:20:01] (Interpretation)

7 Q. [12:20:05] So what I'm asking you now is if you didn't hear, how do you manage
8 to repeat what people said when you were not able to hear?

9 THE INTERPRETER: [12:20:14] Overlapping speakers, Mr President.

10 PRESIDING JUDGE TARFUSSER: [12:20:19] Now wait please before responding.
11 Now it's your turn.

12 MS HENDERSON: [12:20:25] My apologies, your Honour, for not respecting the
13 pause.

14 What my learned friend just put to the witness about paragraph 48 does not properly
15 represent the content of paragraph 48.

16 PRESIDING JUDGE TARFUSSER: [12:20:41] Well, you will have -- I do not know if
17 he is confronting him with paragraph 48, because if you confront somebody with
18 something, you have to quote the paragraph. It was not done. So I don't know if
19 he's confronting with it, but in any case, you have the re-questioning for trying to put
20 the question or put things in another way. I would in any case ask you, Mr
21 Gbougnon, if you confront somebody, to confront him with saying where and from
22 where you get what he said before and quote it, if it's from a former statement or the
23 statement before the Court. Thank you.

24 MR GBOUGNON: [12:21:34] (Interpretation) Yes, thank you, Mr President. You
25 know, I have a concern. I'm trying to save time. Maybe that's why I'm going fast.

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1 Q. [12:21:47] Paragraph 48, quote, "From that location where I was, I could not hear
2 everything that was being said, but I could see what was going on."

3 Mr Witness, that is what you said to the OTP investigators. Is it true what is written
4 here?

5 A. [12:22:13] Yes.

6 Q. [12:22:17] I would like to have us bring up once again Exhibit
7 CIV-OTP-0020-0090.

8 THE COURT OFFICER: (Via video link) [12:22:56] Your Honours, the document is
9 still in front of the witness.

10 PRESIDING JUDGE TARFUSSER: [12:23:03] Good. Please.

11 MR GBOUGNON: [12:23:06] (Interpretation) Thank you.

12 THE WITNESS: [12:23:13] (Via video link) (Interpretation) Yes.

13 MR GBOUGNON: [12:23:22] (Interpretation)

14 Q. [12:23:23] You said this morning that during that period you did leave the
15 neighbourhood; is that correct?

16 A. [12:23:30] Yes.

17 Q. [12:23:43] If you look closely at the sketch that you made, you will see the
18 roadblocks or -- please wait for me to finish talking. You can see the roadblocks as
19 you mentioned them. You can see exactly where they went.

20 A. [12:24:07] Yes.

21 Q. [12:24:11] When you leave or when you left your house and when you wanted
22 to go to Abobo Dokui or anywhere else, when you wanted to leave the
23 neighbourhood, could you tell the Chamber which way you took?

24 A. [12:24:28] Well, I can't show you that way, because by our house there is a little
25 alley that goes down to the gutter. There is a little alleyway.

1 Q. [12:24:58] We're listening.

2 A. [12:25:01] As I said, I can't show you the way, because the alley goes downhill to
3 a refuse point. It's a little alley that we take to go to the roadside.

4 Q. [12:25:18] To go to which road, to which road? When you take --

5 A. [12:25:29] To the big road.

6 Q. [12:25:33] Which road? The road, the main road that you're mentioning here, is
7 that the one you're talking about?

8 A. [12:25:46] No.

9 Q. [12:25:50] Which road are you talking about?

10 A. [12:25:56] When you go past the Carrefour Koweït, a little further on there is
11 another intersection and that's the way you go.

12 Q. [12:26:10] Mr Witness, the intersection that you're talking about, can you please
13 show us that little intersection you're talking about, the Koweït intersection. At an
14 earlier stage you showed on the map with a cross the Koweït intersection. Even if
15 I'm not in agreement with you, that's not the issue. You're talking about the main
16 road, the main road, that cross is what you put on that main road this morning before
17 the Chamber; is that correct?

18 A. [12:26:44] No. It's after that.

19 Q. [12:26:54] Could you please show the sketch to the Chamber, please?

20 PRESIDING JUDGE TARFUSSER: [12:27:11] In private this, please. Is it in private?
21 Can we show it? Can we show it now? In private. Yes, okay, we can show it.
22 Yes, we can show it, but we can't see it properly.

23 MR GBOUGNON: [12:27:54] (Interpretation)

24 Q. [12:27:55] I don't know how to conduct this exercise. Mr Witness, the cross that
25 you drew this morning, you've just drawn a second cross; is that correct?

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1 A. [12:28:23] Yes.

2 Q. [12:28:27] And so in the space of an hour you have changed the position of the
3 Koweït intersection; is that correct?

4 A. [12:28:40] What do you mean I've changed it? All the intersections cannot be
5 on the map.

6 Q. [12:29:08] This morning I asked you to indicate the Koweït intersection. You
7 put a cross on the sketch?

8 A. [12:29:19] Yes.

9 Q. [12:29:19] I come back an hour later believing that we are on the same page
10 talking about this Koweït intersection, and you show a second cross to the Chamber.
11 That is why I am asking you in one hour that position of the Koweït intersection has
12 changed on this same sketch of yours?

13 A. [12:29:51] The position of the Koweït intersection has not changed. There's a
14 little intersection there.

15 Q. [12:30:09] And what does the second cross correspond to?

16 A. [12:30:16] It is a small intersection which is marked there by the cross.

17 Q. [12:30:33] Mr Witness, now, how do you know --

18 THE INTERPRETER: [12:31:19] Could counsel kindly repeat? It was not clear.

19 THE WITNESS: [12:31:35] (Via video link) (Interpretation) I knew because in the
20 neighbourhood where I am, people don't think. They have a jerrycan of petrol and
21 the tyres that they burn.

22 MR GBOUGNON: [12:32:03] (Interpretation)

23 Q. [12:32:04] Mr Witness, you said and you say it in your statement that you were a
24 bit far from the scene. That is why I'm asking you, on that day you have said that
25 these young people had petrol, now, how would you have known that it was petrol

1 and not something else? That is my question. How did you know that this was
2 petrol?

3 A. [12:32:42] It is they themselves who said it. If they caught a foreigner or a
4 Dioula in what they referred to as Article 125, and this meant 25 francs for the box of
5 matches and 100 francs for the petrol, so if you were caught that is what was applied
6 to you, Article 125.

7 Q. [12:33:12] Mr Witness, I'm not asking you what you heard what was told to you.
8 I'm asking you that on the day in question, the day where there was that incident,
9 from where you were standing, and you have marked a cross, you have marked that
10 position with a cross, that is where you stopped on that precise day, how was it
11 possible for you to know that the young people had with them a jerrycan of water,
12 kerosene or petrol? How would you have known precisely what it is they were
13 carrying?

14 A. [12:34:06] Because it has already been said if a foreigner or an Alassane
15 supporter was caught, and if a question was put to that person and they could not
16 reply, then they were burned.

17 Q. [12:34:32] From where you were standing, how did you know what the person
18 took out of his pocket? You said it was an identity card. So how did you know
19 what that person took out of his pocket when the young people were talking with
20 him?

21 A. [12:34:58] Ever since the time of the elections, it was said in the neighbourhood
22 that if Alassane won, foreigners and Dioulas would have problems. Some were
23 saying that if foreigners or Dioulas were caught, they would be killed or set on fire.
24 That is what was said. And this happened after the end of the elections. That is
25 how I got to know what was happening.

1 Q. [12:35:38] Listen to my questions carefully, attentively, and please answer only
2 the questions that I'm putting to you. You have said that on that day that man
3 presented an identity card to the young people.

4 From the place at which you stopped, how is it possible for you to have known the
5 object that the person presented to the young people? How do you know that it was
6 an identity card and not something else that the man was showing to the young
7 people? That is my question to you.

8 A. [12:36:22] If you show a paper identity card, identity card, well, it is the young
9 people themselves that said it was a foreigner, and it is said it is a foreigner.

10 MR GBOUGNON: [12:36:48] (Interpretation) Mr President, when are we taking
11 the break, please?

12 PRESIDING JUDGE TARFUSSER: [12:36:54] I would go ahead another 15 minutes
13 and then just before 1 o'clock also, so we have done a little bit less than two hours.
14 Can you, Mr Witness, can you go ahead another 15 minutes?

15 THE WITNESS: [12:37:28] (Via video link) (Interpretation) I am tired, really tired.

16 PRESIDING JUDGE TARFUSSER: [12:37:30] Yes. But the same thing that you
17 never reply to the question. The question was: Although being tired, can you go
18 ahead another 15, 10, 15 minutes?

19 THE WITNESS: [12:37:48] (Via video link) (Interpretation) Okay. Very well. I
20 have understood.

21 PRESIDING JUDGE TARFUSSER: [12:38:02] Okay. So 10, not more 15, okay?
22 Then we pause. And then we pause until 2.30, just so you know in advance.

23 MR GBOUGNON: [12:38:22] (Interpretation) Much obliged, your Honour.

24 Q. [12:38:31] Mr Witness, yesterday you testified that in your neighbourhood you
25 did not attend any meeting before the 16th of December, you didn't attend any RDR

1 meeting; is that correct?

2 A. [12:38:55] Yes, that is true.

3 Q. [12:39:00] And your friend with whom you went, he did not attend any meeting;
4 is that correct?

5 A. [12:39:12] As far as he's concerned, no, I do not know.

6 Q. [12:39:18] You mentioned the RHDP radio several times yesterday. What is the
7 RHDP radio?

8 A. [12:39:38] It is a radio station.

9 Q. [12:39:47] It is a radio station which was broadcasting in Côte d'Ivoire in 2010?

10 A. [12:39:58] Yes, after the elections.

11 Q. [12:40:05] Do you know Radio ONUCI?

12 A. [12:40:14] Yes, I know Radio ONUCI.

13 Q. [12:40:21] Are you not confusing between Radio ONUCI and RHDP radio? Let
14 me rephrase. Are you not confusing between those radio stations, that is Radio
15 ONUCI and RHDP radio?

16 A. [12:40:41] No.

17 Q. [12:40:45] And so you say that you did not take part in any RDR meeting before
18 the demonstration. You left the neighbourhood. On that day you left the
19 neighbourhood in the morning with your friend, how did you leave the
20 neighbourhood?

21 THE INTERPRETER: [12:41:38] From the Dioula interpreter: Can you repeat?

22 MR GBOUGNON: [12:41:42] (Interpretation)

23 Q. [12:41:43] On the morning of 16 December, how did you leave the
24 neighbourhood? Where did you board the gbaka or the mini-bus as it is known in
25 Abidjan?

1 A. [12:42:05] We took the road.

2 Q. [12:42:16] The main road on your sketch, is that what you are talking about?

3 A. [12:42:23] Yes.

4 Q. [12:42:27] So you took the main road on the sketch. There were no longer any
5 roadblocks?

6 It appears you didn't hear my question. When you took the main road that you have
7 indicated on this sketch, were there any roadblocks?

8 A. [12:43:06] There were no roadblocks.

9 Q. [12:43:11] I'll read out paragraph 53 of your statement to you: "I came back
10 from Abobo to Yopougon after about one week, because it was said that the situation
11 had calmed down. When I returned to Yopougon, the situation was calmer and
12 there were no longer any roadblocks. I no longer know why they stopped erecting
13 the roadblocks."

14 In your testimony you said that after the incident that you described in the courtroom
15 this morning, you left Yopougon with your family and it is upon your return that
16 there were no longer any roadblocks; is that correct?

17 A. [12:44:03] Yes. It was after the march that there were roadblocks, roadblocks.
18 It was after the march that the roadblocks were dismantled. So after the march the
19 roadblocks were taken away, and after that Yopougon was liberated.

20 Q. [12:44:47] If you are saying that the roadblocks were dismantled after the march,
21 it means that on the morning that you got up to go to the march, the roadblocks were
22 still there; is that correct?

23 A. [12:45:01] No, there were no roadblocks.

24 Q. [12:45:03] As I was saying, you did not attend any meeting. You simply heard
25 a message from Mr Guillaume Soro announcing the march; is that correct?

1 A. [12:45:28] Yes.

2 Q. [12:45:31] And you said after that you arrived Adjamé 220, and people were
3 supposed to assemble there; is that correct? Did you hear my question?

4 A. [12:46:11] Can you kindly repeat, please?

5 Q. [12:46:19] You said that there was a gathering of the marchers in Adjamé; is that
6 correct?

7 A. [12:46:30] I did not say that people assembled in Adjamé. I said there was a
8 march. We took the gbaka to go to Adjamé and there we saw the marchers. We
9 did not all go together to Adjamé.

10 Q. [12:47:01] How did you know that you had to meet up with other people in
11 Adjamé?

12 A. [12:47:15] People were talking about the march. And you had people who
13 volunteered to go to the march. And so those who wanted to go to the march met
14 each other at Adjamé, otherwise we didn't know each other before.

15 Q. [12:47:35] Mr Witness, you did not attend any meeting, but you left the
16 neighbourhood in the morning with your friend. You arrived at Adjamé. How is it
17 that you knew upon your arrival in Adjamé that the marchers would assemble at the
18 location that you have indicated? How did you know that?

19 A. [12:48:06] It was said that people would gather, that they would meet in Cocody,
20 and then we went to Adjamé and another group joined us, and there we walked
21 together.

22 Q. [12:48:42] So contrary to what is in your statement, those who had to march
23 never assembled in Adjamé. That is contrary to what the investigator wrote here.
24 There was never any assembly in Adjamé?

25 A. [12:48:58] Yes.

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1 Q. [12:49:00] Yes what?

2 A. [12:49:07] They did not say that they would assemble in Adjamé. People took
3 vehicles to go to Adjamé. You cannot walk from Yopougon to Adjamé. So we
4 found other people who were supposed to go to the march and we were to go
5 together.

6 Q. [12:49:33] So that is what I am asking you, what is written in your statement, it
7 is not what you told the investigators. So you just went to Adjamé to walk together,
8 there was no assembly there; is that what you are saying?

9 A. [12:49:53] Yes.

10 PRESIDING JUDGE TARFUSSER: [12:50:01] Let's now please take the break.

11 Mr Witness, now we have the break for a little bit more than one hour and a half.

12 We resume at 2.30, meaning 1.30 for you.

13 So please, court officer in the remote location, you can accompany the witness for the
14 lunch-break. Thank you.

15 THE COURT OFFICER: (Via video link) [12:50:24] Yes, your Honour. I will escort
16 the witness out.

17 PRESIDING JUDGE TARFUSSER: [12:50:27] Thank you.

18 (The witness stands down)

19 PRESIDING JUDGE TARFUSSER: [12:50:35] And I would just like to have an
20 estimate, being clear that we go, we see what happens with 587, I have no recent
21 information, I mean recent more than two hours ago, and in any case we go to
22 tomorrow with 117. But just nevertheless an estimate would be nice.

23 MR GBOUGNON: [12:51:04] (Interpretation) Mr President, I wouldn't need very
24 much time. There is also the way in which the witness answers, I am compelled to
25 repeat questions very much. If we can really connect with the witness, then I think

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1 one hour at the most would suffice.

2 PRESIDING JUDGE TARFUSSER: [12:51:31] So thank you. And I will ask also the
3 OTP if re-questioning is requested?

4 MS HENDERSON: [12:51:39] Your Honour, there is just one aspect that we would
5 come back on at this point. It would be very brief.

6 PRESIDING JUDGE TARFUSSER: [12:51:46] Okay. Thank you very much. So we
7 should close in more or less an hour once we resume. Thank you very much. The
8 hearing is adjourned to 2.30.

9 THE COURT USHER: [12:52:00] All rise.

10 (Recess taken at 12.52 p.m.)

11 (Upon resuming in open session at 2.33 p.m.)

12 THE COURT USHER: [14:33:25] All rise.

13 Please be seated.

14 PRESIDING JUDGE TARFUSSER: [14:33:50] Good afternoon.

15 Good afternoon also to the remote location, to you, court officer in there.

16 THE COURT OFFICER: (Via video link) [14:33:59] Good afternoon, your Honours.

17 PRESIDING JUDGE TARFUSSER: [14:34:03] Could you please introduce the
18 witness. Thank you.

19 THE COURT OFFICER: (Via video link) Right away, your Honours.

20 PRESIDING JUDGE TARFUSSER: Thank you.

21 (The witness enters the video-link room)

22 PRESIDING JUDGE TARFUSSER: Hello, Mr Witness. Are you fine? Are you
23 okay?

24 THE WITNESS: [14:35:03] (Via video link) (Interpretation) Yes.

25 PRESIDING JUDGE TARFUSSER: [14:35:04] Okay. Now, try to concentrate. This

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1 is the last rush and then you are free again. So concentrate and try to respond to the
2 point of the questions the Defence of Mr Blé Goudé will put you.

3 MR GBOUGNON: [14:35:34] (Interpretation) Thank you, Mr President. Thank you.
4 Before starting, Mr President, I would like to request that exhibit CIV-OTP-0020-0090
5 be tendered into evidence, the sketch upon which the witness made annotations at an
6 earlier stage.

7 PRESIDING JUDGE TARFUSSER: [14:36:08] Of course. Now, so we do it
8 immediately. I was waiting you to finish to ask the court officer to give the name.
9 Of course, we will do so and we are aware that this has to be done.

10 Please, Madam Court Officer

11 THE COURT OFFICER: The document will bear the number CIV-REG-0001-0128.

12 PRESIDING JUDGE TARFUSSER: [14:36:36] So now you can continue with the
13 questioning. Is it possible that we lost the connection? Yes.

14 Now we are here again. Mr Witness, can you hear me again?

15 THE WITNESS: [14:37:12] (Via video link)(Interpretation) Yes.

16 PRESIDING JUDGE TARFUSSER: [14:37:15] Okay. Maître Gbougnon.

17 MR GBOUGNON: [14:37:21]

18 Q. [14:37:23] Hello again, Mr Witness.

19 Before rising, we were talking about Adjamé 220 where you went with your friend in
20 order to go to the march. Do you recall that?

21 A. [14:37:50] Yes. Yes.

22 Q. [14:38:02] Yes, I did understand you. I'm just waiting somewhat for the
23 interpreters to finish interpreting, that's why I pause so much, otherwise I did
24 understand you.

25 Now, from Adjamé 220, you went to Cocody for the march; is that correct?

1 A. [14:38:27] Yes.

2 Q. [14:38:39] Did you notice when you were going there, did you see that there was
3 a pedestrian bridge?

4 A. [14:38:52] Yes.

5 Q. [14:38:59] So you took this pedestrian bridge that goes from Adjamé to Cocody;
6 is that correct?

7 A. [14:39:16] Where?

8 Q. [14:39:18] When you went from Adjamé 220 Liberté to go to Cocody to the
9 headquarters of the RDR, you just said, if I understood you correctly, that you took
10 the pedestrian bridge that links Adjamé and Cocody; is that not what you said?

11 A. [14:39:49] That's not what I said. We took shortcuts.

12 Q. [14:39:59] And so do you recall having seen at that location between Adjamé
13 and Cocody -- listen to my question carefully, please. Do you recall having seen
14 between Adjamé and Cocody a pedestrian bridge?

15 A. [14:40:36] I do not remember. So after the accident I saw the bridge.

16 THE INTERPRETER: The Dioula interpreter requests that the -- Maître Gbougnon,
17 the interpreter does not seem to have understood what you said.

18 PRESIDING JUDGE TARFUSSER: [14:41:17] The interpreter does not seem to have
19 understood you, the interpreter in Dioula.

20 THE INTERPRETER: [14:41:31] The Dioula interpreter is requesting that the witness
21 repeat what he's just said, says the English booth.

22 PRESIDING JUDGE TARFUSSER: [14:41:40] And the Dioula interpreter requests
23 that the witness repeat what he just said.

24 THE WITNESS: [14:42:04] (Via video link) (Interpretation) I said that when I was
25 hit by the bullet, I was lying in the grass, and that is when I saw the pedestrian bridge.

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1 It's a small bridge.

2 MR GBOUGNON: (Interpretation)

3 Q. [14:42:22] And so it was rather in Cocody, in Cocody, when you were injured
4 that you saw the pedestrian bridge; is that correct?

5 A. [14:42:40] Yes.

6 Q. [14:42:45] Mr Witness, may I suggest to you that in Cocody there is no
7 pedestrian bridge?

8 A. [14:42:59] What do you mean?

9 Q. [14:43:03] Let me continue. Do you recall having annotated on a map the
10 location of the RDR headquarters? Do you recall that?

11 A. [14:43:46] The RDR headquarters? No, I do not know where that is.

12 MR GBOUGNON: [14:44:02] (Interpretation) Mr President, I would like
13 CIV-OTP-0020-0091 to be brought up to the screen.

14 Q. [14:45:29] Can you see the exhibit?

15 A. [14:45:37] Yes, I can see the map.

16 Q. [14:45:45] Can you see the two marks, the two crosses on the map? Do you see
17 them?

18 A. [14:45:56] Yes, I can.

19 Q. [14:46:01] Do you recall having made those two marks yourself when the
20 investigators put questions to you?

21 A. [14:46:16] Yes, I do remember.

22 Q. [14:46:26] So there is the first cross indicating the RDR at the Rue Lepic and that
23 is where you say you were; is that correct?

24 A. [14:46:41] Yes.

25 Q. [14:46:52] And it was from that location indicated on the map that the march

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1 commenced; is that correct?

2 A. [14:47:02] Yes.

3 Q. [14:47:14] And you indicate that you went along the Rue Lycée technique in
4 order to go to the RTI; is that correct?

5 A. [14:47:35] Yes.

6 Q. [14:47:41] Could you please indicate on the map where the Rue du Lycée
7 technique is located, please.

8 You're going to be given a pen and could you please make a cross at the location that
9 you have just indicated to us, please?

10 A. [14:48:39] Yes.

11 PRESIDING JUDGE TARFUSSER: [14:49:03] They're finding a printed version
12 because he cannot mark on the screen like here, so they must find a printed version
13 where to mark.

14 MR GBOUGNON: [14:49:20] No problem, Mr President.

15 THE COURT OFFICER: [14:49:52] (Via video link) Your Honours, we think we
16 found the document. Yes, we are presenting it to the witness.

17 PRESIDING JUDGE TARFUSSER: [14:49:59] Okay.

18 MR MACDONALD: [14:50:20] Excuse me, your Honour, I'll have to excuse myself.

19 Someone else is going to come and replace me. I'm sorry, I am coughing too much.

20 PRESIDING JUDGE TARFUSSER: [14:50:31] Okay. Thank you.

21 MR GBOUGNON: [14:51:15]

22 Q. [14:51:15] Thank you, Mr Witness. So you have correctly indicated the Rue du
23 Lycée technique?

24 A. [14:51:23] Yes.

25 Q. [14:51:24] In your statement you say that you were marching and that you

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1 found yourself 200 metres away from the RTI, and you claim that from where you
2 were standing you could see the tower of the RTI; is that correct?

3 A. [14:51:54] No.

4 Q. [14:52:07] I'll say that again. I think you didn't understand me. You said in
5 paragraph 72 of your statement that:

6 "One could see the RTI tower from where we were. The intersection was
7 approximately 200 metres away from the RTI." End of quote.

8 So that means that from the intersection where you were located you could see the
9 tower, the tower being the large building which is as big as this at the RTI. So you
10 were explaining to the investigators that that was where you were, and from where
11 you were you could see the large tower of the RTI. Is that what you said to the
12 investigators?

13 A. [14:53:03] Yes.

14 MR GBOUGNON: [14:53:13] Mr President, could we continue annotating this same
15 map?

16 PRESIDING JUDGE TARFUSSER: [14:53:24] We are doing it on a continuous basis.
17 Can we announce, could we tell the number of the map for the record. Thank you.

18 THE COURT OFFICER: [14:54:10] Madam court officer in the remote location, could
19 you please repeat the number of the document in front of the witness.

20 THE COURT OFFICER: (Via video link) [14:54:20] Yes. The document is
21 CIV-OTP-0020-0091. There's another number stamped on it, CIV-OTP-003-0686.

22 PRESIDING JUDGE TARFUSSER: [14:54:44] Being a hard copy, obviously it has the
23 old number, but now it's annotated.

24 THE COURT OFFICER: (Via video link) [14:54:55] Yes, it is annotated.

25 PRESIDING JUDGE TARFUSSER: [14:55:03] Thank you.

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1 Maître Gbougnon, please.

2 MR GBOUGNON: [14:55:10] (Interpretation)

3 Q. [14:55:11] Mr Witness, we shall continue.

4 So you are 200 metres away, you can see the RTI tower, could you please circle on
5 the map the location of the RTI.

6 Okay. Thank you, Mr Witness.

7 So if the RTI is located at that location that you have annotated, please look at the
8 map attentively, and I will recall that you are 200 metres away at an intersection and
9 you claim that you can see the RTI. Can you please mark the location where you
10 were, the intersection where you were?

11 A. [14:57:25] I can't remember the name of the intersection, and I can't see it on this
12 map.

13 Q. [14:57:32] Thank you, Mr Witness.

14 I think -- I don't know whether we need to give it a number for us to be able to
15 continue or this can be done at a later stage?

16 PRESIDING JUDGE TARFUSSER: [14:57:46] We can do it now.

17 THE COURT OFFICER: [14:57:56] So the document that has just been marked by the
18 witness will bear the number CIV-REG-0001-0129.

19 MR GBOUGNON: [14:58:20] (Interpretation)

20 Q. [14:58:25] Mr Witness, and so it was at that intersection whose name you could
21 not -- you do not know, 200 metres away from the RTI that you started -- please let
22 me finish.

23 It was at that intersection that you started to hear gunfire; is that correct?

24 A. [14:58:47] Yes.

25 Q. [14:58:59] At what moment in time did you sing? When did the group start

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1 singing? You said you were singing, do you recall that?

2 A. [14:59:13] After leaving the RDR headquarters, it was at that moment that we
3 started to sing.

4 Q. [14:59:34] Mr Witness, I shall read the statement of a witness who testified
5 before you did before this Court who was present at that same march. Transcript
6 dated 8 February 2016, page 46, from line 19 onwards, quote, "So we did not have the
7 tam-tam, nobody sang, nobody sang." End of quote.

8 Did you understand what I said? There was a witness at the same march, that at no
9 moment in time did you sing.

10 MS HENDERSON: [15:00:23] Your Honours, I'm sorry to interrupt. Could we
11 have the item number on the Defence list of documents, please.

12 PRESIDING JUDGE TARFUSSER: [15:00:35] The item number of what? It's a
13 transcript.

14 MS HENDERSON: [15:00:39] Yes, on the list of materials, your Honour.

15 PRESIDING JUDGE TARFUSSER: [15:00:42] But it's a transcript of this, as I have
16 understood. It's the transcript of this case, so.

17 MS HENDERSON: [15:00:51] Yes, your Honour, I'll just note that there are
18 transcripts listed on list of materials that doesn't include this one. But I take
19 your Honour's indication that the transcripts don't have to be included.

20 PRESIDING JUDGE TARFUSSER: [15:01:05] Yes. No, I think --

21 MS HENDERSON: [15:01:05] Thank you, your Honour.

22 PRESIDING JUDGE TARFUSSER: Yes.

23 MR GBOUGNON: [15:01:09] (Interpretation) Number 63, I believe T-18.

24 Q. [15:01:26] Mr Witness, have you understood? Have you understood?

25 A. [15:01:34] Yes.

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1 Q. [15:01:35] A witness who appeared before you was at that same demonstration
2 and this person said that you were not singing. What do you have to say in
3 response?

4 A. [15:01:51] After the group that I was with, we were singing, we were walking
5 with our hands up to show that we had no weapons. We were singing. Our group
6 was singing.

7 Q. [15:02:21] Now, when you heard the shooting, you said that you fled and you
8 found yourself at the PISAM hospital. Do you remember that?

9 A. [15:02:45] Yes.

10 Q. [15:02:46] Did you tell the investigators, do you remember telling the
11 investigators that from there, from the point where you heard the -- let me finish, let
12 me finish. From the spot where you heard the shooting, you ran and you found
13 yourself at the PISAM hospital; is that correct?

14 A. [15:03:27] No.

15 Q. [15:03:35] I would like to read your statement to you, sir, page 88, and I quote:
16 "As I fled, I saw the PISAM hospital." Let me repeat. "As I fled, I saw the PISAM
17 hospital."

18 This is paragraph 88, not page 88, but paragraph 88. Do you remember saying this?

19 A. [15:04:14] Yes.

20 Q. [15:04:15] So you're confirming that from the spot where you were 200 metres
21 from the RTI you ran away, you fled, and then you found yourself at the PISAM
22 hospital; is that what you're telling us?

23 A. [15:04:29] Yes.

24 MR GBOUGNON: [15:04:45] (Interpretation) Your Honour, if we could have
25 CIV-225 -- correction, D25-0019-0012. If that could be shown to the witness, this is

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1 number 56 on our list, CIV-D25-0019-0012.

2 PRESIDING JUDGE TARFUSSER: [15:06:37] Do you have it?

3 THE COURT OFFICER: (Via video link) [15:06:42] Your Honours, we have a copy
4 at the filmed location I'm showing to the witness.

5 PRESIDING JUDGE TARFUSSER: [15:06:48] Okay. You have a hard copy?

6 THE COURT OFFICER: (Via video link) [15:06:53] yes.

7 PRESIDING JUDGE TARFUSSER: [15:06:56] Okay. Maître Gbougnon.

8 MR GBOUGNON: [15:07:04] (Interpretation)

9 Q. [15:07:05] Witness, you can see the map that has been placed before you?

10 A. [15:07:13] Yes.

11 Q. [15:07:17] Could you draw a circle or a X where the PISAM hospital is located.

12 Could you do that for the Chamber.

13 Yes, that's fine. Thank you. You can set the map down.

14 And then, sir, you say that you went from the PISAM hospital, and you continued
15 running, and you found yourself at the university of Cocody; is that correct?

16 A. [15:08:22] Yes.

17 Q. [15:08:25] Could you show the Chamber where that is located on the map, the
18 university of Cocody.

19 Thank you, Witness. Now, before we go any further, so despite the shooting, you
20 ran from the PISAM to the university, and you were able to cross through all the
21 roadblocks to get to the university of Cocody; is that what you are telling us?

22 A. [15:10:27] I'm not familiar with Cocody. Given the investigations, I didn't go
23 from -- I didn't go from the --

24 THE INTERPRETER: Inaudible.

25 THE WITNESS: I don't know. I got mixed up between that cité and the university.

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1 MR GBOUGNON: (Interpretation)

2 Q. [15:11:02] Mr Witness, let us be -- let us be very succinct and specific. Now I
3 have your statement in front of you, sir, and when I read it out to you, when I read
4 it -- let me finish, let me finish. When I read your statement, and if, if it's not what
5 you said, tell us it's not what you said. In your statement you said that you went
6 from the PISAM to the university of Cocody, and you answered, you yesterday yes.
7 That was clear. And now you have just marked the locations on the maps. Listen,
8 wait. Wait. Wait till I'm finished. You indicated those locations, and that is why
9 I'm asking you from the PISAM hospital, you ran and you went past the RTI and you
10 got to the university of Cocody, so you crossed the various police points and the
11 roadblocks; is that what happened?

12 A. [15:12:20] There was just one roadblock at the intersection. Because of the
13 shooting, I didn't know which way to go, I was just following the people who were
14 running.

15 Q. [15:12:32] Mr Witness, I'm going to repeat my question another time: Did you
16 leave, did you run away and end up at the university of Cocody?

17 A. [15:12:49] Yes, yes.

18 Q. [15:12:52] Thank you. From the university of Cocody, as you were running
19 that same day, you found yourself at the university residence; is that correct?

20 THE INTERPRETER: [15:13:32] The message -- the interpreter did not hear the --

21 MR GBOUGNON: [15:13:38] (Interpretation)

22 Q. [15:13:39] I'm going to repeat the question, Mr Witness because --

23 PRESIDING JUDGE TARFUSSER: [15:13:41] Wait, Maître Gbougnon. We did not
24 hear the answer of the witness. And now the connection is gone, I think, because I
25 see myself. To see myself is not a good sign.

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1 I think we are here again.

2 THE COURT OFFICER: (Via video link) [15:14:47] Yes, your Honour, and we can
3 confirm that we can hear you.

4 PRESIDING JUDGE TARFUSSER: [15:14:54] Okay. Thank you.

5 MR GBOUGNON: [15:15:04] (Interpretation) Your Honour, I'm going to repeat the
6 question so the witness can give his reply.

7 Q. [15:15:21] Mr Witness, now before the connection was lost, I was saying to
8 you -- I was saying this: From the university of Cocody, as you were fleeing, you
9 ended up at a university residence; is that correct?

10 A. [15:15:39] I beg your pardon?

11 Q. [15:15:45] You have said -- let me -- let me finish, that way you can concentrate
12 and try to understand. You said that from the university residence in Cocody you
13 went back, as you were fleeing, as you were running, you ended up at the university
14 residence; is that correct?

15 A. [15:16:13] Yes.

16 Q. [15:16:21] Now in Cocody, there are many university residences. Which one
17 did you end up at?

18 A. [15:16:34] I don't know.

19 Q. [15:16:40] And so how did you know that it was a university residence?

20 A. [15:17:01] Well, it was afterwards. I was wounded. I received information. I
21 got the details. There are many university residences. So I realised that it was a
22 university campus.

23 Q. [15:17:19] Mr Witness, let's take it nice and slow.

24 A. Very well.

25 Q. We are going to take things nice and slow. You said -- you don't have to

1 answer when I'm in the middle of my question. Now you said it was after someone
2 told you that the place where you were was a university residence, someone told you
3 that?

4 A. [15:17:57] We got to the campus, I saw the campus, but I didn't know that it was
5 a university campus. Someone else said that it was a university campus. That is
6 what I was told.

7 Q. [15:18:14] Who told you that and when did that person tell you that?

8 A. [15:18:22] After I was wounded.

9 Q. [15:18:28] After? Later that day? A month later? When was it, and who,
10 who told you, who gave you the information?

11 A. [15:18:46] When I was taken for treatment, I was asked where I was wounded
12 and I gave the details. So was it the university or the Cité rouge, I don't know the
13 difference, but it was a cité.

14 Q. [15:19:12] Mr Witness, you have just said -- well you have -- you have given an
15 important name, Cité rouge.

16 A. [15:19:21] Yes.

17 Q. [15:19:26] And so it was -- so the person -- let me finish.

18 So it was the person later on who explained, it was the person later who told you it
19 was the Cité rouge; is that what you're telling us?

20 A. [15:19:49] I didn't put it that way. I said there was a cité. Was it the
21 universe -- there was a university in Cocody, and when I received the explanations,
22 the one who said that it was the university, I thought I'd been taken to the Cité rouge.

23 Q. [15:20:23] Mr Witness, we must try to come to some agreement. You have
24 just -- let me speak. You don't know Cocody. Now, yesterday you told my
25 learned -- let me, let me -- once I finish my question then you answer, all right?

1 Now, you said that you were not familiar with Cocody, and thus you did not
2 know -- well, earlier I asked you which cité you were in and you said you didn't
3 know, you weren't familiar, and you're saying that it was later that it was explained to
4 you that it was a university cité, a campus. And so was it right then and there when
5 you were wounded? So at that time you did not know, you couldn't exactly say
6 where you were? Isn't that so?

7 A. [15:21:30] The place where we were I know that it was a cité, but I really can't
8 distinguish.

9 Q. [15:21:40] Well, how do you know that it was a cité?

10 A. [15:21:49] The buildings are built like a cité, and I realised it was place -- a place
11 where education was provided.

12 Q. [15:22:04] Can you explain what makes that place special or distinctive? What
13 did you see exactly in the area? Tell the Chamber what distinguishes that particular
14 spot so that you were able to realise that it was on a campus, not an apartment
15 belonging to an ordinary, every day citizen.

16 A. [15:22:44] Well, I don't know how I can explain it to you.

17 Q. [15:22:56] And thus you were wounded, and you were in a place that you no
18 longer recognize today, and then after you say that your brother went and fetched
19 you; is that correct? Have you not understood?

20 A. [15:23:34] I have not understood. I didn't understand.

21 Q. [15:23:42] You were wounded, and then after your brother came to pick you up
22 and take you back home; is that correct?

23 A. [15:23:55] No, my elder brother did not come and get me at that location. It
24 was Gbagbo's soldiers who came and took me and took me to Cocody.

25 Q. [15:24:09] I didn't say that your brother came to get you. I'm trying to do this

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1 quickly. I did not -- I'm saying after your wound, after everything that happened,
2 ultimately your brother came and got you, after everything that happened your
3 brother ultimately came and got you to take you back home to Cocody; is that
4 correct?

5 A. [15:24:39] Yes.

6 Q. [15:24:45] And you explained that you went by Sococe and you went to the
7 house in Abobo; is that correct?

8 A. [15:24:57] Yes.

9 Q. [15:25:00] And you and went straight home, and you got home at three or four
10 in the afternoon; is that correct?

11 A. [15:25:11] You're saying three or four in the afternoon? No, well, I don't know
12 what time. I don't know that it was three or four in the afternoon.

13 Q. [15:25:23] I would like to read to you paragraph 113 of your statement,
14 paragraph 113, I quote:

15 "He was able to take me back to Abobo. We were stopped at some CECOS
16 roadblocks but my brother showed them the pass and we were able to get through."
17 And then I'll jump to the last sentence.

18 "Leaving Cocody, I saw other FDS wearing hoods. That was besides the Secoci
19 supermarket. We got to Abobo about three or four in the afternoon." End of quote.
20 That is what you said to the OTP investigators. Is that the truth?

21 A. [15:26:36] Yes.

22 Q. [15:26:42] So your brother brought you -- well, you went directly to the house; is
23 that correct?

24 A. [15:26:51] Yes.

25 Q. [15:26:54] At three or four in the afternoon you went directly to the house, right

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1 back home; is that correct?

2 A. [15:27:04] Yes.

3 Q. [15:27:05] Now on that same day, did you leave the house?

4 A. [15:27:13] Yes.

5 THE INTERPRETER: [15:27:22] Message from the Dioula interpreter: Could the
6 witness be asked to repeat his last sentence.

7 THE WITNESS: [15:27:33] (Via video link) (Interpretation) Yes, we left the house
8 again.

9 PRESIDING JUDGE TARFUSSER: [15:27:38] Well, it's difficult to keep the
10 consecutio here. Is there a need for repetition?

11 THE INTERPRETER: [15:27:54] Message from the interpreters: Since the witness is
12 here, yes, I think it would be best.

13 MR GBOUGNON: [15:28:06] (Interpretation) May I?

14 PRESIDING JUDGE TARFUSSER: [15:28:11] The problem is that something was not
15 caught by the interpreters probably.

16 MR GBOUGNON: (No interpretation)

17 PRESIDING JUDGE TARFUSSER: When he got out again, after coming home, then
18 you asked if he went out again, that question.

19 MR GBOUGNON: [15:28:40] (Interpretation)

20 Q. [15:28:45] Witness, we're going to repeat one point. Now you said that on that
21 day you got to the house with your elder brother between three and four in the
22 afternoon, between three and four in the afternoon. And then I asked you whether
23 you went back out again, and we didn't quite hear your reply. So please reply. Did
24 you go back out?

25 A. [15:29:14] Yes, we did go back out.

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1 Q. [15:29:22] Now, you have said that your brother lives in Abobo Dokui; is that
2 correct?

3 A. [15:29:38] Yes.

4 Q. [15:29:44] Not far from the market; is that correct?

5 A. [15:29:50] Yes.

6 Q. [15:29:55] And it's also not far from the Abobo town hall; is that correct?

7 A. [15:30:03] It's not so far.

8 Q. [15:30:09] At that roundabout on that day, there was a roadblock manned by
9 uniformed people or soldiers, was there?

10 A. [15:30:25] There was a police roadblock. This was at the roundabout.

11 Q. [15:30:38] And so despite this police roadblock, after 1600 hours, you managed
12 to leave your house again; is that what you're saying?

13 A. [15:30:57] We didn't go via Abobo station.

14 THE INTERPRETER: The witness again: We didn't go via Abobo station, Abobo
15 Gare, Abobo station.

16 MR GBOUGNON:

17 Q. [15:31:20] Mr Witness, I think we are having a difficulty understanding each
18 other. I said -- I said you indicate, and please wait until I have finished speaking,
19 you said that you were living not far from the market of Abobo from the town hall,
20 and I asked you whether there was a police roadblock and you said yes; is that
21 correct?

22 A. [15:31:56] There was no roadblock on the road.

23 Q. [15:32:00] I'm not talking about the road, I'm talking specifically about this
24 intersection about this roundabout. Was there a roadblock on that day at that
25 location?

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1 A. [15:32:13] Which intersection are you talking about?

2 Q. [15:32:18] I'm talking about the town hall of Abobo intersection.

3 A. [15:32:30] There was no roadblock at the intersection of the town hall. Rather,
4 it was at the round block -- it was at the roundabout, it was at the roundabout, but not
5 at the town hall intersection.

6 Q. [15:32:48] So you're telling the Chamber that the roundabout, the roundabout
7 does not go via -- or, rather, that the town hall is not at the roundabout; is that what
8 you're telling the Chamber?

9 A. [15:33:10] No. That's not what I said. It is opposite the Abobo roundabout the
10 town hall is.

11 Q. [15:33:25] So the town hall is opposite the roundabout. And on that day the
12 policemen were at that roundabout, were they?

13 A. [15:33:40] Yes, the policemen were there. They were there for a long time.
14 And at the time of the march they were there.

15 Q. [15:33:50] Thank you, Mr Witness. And so that's why I'm saying to you you
16 said, and I read your statement to you, you said that your brother took you home to
17 Abobo. And we've just indicated this to the Chamber at approximately 1500 or
18 1600 hours. After you went home, did you go out again, did you leave that small
19 house again?

20 A. [15:34:23] Yes, we did go out again.

21 Q. [15:34:29] To go where?

22 A. [15:34:37] We went to this dispensary, to a military centre.

23 Q. [15:34:50] In your statement, at paragraph 116, and I read, you say, quote:

24 "In the days following my injury, in the days following my injury I was at the military
25 hospital of Abidjan, the HMA on the route du zoo." End of quote.

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1 Which means that you told the investigators that in the days following you went to
2 the hospital; is that what you said to the investigators?

3 A. [15:35:32] Yes.

4 MS HENDERSON: [15:36:01] Your Honours, it's not an objection but it might
5 become one. I'm just waiting for the transcript to catch up.

6 THE COURT OFFICER: [15:36:23] My apologies. We are having the same problem
7 with the English transcript, so the best is to follow French at the moment.

8 MR GBOUGNON: [15:36:40] (Interpretation) Can I continue?

9 PRESIDING JUDGE TARFUSSER: [15:36:46] Beg your pardon? Please.

10 MS HENDERSON: [15:36:49] Thank you, your Honour. My learned friend put it
11 that it was in the days following, he suggested two days after the incident, when in
12 fact paragraph 116 says something that is quite to the contrary of that, a part that my
13 learned friend did not cite.

14 MR GBOUGNON: [15:37:08] (Interpretation) I don't know whether the transcript
15 is wrong. I never said "two days," I said "in the days that followed, in the days that
16 followed." I did not say "two days." That's paragraph 116.

17 MS HENDERSON: [15:37:27] The transcript says (Speaks French), so I take it if my
18 learned friend did not actually say that, then I withdraw my objection.

19 PRESIDING JUDGE TARFUSSER: [15:37:41] No, but in the English it's "in the
20 following days."

21 Okay. Please go ahead.

22 MR GBOUGNON: [15:37:51] (Interpretation)

23 Q. [15:38:14] Mr Witness, on the day of 16 December, the day of the march, or the
24 days following that march, did you hear that day or sometime afterwards that
25 policemen, uniformed individuals had been killed on that day? Did you come to

1 hear of that later on?

2 A. [15:38:58] Yes.

3 Q. [15:38:58] Thank you, Mr Witness. I have no further questions.

4 Mr President, I have finished with my questions. I promised you an hour. I think
5 that I nearly kept my promise. And I thank you very much for your patience,
6 Mr President, ladies and gentlemen of the Chamber. Thank you.

7 PRESIDING JUDGE TARFUSSER: [15:39:21] Thank you.

8 I would now ask the Prosecutor to start the re-questioning.

9 Mr Witness, we are nearly through. There are some few last questions by the office
10 of the Prosecutor and then we should be finished, okay, so ...

11 MS HENDERSON: [15:39:50] Thank you, your Honours. It's just one brief aspect.
12 And for your Honours and for my learned friends, what I'm referring to is
13 questioning by Mr O'Shea, my learned friend, today, page 20, English transcript, lines
14 5 to 15. That's to situate everybody. In the French it's from page 20 into 21. Yes,
15 lines 5 to 15 of page 20 today in the English transcript, your Honour.

16 PRESIDING JUDGE TARFUSSER: [15:40:24] Okay.

17 MS HENDERSON: [15:40:26] May be pedantic, but it will be brief.

18 QUESTIONED BY MS HENDERSON:

19 Q. [15:40:36] Hello again, Mr Witness.

20 A. [15:40:40] Greetings.

21 Q. [15:40:44] Mr Witness, I just want to ask you briefly about the day that you said
22 you went to Abobo when there was a women's march on. Do you recall that day?

23 MR O'SHEA: [15:41:01] Can I just -- sorry. Can I just specify that in that whole
24 series of questions I don't remember the word "women" being used.

25 PRESIDING JUDGE TARFUSSER: [15:41:16] It might be, but that doesn't prevent

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1 the Office of the Prosecutor to use this word.

2 MR O'SHEA: [15:41:22] No, not herself, but to actually read the word to the witness.

3 That's my complaint.

4 PRESIDING JUDGE TARFUSSER: [15:41:28] Go ahead.

5 MS HENDERSON: [15:41:33]

6 Q. [15:41:34] Mr Witness, earlier today you spoke about attending, about going to

7 Abobo on the day that there was a march. Mr O'Shea, the first man to ask you

8 questions today, was speaking to you about that.

9 Now, you said in your statement to investigators that on that day you went with a

10 friend to the Banco Mobile. Now I'm just going to read a small part from your

11 statement. For the record it's paragraph 137. You said this, and I quote in French:

12 "We arrived there after 11 o'clock. We saw four dead women on the ground."

13 Do you remember saying that to the investigators?

14 A. [15:42:46] Yes, yes.

15 Q. [15:42:55] And is that true?

16 A. [15:42:56] Yes.

17 MR O'SHEA: [15:42:59] I do apologise. There is an objection because that does not

18 arise out of cross-examination.

19 MS HENDERSON: [15:43:14] Your Honours, as I said it's perhaps pedantic.

20 There may have been in the passage that I cited some kind of suggestion to the

21 contrary of the part of the statement that I just read to the witness. Your Honours

22 may not need that clarification, but if your Honours do, we're looking for the truth

23 here, it's simply a clarification that we say would be required from the witness if your

24 Honours are in any doubt about the outcome of the cross-examining this morning.

25 PRESIDING JUDGE TARFUSSER: [15:43:46] That's it? Is that all the -- okay.

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- 1 MS HENDERSON: [15:43:49] That's all, your Honour, yes.
- 2 PRESIDING JUDGE TARFUSSER: [15:43:52] Okay. So it is on the record. I think
- 3 we are now through.
- 4 I would ask the Defence teams if they have some further questions.
- 5 MR ALTIT: [15:44:10] (Interpretation) We have no questions, Mr President.
- 6 Thank you.
- 7 MR GBOUGNON: [15:44:17] (Interpretation) No questions, Mr President.
- 8 PRESIDING JUDGE TARFUSSER: [15:44:21] Thank you very much. Mr Witness,
- 9 I can tell you that now your questioning is over, you can go back to your normal
- 10 occupations. We thank you for having been here and having answered the
- 11 questions, and I wish you all the best for the future.
- 12 Madam Court Officer in the remote location, we can switch off. Thank you and all
- 13 the people who are there.
- 14 And I think we see each other tomorrow morning at 9 o'clock with -- we'll see with
- 15 whom.
- 16 THE COURT OFFICER: [15:45:09] Okay, your Honours, thank you.
- 17 PRESIDING JUDGE TARFUSSER: [15:45:10] Okay. Thank you. I just can
- 18 announce it probably will be 117, Witness 117 and not 587, because 587 seems not to
- 19 be -- has somehow disappeared so, but this is the last, the last things I know, but it
- 20 will probably be 117.
- 21 Thank you very much. The hearing is adjourned to tomorrow morning 9 o'clock.
- 22 THE COURT USHER: [15:45:45] All rise.
- 23 (The hearing ends in open session at 3.45 p.m.)